

108TH CONGRESS
2D SESSION

H. R. 4946

To provide for the orderly termination of the United States Court of Federal Claims, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 22, 2004

Mr. HEFLEY (for himself, Mr. GARRETT of New Jersey, Mr. UDALL of Colorado, Mr. MILLER of Florida, Mr. GOODE, and Mr. TANCREDI) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To provide for the orderly termination of the United States Court of Federal Claims, and for other purposes.

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. SHORT TITLE.**

4 This Act may be cited as the “United States Court
5 of Federal Claims Termination Act of 2004”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

8 (1) a fair and efficient Federal judiciary is a
9 bedrock of the Nation’s democracy;

1 (2) at a time of rising deficits and shrinking
2 budgets, it is imperative that Federal judiciary re-
3 sources be used wisely;

4 (3) the United States Court of Federal Claims
5 operates inefficiently;

6 (4) in calendar year 2002, on average, judges
7 of the Court of Federal Claims conducted only 1.5
8 trials and spent less than 66 hours in a courtroom;

9 (5) between calendar years 1997 and 2001, on
10 average, Court of Federal Claims judges had 45
11 cases on their docket each year;

12 (6) by contrast, during the same period, Fed-
13 eral district court judges had 478 cases on their
14 dockets each year;

15 (7) a comprehensive study by a respected legal
16 scholar concluded that the caseload of the Court of
17 Federal Claims could be handled more efficiently by
18 Federal district courts;

19 (8) transferring the caseload of the Court of
20 Federal Claims to the Federal district courts would
21 add less than 1 case each year to each Federal dis-
22 trict judgeship;

23 (9) there is no evidence that Federal district
24 courts are incapable of handling the caseload of the
25 Court of Federal Claims;

1 (10) it is estimated that the budget for fiscal
2 year 2004 for the Court of Federal Claims is
3 \$14,400,000; and

4 (11) elimination of the Court of Federal Claims
5 will lead to a significant savings of taxpayer dollars,
6 especially over the long term.

7 **SEC. 3. TERMINATION OF UNITED STATES COURT OF FED-**
8 **ERAL CLAIMS.**

9 (a) FILING OF CLAIMS.—Notwithstanding any other
10 provision of law, no claim may be filed in the United
11 States Court of Federal Claims on or after the date of
12 enactment of this Act.

13 (b) PENDING CLAIMS.—Not later than 60 days after
14 the date of enactment of this Act, the Chief Justice of
15 the United States shall promulgate regulations to carry
16 out an orderly transfer of all claims pending before the
17 United States Court of Federal Claims to appropriate
18 courts of the United States. Such transfers shall be com-
19 pleted during the 1-year period beginning on the date of
20 enactment of this Act. Regulations under this subsection
21 may provide for some claims to proceed in the United
22 States Court of Federal Claims during that 1-year period.
23 A congressional reference case for which a report is not
24 transmitted to the appropriate House of Congress before

1 the end of that 1-year period shall not be transferred and
2 shall terminate.

3 (c) TERMINATION.—Notwithstanding any other pro-
4 vision of law, the United States Court of Federal Claims
5 is terminated effective on and after the date occurring 1
6 year after the date of enactment of this Act.

7 (d) REPORT.—Not later than 60 days after the date
8 of enactment of this Act, the Director of the Administra-
9 tive Office of United States Courts shall submit a report
10 to Congress containing recommendations for legislation to
11 carry out this Act, including recommendations for con-
12 forming amendments to Federal law.

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