

Calendar No. 133

104TH CONGRESS
1ST SESSION

S. 531

To authorize a circuit judge who has taken part in an in banc hearing of a case to continue to participate in that case after taking senior status, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 10 (legislative day, MARCH 6), 1995

Mr. HATCH (for himself and Mr. SIMON) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

JUNE 29 (legislative day, JUNE 19), 1995

Reported by Mr. HATCH, with an amendment

[Omit the part struck through and insert the part printed in italic]

A BILL

To authorize a circuit judge who has taken part in an in banc hearing of a case to continue to participate in that case after taking senior status, 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. AMENDMENT.**

4 The last sentence of section 46(c) of title 28, United
5 States Code, is amended by striking “as a member” and

1 all that follows through the period and inserting the fol-
2 lowing: “as a member of an in banc court—

3 ~~“(1) reviewing a decision of a panel of which~~
4 such judge was a member; or

5 ~~“(2) continuing to participate in the decision of~~
6 a case or controversy that was heard or reheard by
7 the court in banc at a time when such judge was in
8 regular active service.”.

9 *The last sentence of section 46(c) of title 28, United*
10 *States Code, is amended by inserting “(1)” after “eligible”*
11 *and by inserting before the period at the end of the sentence*
12 *“, or (2) to continue to participate in the decision of a case*
13 *or controversy that was heard or reheard by the court in*
14 *banc at a time when such judge was in regular active*
15 *service”.*

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