

104TH CONGRESS
2D SESSION

S. 956

IN THE HOUSE OF REPRESENTATIVES

MARCH 21, 1996

Referred to the Committee on the Judiciary

AN ACT

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,*

1 COMMISSION ON STRUCTURAL ALTERNATIVES
2 FOR THE FEDERAL COURTS OF APPEALS

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 function of the Commission
9 shall be to—

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

12 (2) study the structure and alignment of the
13 Federal courts of appeals with particular reference
14 to the ninth circuit; and

15 (3) report to the President and the Congress its
16 recommendations for such changes in circuit bound-
17 aries or structure as may be appropriate for the ex-
18 peditious and effective disposition of the caseload of
19 the Federal Courts of Appeal, consistent with fun-
20 damental concepts of fairness and due process.

21 **SEC. 2. MEMBERSHIP.**

22 (a) COMPOSITION.—The Commission shall be com-
23 posed of eleven members appointed as follows:

24 (1) Two members appointed by the President of
25 the United States.

1 (2) Three members appointed by the Majority
2 Leader of the Senate, in consultation with the Mi-
3 nority Leader of the Senate.

4 (3) Three members appointed by the Speaker of
5 the House of Representatives, in consultation with
6 the Minority Leader of the House of Representa-
7 tives.

8 (4) Three members appointed by the Chief Jus-
9 tice of the United States.

10 (b) VACANCY.—Any vacancy in the Commission shall
11 be filled in the same manner as the original appointment.

12 (c) CHAIR.—The Commission shall elect a Chair and
13 Vice Chair from among its members.

14 (d) QUORUM.—Six members of the Commission shall
15 constitute a quorum, but three may conduct hearings.

16 **SEC. 3. COMPENSATION.**

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

1 (b) PRIVATE MEMBERS.—Members of the Commis-
2 sion from private life shall receive \$200 per diem for each
3 day (including traveltime) during which the member is en-
4 gaged in the actual performance of duties vested in the
5 Commission, plus reimbursement for travel, subsistence,
6 and other necessary expenses incurred in the performance
7 of such duties, but not in excess of the maximum amounts
8 authorized under section 456 of title 28, United States
9 Code.

10 **SEC. 4. PERSONNEL.**

11 (a) EXECUTIVE DIRECTOR.—The Commission may
12 appoint an Executive Director who shall receive compensa-
13 tion at a rate not exceeding the rate prescribed for level
14 V of the Executive Schedule under section 5316 of title
15 5, United States Code.

16 (b) STAFF.—The Executive Director, with approval
17 of the Commission, may appoint and fix the compensation
18 of such additional personnel as he determines necessary,
19 without regard to the provisions of title 5, United States
20 code, governing appointments in the competitive service or
21 the provisions of chapter 51 and subchapter III of chapter
22 53 of such title relating to classification and General
23 Schedule pay rates. Compensation under this subsection
24 shall not exceed the annual maximum rate of basic pay

1 for a position above GS-15 of the General Schedule under
2 section 5108 of title 5, United States Code.

3 (c) EXPERTS AND CONSULTANTS.—The Director
4 may procure personal services of experts and consultants
5 as authorized by section 3109 of title 5, United States
6 Code, at rates not to exceed the highest level payable
7 under the General Schedule pay rates under section 5332
8 of title 5, United States Code.

9 (d) SERVICES.—The Administrative Office of the
10 United States Courts shall provide administrative services,
11 including financial and budgeting services, for the Com-
12 mission on a reimbursable basis. The Federal Judicial
13 Center shall provide necessary research services on a reim-
14 bursable basis.

15 **SEC. 5. INFORMATION.**

16 The Commission is authorized to request from any
17 department, agency, or independent instrumentality of the
18 Government any information and assistance it determines
19 necessary to carry out its functions under this title and
20 each such department, agency, and independent instru-
21 mentality is authorized to provide such information and
22 assistance to the extent permitted by law when requested
23 by the Chair of the Commission.

1 **SEC. 6. REPORT.**

2 The Commission shall transmit its report to the
3 President and the Congress no later than February 28,
4 1997. The Commission shall terminate ninety days after
5 the date of the submission of its report.

6 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

7 There are authorized to be appropriated to the Com-
8 mission such sums, not to exceed \$500,000, as may be
9 necessary to carry out the purposes of this title. Such
10 sums as are appropriated shall remain available until ex-
11 pended.

12 **SEC. 8. CONGRESSIONAL CONSIDERATION.**

13 Within sixty days of the transmission of the report,
14 the Committee on the Judiciary of the Senate shall act
15 on the report.

Passed the Senate March 20, 1996.

Attest: KELLY D. JOHNSTON,
Secretary.