

105TH CONGRESS  
1ST SESSION

# S. 248

To establish a Commission on Structural Alternatives for the Federal Courts  
of Appeals.

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IN THE SENATE OF THE UNITED STATES

JANUARY 30, 1997

Mrs. FEINSTEIN (for herself and Mr. REID) introduced the following bill;  
which was read twice and referred to the Committee on the Judiciary

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## A BILL

To establish a Commission on Structural Alternatives for  
the Federal Courts of Appeals.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. ESTABLISHMENT AND FUNCTIONS OF COMMIS-**  
4       **SION.**

5       (a) ESTABLISHMENT.—There is established a Com-  
6       mission on Structural Alternatives for the Federal Courts  
7       of Appeals (hereinafter referred to as the “Commission”).

8       (b) FUNCTIONS.—The functions of the Commission  
9       shall be to—

1           (1) study the present division of the United  
2 States into the several judicial circuits;

3           (2) study the structure and alignment of the  
4 Federal Court of Appeals system, with particular  
5 reference to the Ninth Circuit; and

6           (3) report to the President and Congress its  
7 recommendations for such changes in circuit bound-  
8 aries or structure as may be appropriate for the ex-  
9 peditious and effective disposition of the caseload of  
10 the Federal Courts of Appeals, consistent with fun-  
11 damental concepts of fairness and due process.

12 **SEC. 2. MEMBERSHIP.**

13       (a) COMPOSITION.—The Commission shall be com-  
14 posed of 12 members appointed as follows:

15           (1) Two members appointed by the President of  
16 the United States.

17           (2) Two members appointed by the Chief Jus-  
18 tice of the United States.

19           (3) Two members appointed by the Majority  
20 Leader of the Senate.

21           (4) Two members appointed by the Minority  
22 Leader of the Senate.

23           (5) Two members appointed by the Speaker of  
24 the House of Representatives.

1           (6) Two members appointed by the Minority  
2       Leader of the House of Representatives.

3       (b) APPOINTMENT.—The members of the Commis-  
4       sion shall be appointed within 60 days after the date of  
5       the enactment of this Act.

6       (c) VACANCY.—Any vacancy in the Commission shall  
7       be filled in the same manner as the original appointment.

8       (d) CHAIR.—The Commission shall elect a Chair and  
9       Vice Chair from among its members.

10      (e) QUORUM.—Seven members of the Commission  
11      shall constitute a quorum, but 3 may conduct hearings.

12      **SEC. 3. COMPENSATION.**

13      (a) IN GENERAL.—Members of the Commission who  
14      are officers, or full-time employees, of the United States  
15      shall receive no additional compensation for their services,  
16      but shall be reimbursed for travel, subsistence, and other  
17      necessary expenses incurred in the performance of duties  
18      vested in the Commission, but not in excess of the maxi-  
19      mum amounts authorized under section 456 of title 28,  
20      United States Code.

21      (b) PRIVATE MEMBERS.—Members of the Commis-  
22      sion from private life shall receive \$200 per diem for each  
23      day (including travel time) during which the member is  
24      engaged in the actual performance of duties vested in the  
25      Commission, plus reimbursement for travel, subsistence,

1 and other necessary expenses incurred in the performance  
2 of such duties, but not in excess of the maximum amounts  
3 authorized under section 456 of title 28, United States  
4 Code.

5 **SEC. 4. PERSONNEL.**

6 (a) EXECUTIVE DIRECTOR.—The Commission may  
7 appoint an Executive Director who shall receive compensa-  
8 tion at a rate not exceeding the rate prescribed for level  
9 V of the Executive Schedule under section 5316 of title  
10 5, United States Code.

11 (b) STAFF.—The Executive Director, with approval  
12 of the Commission, may appoint and fix the compensation  
13 of such additional personnel as he determines necessary,  
14 without regard to the provisions of title 5, United States  
15 Code, governing appointments in the competitive service  
16 or the provisions of chapter 51 and subchapter III of chap-  
17 ter 53 of such title relating to classification and General  
18 Schedule pay rates. Compensation under this subsection  
19 shall not exceed the annual maximum rate of basic pay  
20 for a position above GS–15 of the General Schedule under  
21 section 5108 of title 5, United States Code.

22 (c) EXPERTS AND CONSULTANTS.—The Executive  
23 Director may procure personal services of experts and con-  
24 sultants as authorized by section 3109 of title 5, United

1 States Code, at rates not to exceed the highest level pay-  
2 able under the General Schedule pay rates under section  
3 5332 of title 5, United States Code.

4 (d) SERVICES.—The Administrative Office of the  
5 United States Courts shall provide administrative services,  
6 including financial and budgeting services, for the Com-  
7 mission on a reimbursable basis. The Federal Judicial  
8 Center shall provide necessary research services on a reim-  
9 bursable basis.

10 **SEC. 5. INFORMATION.**

11 The Commission is authorized to request from any  
12 department, agency, or independent instrumentality of the  
13 Government any information and assistance the Commis-  
14 sion determines necessary to carry out its functions under  
15 this Act. Each such department, agency, and independent  
16 instrumentality is authorized to provide such information  
17 and assistance to the extent permitted by law when re-  
18 quested by the Chair of the Commission.

19 **SEC. 6. REPORT.**

20 No later than 2 years following the date on which  
21 its seventh member is appointed in accordance with sec-  
22 tion 2(b), the Commission shall submit its report to the  
23 President and the Congress. The Commission shall termi-  
24 nate 90 days after the date of the submission of its report.

1 **SEC. 7. CONGRESSIONAL CONSIDERATION.**

2       No later than 60 days after the submission of the  
3 report, the Committee on the Judiciary of the Senate shall  
4 act on the report.

5 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

6       There are authorized to be appropriated to the Com-  
7 mission such sums, not to exceed \$1,300,000, as may be  
8 necessary to carry out the purposes of this Act. Such sums  
9 as are appropriated shall remain available until expended.

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