

105TH CONGRESS
1ST SESSION

S. 283

To establish a Commission on Structural Alternatives for the Federal Courts
of Appeals.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 6, 1997

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

A BILL

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,*

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 functions of the Commission
9 shall be to—

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

3 (2) study the structure and alignment of the
4 Federal court of appeals system, with particular ref-
5 erence to the Ninth Circuit; and

6 (3) report recommendations to the President
7 and Congress on appropriate changes in circuit
8 boundaries or structure for the expeditious and ef-
9 fective disposition of the caseload of the Federal
10 Courts of Appeal, consistent with fundamental con-
11 cepts of fairness and due process.

12 **SEC. 2. MEMBERSHIP.**

13 (a) COMPOSITION.—The Commission shall be com-
14 posed of 8 members appointed as follows:

15 (1) One member appointed by the President of
16 the United States.

17 (2) Three members appointed by the Majority
18 Leader of the Senate.

19 (3) Three members appointed by the Speaker of
20 the House of Representatives.

21 (4) One member appointed by the Chief Justice
22 of the United States.

23 (b) VACANCY.—Any vacancy on the Commission shall
24 be filled in the same manner as the original appointment.

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

3 (d) QUORUM.—Four members of the Commission
4 shall constitute a quorum, but 3 may conduct hearings.

5 **SEC. 3. COMPENSATION.**

6 (a) IN GENERAL.—Members of the Commission who
7 are Federal officers or employees shall receive no addi-
8 tional compensation for their services, but shall be reim-
9 bursed for travel, subsistence, and other necessary ex-
10 penses incurred in the performance of duties vested in the
11 Commission, but not in excess of the maximum amounts
12 authorized under section 456 of title 28, United States
13 Code.

14 (b) NON-FEDERAL MEMBERS.—Any member of the
15 Commission who is not a Federal officer or employee shall
16 receive \$200 per diem for each day (including travel time)
17 during which the member is engaged in the actual per-
18 formance of duties vested in the Commission, plus reim-
19 bursement for travel, subsistence, and other necessary ex-
20 penses incurred in the performance of such duties, but not
21 in excess of the maximum amounts authorized under sec-
22 tion 456 of title 28, United States Code.

1 **SEC. 4. PERSONNEL.**

2 (a) **EXECUTIVE DIRECTOR.**—The Commission may
3 appoint an Executive Director who shall receive compensa-
4 tion at a rate not exceeding the rate prescribed for level
5 V of the Executive Schedule under section 5316 of title
6 5,

7 United States Code.

8 (b) **STAFF.**—The Executive Director, with the ap-
9 proval of the Commission, may appoint and fix the com-
10 pensation of such additional personnel as the Executive
11 Director determines necessary, without regard to the pro-
12 visions of title 5, United States Code, governing appoint-
13 ments in the competitive service or the provisions of chap-
14 ter 51 and subchapter III of chapter 53 of such title relat-
15 ing to classification and General Schedule pay rates. Com-
16 pensation under this subsection shall not exceed the an-
17 nual maximum rate of basic pay for a position above GS-
18 15 of the General Schedule under section 5108 of title
19 5, United States Code.

20 (c) **EXPERTS AND CONSULTANTS.**—The Executive
21 Director may procure personal services of experts and con-
22 sultants as authorized under section 3109 of title 5, Unit-
23 ed States Code, at rates not to exceed the highest level
24 payable under the General Schedule pay rates under sec-
25 tion 5332 of title 5, United States Code.

1 (d) SERVICES.—The Administrative Office of the
2 United States Courts shall provide administrative services,
3 including financial and budgeting services, for the Com-
4 mission on a reimbursable basis. The Federal Judicial
5 Center shall provide necessary research services on a reim-
6 bursable basis.

7 **SEC. 5. INFORMATION.**

8 The Commission is authorized to request from any
9 department, agency, or independent instrumentality of the
10 Government any information and assistance the Commis-
11 sion determines necessary to carry out its functions under
12 this Act. Each such department, agency, and independent
13 instrumentality is authorized to provide such information
14 and assistance to the extent permitted by law when re-
15 quested by the Chair of the Commission.

16 **SEC. 6. REPORT.**

17 No later than 1 year after the date of the enactment
18 of this Act, or June 30, 1998, whichever occurs first, the
19 Commission shall submit a report to the President and
20 the Congress. The Commission shall terminate 90 days
21 after the date of the submission of the report.

22 **SEC. 7. CONGRESSIONAL CONSIDERATION.**

23 No later than 60 days after the submission of the
24 report, the Committee on the Judiciary of the Senate shall
25 act on the report.

1 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

2 There is authorized to be appropriated to the Com-
3 mission to carry out this Act \$500,000 for fiscal year
4 1997.

○