

Public Law 95-251
95th Congress

An Act

To amend title 5, United States Code, to provide that hearing examiners shall be known as administrative law judges, and to increase the number of such positions which the Civil Service Commission may establish and place at GS-16 of the General Schedule.

Mar. 27, 1978

[H.R. 6975]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5108 (a) of title 5, United States Code, is amended by striking out "240 hearing examiner positions" and inserting in lieu thereof "340 administrative law judge positions".

Hearing
examiners
reclassified as
administrative
law judges.

SEC. 2. (a) The provisions described in paragraphs (1) through (12) of this subsection are each amended by striking out "hearing examiner" or "hearing examiners", as appropriate, each place it appears, and inserting in lieu thereof "administrative law judge" or "administrative law judges", as appropriate—

(1) sections 554(a)(2), 556(b)(3), 559, 1305, 3105, 3344, 4301, 5335, 5362, and 7521, of title 5, United States Code;

(2) section 6(c)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136d(c)(2));

(3) section 11(k) of the Federal Reserve Act (12 U.S.C. 248(k));

(4) subsections (b) and (c) of the first section of the Act entitled "An Act to authorize the Securities and Exchange Commission to delegate certain functions", approved August 20, 1962 (15 U.S.C. 78d-1(b) and (c));

(5) section 1416(a) of the Interstate Land Sales Full Disclosure Act (15 U.S.C. 1715(a));

(6) section 509(i) of title 28, United States Code;

(7) sections 12(e), 12(j), and 12(k) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 661(d), 661(i), 661(j));

(8) section 502(e) of the Rehabilitation Act of 1973 (29 U.S.C. 792(e));

(9) sections 5(e) and 428(b) of the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. 804(e), 938(b));

(10) sections 19(d) and 21(b) of the Longshoreman's and Harbor Workers' Compensation Act (33 U.S.C. 919(d), 921(b));

(11) section 705(a) of the Civil Rights Act of 1964 (42 U.S.C. 2000e-4(a)); and

(12) sections 6(h) and 9(a) of the Department of Transportation Act (49 U.S.C. 1655(h), 1657(a)).

(b) (1) Sections 1305 and 5362 of title 5, United States Code, are each amended in the catchline, by striking out "**Hearing examiners**" and inserting "**Administrative law judges**" in lieu thereof.

(2) Sections 3105 and 3344 of title 5, United States Code, are each amended in the catchline by striking out "**hearing examiners**" and inserting "**administrative law judges**" in lieu thereof.

(c) (1) The table of sections for chapter 13 of title 5, United States Code, is amended so that the item relating to section 1305 reads as follows:

"1305. Administrative law judges."

(2) The table of sections for chapter 31 of title 5, United States Code, is amended so that the item relating to section 3105 reads as follows:

"3105. Appointment of administrative law judges."

(3) The table of sections for chapter 33 of title 5, United States Code, is amended so that the item relating to section 3344 reads as follows:

"3344. Details; administrative law judges."

(4) The table of sections for chapter 53 of title 5, United States Code, is amended so that the item relating to section 5362 reads as follows:

"5362. Administrative law judges."

(d) (1) The second sentence of section 3105 of title 5, United States Code, is amended by striking out "Hearing examiners" and inserting "Administrative law judges" in lieu thereof.

(2) Section 1416(a) of the Interstate Land Sales Full Disclosure Act (15 U.S.C. 1715(a)) is amended in the catchline by striking out "hearing officers" and inserting "administrative law judges" in lieu thereof.

5 USC 3105 note.

SEC. 3. Any reference in any law, regulation, or order to a hearing examiner appointed under section 3105 of title 5, United States Code, shall be deemed to be a reference to an administrative law judge.

Approved March 27, 1978.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-321 (Comm. on Post Office and Civil Service).

SENATE REPORT No. 95-697 (Comm. on Governmental Affairs).

CONGRESSIONAL RECORD:

Vol. 123 (1977): July 18, considered and passed House.

Vol. 124 (1978): Mar. 14, considered and passed Senate.