

104TH CONGRESS
1ST SESSION

S. 353

To clarify the circumstances under which a senior circuit court judge may cast a vote in a case heard en banc.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 3 (legislative day, JANUARY 30), 1995

Mr. SIMON introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To clarify the circumstances under which a senior circuit court judge may cast a vote in a case heard en banc.

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. AMENDMENT TO TITLE 28.**

4 Section 46(c) of title 28, United States Code, is
5 amended by adding at the end the following new sentence:
6 “A circuit court judge who is in regular active service at
7 the time of a rehearing en banc, but who retires from ac-
8 tive service prior to the issuance of a decision, shall be
9 competent to participate in such en banc decision.”.