

Calendar No. 222

103D CONGRESS
1ST SESSION

S. 486

[Report No. 103-154]

A BILL

To establish a specialized corps of judges necessary for certain Federal proceedings required to be conducted, and for other purposes.

OCTOBER 4 (legislative day, SEPTEMBER 27), 1993

Reported with an amendment and an amendment to the title

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To establish a specialized corps of judges necessary for certain Federal proceedings required to be conducted, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 3, 1993

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

OCTOBER 4 (legislative day, SEPTEMBER 27), 1993

Reported by Mr. BIDEN, with an amendment and an amendment to the title
[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To establish a specialized corps of judges necessary for certain Federal proceedings required to be conducted, 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 That this Act may be cited as the “Administrative Law
- 4 Judge Corps Act”.

1 ESTABLISHMENT OF ADMINISTRATIVE LAW JUDGE CORPS

2 SEC. 2. (a) Chapter 5 of title 5, United States Code,
3 is amended by adding at the end thereof the following new
4 subchapter:

5 "SUBCHAPTER VI—ADMINISTRATIVE LAW
6 JUDGE CORPS

7 "**§ 595. Definitions**

8 "For the purposes of this subchapter—

9 "(1) 'agency' means an authority referred to in
10 section 551(1) of this title;

11 "(2) 'Corps' means the Administrative Law
12 Judge Corps of the United States established under
13 section 596 of this title;

14 "(3) 'administrative law judge' means an ad-
15 ministrative law judge appointed under section 3105
16 of this title on or before the effective date of the Ad-
17 ministrative Law Judge Corps Act or under section
18 599a of this title after such effective date;

19 "(4) 'chief judge' means the chief administra-
20 tive law judge appointed and serving under section
21 597 of this title;

22 "(5) 'Council' means the Council of the Admin-
23 istrative Law Judge Corps established under section
24 599 of this title;

1 “(6) ‘Board’, unless otherwise indicated, means
2 the Complaints Resolution Board established under
3 section 599e of this title; and

4 “(7) ‘division chief judge’ means the chief ad-
5 ministrative law judge of a division appointed and
6 serving under section 598 of this title.

7 **“§ 596. Establishment; membership**

8 “(a) There is established an Administrative Law
9 Judge Corps consisting of all administrative law judges,
10 in accordance with the provisions of subsection (b). Such
11 Corps shall be located in Washington, D.C.

12 “(b) An administrative law judge serving as such on
13 the date of the commencement of the operation of the
14 Corps shall be transferred to the Corps as of that date.
15 An administrative law judge who is appointed on or after
16 the date of the commencement of the operation of the
17 Corps shall be a member of the Corps as of the date of
18 such appointment.

19 **“§ 597. Chief administrative law judge**

20 “(a) The chief administrative law judge shall be the
21 chief administrative officer of the Corps and shall be the
22 presiding judge of the Corps. The chief judge shall be ap-
23 pointed by the President, by and with the advice and con-
24 sent of the Senate. The chief judge shall be an administra-
25 tive law judge who has served as an administrative law

1 judge for at least five years preceding the date of appoint-
2 ment as chief judge. The chief judge shall serve for a term
3 of five years or until a successor is appointed and qualifies
4 to serve, whichever is earlier. A chief judge may be
5 reappointed upon the expiration of his term, by and with
6 the advice and consent of the Senate.

7 “(b)(1) If the office of chief judge is vacant, the divi-
8 sion chief judge who is senior in length of service as a
9 member of the Council shall serve as acting chief judge
10 until such vacancy is filled.

11 “(2) If two or more division chief judges have the
12 same length of service as members of the Council, the divi-
13 sion chief judge who is senior in length of service as an
14 administrative law judge shall serve as such acting chief
15 judge.

16 “(c) The chief judge shall, within ninety days after
17 the end of each fiscal year, submit a written report to the
18 President and the Congress concerning the business of the
19 Corps during the preceding fiscal year. The report shall
20 include information and recommendations of the Council
21 concerning the personnel requirements of the Corps.

22 “(d) After serving as chief judge, such individual may
23 continue to serve as an administrative law judge unless
24 such individual has been removed from office in accord-
25 ance with section 599e of this title.

1 **“§ 598. Divisions of the Corps; division chief judges**

2 “(a) Each judge of the Corps shall be assigned to
3 a division by the Council, pursuant to section 599. The
4 assignment of a judge who was an administrative law
5 judge on the date of commencement of the operation of
6 the Corps shall be made after consideration of the areas
7 of specialization in which the judge has served. Each divi-
8 sion shall be headed by a division chief judge who shall
9 exercise administrative supervision over such division.

10 “(b) The divisions of the Corps shall be as follows:

11 “(1) Division of Communications, Public Util-
12 ity, and Transportation Regulation.

13 “(2) Division of Safety and Environmental Reg-
14 ulation.

15 “(3) Division of Labor.

16 “(4) Division of Labor Relations.

17 “(5) Division of Health and Benefits Programs.

18 “(6) Division of Securities, Commodities, and
19 Trade Regulation.

20 “(7) Division of General Programs.

21 “(8) Division of Financial Services Institutions.

22 “(c)(1) The division chief judge of each division set
23 forth in subsection (b) shall be appointed by the President,
24 by and with the advice and consent of the Senate.

25 “(2) To be eligible for appointment as a division chief
26 judge, an individual shall have served as an administrative

1 law judge for at least five years and should possess experi-
2 ence and expertise in the specialty of the division to which
3 such person is an appointee.

4 “(3) Division chief judges shall be appointed for five-
5 year terms except that of those division chief judges first
6 appointed, the President shall designate two such individ-
7 uals to be appointed for five-year terms, three for four-
8 year terms, and two for three-year terms.

9 “(4) Any division chief judge appointed to fill an
10 unexpired term shall be appointed only for the remainder
11 of such predecessor’s term, but may be reappointed as
12 provided in paragraph (5).

13 “(5) Any division chief judge may be reappointed
14 upon the expiration of his term if nominated for such
15 appointment pursuant to the provisions of this title.

16 “(6) Any judge, after serving as division chief judge
17 may continue to serve as an administrative law judge un-
18 less such individual has been removed from office in
19 accordance with section 599e of this title.

20 **“§ 599. Council of the Corps**

21 “(a) The policymaking body of the Corps shall be the
22 Council of the Corps. The chief judge and the division
23 chief judges shall constitute the Council. The chief judge
24 shall preside over the Council. If the chief judge is unable
25 to be present at a meeting of the Council, the division chief

1 judge who is senior in length of service as a member of
2 such Council shall preside.

3 ~~“(b) One half of all of the members of the Council~~
4 ~~shall constitute a quorum for the purpose of transacting~~
5 ~~business. The affirmative vote by a majority of all the~~
6 ~~members of the Council shall be required to approve a~~
7 ~~matter on behalf of the Council. Each member of the~~
8 ~~Council shall have one vote.~~

9 ~~“(c) Meetings of the Council shall be held at least~~
10 ~~once a month at the call of the chief judge or by the call~~
11 ~~of one-third or more of the members of the Council.~~

12 ~~“(d) The Council is authorized—~~

13 ~~“(1) to assign judges to divisions and transfer~~
14 ~~or reassign judges from one division to another, sub-~~
15 ~~ject to the provisions of section 599a of this title;~~

16 ~~“(2) to appoint persons as administrative law~~
17 ~~judges under section 599a of this title;~~

18 ~~“(3) to file charges seeking adverse action~~
19 ~~against an administrative law judge under section~~
20 ~~599e of this title;~~

21 ~~“(4) subject to the provisions of subsection (e),~~
22 ~~to prescribe, after providing an opportunity for no-~~
23 ~~tice and comment, the rules of practice and proce-~~
24 ~~dure for the conduct of proceedings before the~~
25 ~~Corps, except that, with respect to a category of pro-~~

1 proceedings adjudicated by an agency before the effective date of the Administrative Law Judge Corps Act, the Council may not amend or revise the rules of practice and procedure prescribed by that agency during the two years following such effective date without the approval of that agency, and any amendments or revisions made to such rules shall not affect or be applied to any pending action;

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9 “(5) to issue such rules and regulations as may be appropriate for the efficient conduct of the business of the Corps and the implementation of this subchapter, including the assignment of cases to administrative law judges;

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14 “(6) subject to the civil service and classification laws and regulations, to select, appoint, employ, and fix the compensation of the employees (other than administrative law judges) that such Council determines necessary to carry out the functions, powers, and duties of the Corps and to prescribe the authority and duties of such employees;

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21 “(7) to establish, abolish, alter, consolidate, and maintain such regional, district, and other field offices as are necessary to carry out the functions, powers, and duties of the Corps and to assign and reassign employees to such field offices;

1 ~~“(8) to procure temporary and intermittent~~
2 ~~services under section 3109 of this title;~~

3 ~~“(9) to enter into, to the extent or in such~~
4 ~~amounts as are authorized in appropriation Acts,~~
5 ~~without regard to section 3709 of the Revised Stat-~~
6 ~~utes of the United States (41 U.S.C. 5), contracts,~~
7 ~~leases, cooperative agreements, or other transactions~~
8 ~~that may be necessary to conduct the business of the~~
9 ~~Corps;~~

10 ~~“(10) to delegate any of the chief judge’s func-~~
11 ~~tions or powers with the consent of the chief judge,~~
12 ~~or whenever the office of such chief judge is vacant,~~
13 ~~to one or more division chief judges or other employ-~~
14 ~~ees of the Corps, and to authorize the redelegation~~
15 ~~of any of those functions or powers;~~

16 ~~“(11) to establish, after consulting with an~~
17 ~~agency, initial and continuing educational programs~~
18 ~~to ensure that each administrative law judge as-~~
19 ~~signed to hear cases of an agency has the necessary~~
20 ~~training in the specialized field of law of that~~
21 ~~agency;~~

22 ~~“(12) to make suitable arrangements for con-~~
23 ~~tinuing education and training of other employees of~~
24 ~~the Corps, so that the level of expertise in the divi-~~

1 sions of the Corps shall be maintained and
2 enhanced; and

3 ~~“(13) to determine all other matters of general~~
4 ~~policy of the Corps.~~

5 ~~“(e) The Council shall select an official seal for the~~
6 ~~Corps which shall be officially noticed.~~

7 **~~“§ 599a. Appointment and transfer of administrative~~**
8 **~~law judges~~**

9 ~~“(a) After the initial establishment of the Corps, the~~
10 ~~Council shall appoint new or additional judges as may be~~
11 ~~necessary for the efficient and expeditious conduct of the~~
12 ~~business of the Corps. Appointments shall be made from~~
13 ~~a register maintained by the Office of Personnel Manage-~~
14 ~~ment under subchapter I of chapter 33 of this title. Upon~~
15 ~~request by the chief judge, the Office of Personnel Man-~~
16 ~~agement shall certify enough names from the top of such~~
17 ~~register to enable the Council to consider five names for~~
18 ~~each vacancy. Notwithstanding section 3318 of this title,~~
19 ~~a vacancy in the Corps may be filled from the highest five~~
20 ~~eligible individuals available for appointment on the cer-~~
21 ~~tificate furnished by the Office of Personnel Management.~~

22 ~~“(b) A judge of the Corps may not perform or be~~
23 ~~assigned to perform duties inconsistent with the duties~~
24 ~~and responsibilities of an administrative law judge.~~

1 “(c) A judge of the Corps on the date of commence-
2 ment of the operation of the Corps may not thereafter be
3 involuntarily reassigned to a new permanent duty station
4 if such station is beyond commuting distance of the duty
5 station which is the judge’s permanent duty station on
6 that date, unless the Council determines and submits a
7 written explanation to the judge stating that such reas-
8 signment is required to meet substantial changes in work-
9 loads. A judge may be temporarily detailed, once in a 24-
10 month period, to a new duty station at any location, for
11 a period of not more than 120 days.

12 **“§ 599b. Jurisdiction**

13 “(a) All types of cases, claims, actions and proceed-
14 ings held before administrative law judges before the effec-
15 tive date of the Administrative Law Judge Corps Act shall
16 be referred to the Corps for adjudication on the record
17 after an opportunity for a hearing.

18 “(b) An administrative law judge who is a member
19 of the Corps shall hear and render a decision upon—

20 “(1) every case of adjudication subject to the
21 provisions of section 553, 554, or 556 of this title;

22 “(2) every case in which hearings are required
23 by law to be held in accordance with sections 553,
24 554, or section 556 of this title; and

1 ~~“(3) every other case referred to the Corps by~~
2 ~~an agency or court in which a determination is~~
3 ~~to be made on the record after an opportunity~~
4 ~~for a hearing.~~

5 ~~“(c) When a case under subsection (b) arises, it shall~~
6 ~~be referred to the Corps. Under regulations issued by the~~
7 ~~Council the case shall be assigned to a division. The appro-~~
8 ~~priate division chief judge shall assign cases to judges,~~
9 ~~taking into consideration specialization, training, workload~~
10 ~~and conflicts of interest.~~

11 ~~“(d) Federal agencies and courts are authorized to~~
12 ~~refer any appropriate case either—~~

13 ~~“(1) to the Corps; or~~

14 ~~“(2) to a specific administrative law judge, with~~
15 ~~the approval of the majority of the Council, to serve~~
16 ~~as a special master pursuant to the provisions of~~
17 ~~Rule 53(a) of the Federal Rules of Civil Procedure.~~

18 ~~“(e) Compliance with this subchapter shall satisfy~~
19 ~~any requirement under section 916 of the Financial Insti-~~
20 ~~tutions Reform, Recovery and Enforcement Act of 1989.”.~~

21 **“§ 599c. Removal and discipline**

22 ~~“(a) Except as provided in subsection (b) of this~~
23 ~~section—~~

24 ~~“(1) an administrative law judge may not be re-~~
25 ~~moved, suspended, reprimanded, or disciplined ex-~~

1 cept for misconduct or neglect of duty, but may be
2 removed for physical or mental disability; and

3 ~~“(2) an action specified in paragraph (1) of this~~
4 subsection may be taken against an administrative
5 law judge only after the Council has filed a notice
6 of adverse action against the administrative law
7 judge with the Merit Systems Protection Board and
8 the Board has determined, on the record after an
9 opportunity for a hearing before the Board, that
10 there is good cause to take such action.

11 ~~“(b) Subsection (a) shall not apply to an action initi-~~
12 ated under section 1206 of this title.

13 ~~“(c) Under regulations issued by the Council, a Com-~~
14 plaints Resolution Board shall be established within the
15 Corps to consider and to recommend appropriate action
16 to be taken when a complaint is made concerning the offi-
17 cial conduct of a judge. Such complaint may be made by
18 any interested person, including parties, practitioners, the
19 chief judge, and agencies.

20 ~~“(d) The Board shall consist of two judges from each~~
21 division of the Corps who shall be appointed by the Coun-
22 cil. The chief judge and the division chief judges may not
23 serve on such Board.

24 ~~“(e) A complaint of misconduct by an administrative~~
25 law judge shall be made in writing. The complaint shall

1 be filed with the chief judge, or it may be originated by
2 the chief judge on his own motion. The chief judge shall
3 refer the complaint to a panel consisting of three members
4 of the Board selected by the Council, none of whom may
5 be serving in the same division as the administrative law
6 judge who is the subject of the complaint. The administra-
7 tive law judge who is the subject of the complaint shall
8 be given notice of the complaint and the composition of
9 the panel. The administrative law judge may challenge pe-
10 remptorily not more than two members of the panel. The
11 Council shall replace a challenged member with another
12 member of the Board who is eligible to serve on such
13 panel.

14 “(f) The panel shall inquire into the complaint and
15 shall render a report to the Council. A copy of the report
16 shall be provided concurrently to the administrative law
17 judge who is the subject of the complaint. The report shall
18 be advisory only.

19 “(g) The proceedings, deliberations, and reports of
20 the Board and the contents of complaints under this sec-
21 tion shall be treated as privileged and confidential. Docu-
22 ments considered by the Board and reports of the Board
23 are exempt from disclosure or publication under section
24 552 of this title. Section 552b of this title shall not apply
25 to the Board.”

1 that may be appropriate to make review of administrative
2 law judges' decisions more efficient and meaningful and
3 to accord greater finality to such decisions.

4 TRANSITION AND SAVINGS PROVISIONS

5 SEC. 4. (a) There are transferred to the administra-
6 tive law judges of the Administrative Law Judge Corps
7 established by section 596 of title 5, United States Code
8 (as added by section 2 of this Act), all functions performed
9 on the day before the effective date of this Act by the ad-
10 ministrative law judges appointed under section 3105 of
11 such title before the effective date of this Act.

12 (b) With the consent of the agencies concerned, the
13 Administrative Law Judge Corps of the United States
14 may use the facilities and the services of officers, employ-
15 ees, and other personnel of agencies from which functions
16 and duties are transferred to the Corps for so long as may
17 be needed to facilitate the orderly transfer of those func-
18 tions and duties under this Act.

19 (c) The personnel, assets, liabilities, contracts, prop-
20 erty, records, and unexpended balances of appropriations,
21 authorizations, allocations, and other funds employed,
22 held, used, arising from, available or to be made available,
23 in connection with the functions, offices, and agencies
24 transferred by this Act, are, subject to section 1531 of
25 title 31, United States Code, correspondingly transferred
26 to the Corps for appropriate allocation.

1 (d) The transfer of personnel pursuant to subsection
2 (b) of this section shall be without reduction in pay or
3 classification for one year after such transfer.

4 (e) The Director of the Office of Management and
5 Budget, at such time or times as the Director shall pro-
6 vide, may make such determinations as may be necessary
7 with regard to the functions, offices, agencies, or portions
8 thereof, transferred by this Act, and to make such addi-
9 tional incidental dispositions of personnel, assets, liabil-
10 ities, grants, contracts, property, records, and unexpended
11 balances of appropriations, authorizations, allocations,
12 and other funds held, used, arising from, available to, or
13 to be made available in connection with such functions,
14 offices, agencies, or portions thereof, as may be necessary
15 to carry out the provisions of this Act.

16 (f) All orders, determinations, rules, regulations, cer-
17 tificates, licenses, and privileges which have been issued,
18 made, granted, or allowed to become effective in the exer-
19 cise of any duties, powers, or functions which are trans-
20 ferred under this Act and are in effect at the time this
21 Act becomes effective shall continue in effect according to
22 their terms until modified, terminated, superseded, set
23 aside, or repealed by the Administrative Law Judge Corps
24 of the United States or a judge thereof in the exercise
25 of authority vested in the Corps or its members by this

1 Act, by a court of competent jurisdiction, or by operation
2 of law.

3 (g) Except as provided in subsections (d)(5) and (e)
4 of section 599 of title 5, United States Code, this Act shall
5 not affect any proceeding before any department or agency
6 or component thereof which is pending at the time this
7 Act takes effect. Such a proceeding shall be continued be-
8 fore the Administrative Law Judge Corps of the United
9 States or a judge thereof, or, to the extent the proceeding
10 does not relate to functions so transferred, shall be contin-
11 ued before the agency in which it was pending on the
12 effective date of this Act.

13 (h) No suit, action, or other proceeding commenced
14 before the effective date of this Act shall abate by reason
15 of the enactment of this Act.

16 AUTHORIZATION OF APPROPRIATIONS

17 SEC. 5. There are authorized to be appropriated such
18 sums as may be necessary to carry out the provisions of
19 this Act and subchapter VI of title 5, United States Code
20 (as added by section 2 of this Act).

21 TECHNICAL AND CONFORMING AMENDMENTS

22 SEC. 6. Title 5, United States Code, is amended as
23 follows:

24 (1) Section 573(b) is amended by redesignating
25 paragraphs (4), (5), and (6) as paragraphs (5), (6),

1 and (7), respectively, and inserting a new paragraph
2 (4) to read as follows:

3 “(4) the chief administrative law judge of the
4 Administrative Law Judge Corps of the United
5 States;”.

6 (2) Section 3105 is amended to read as follows:

7 **“§ 3105. Appointment of administrative law judges**

8 “Administrative law judges shall be appointed by the
9 Council of the Administrative Law Judge Corps pursuant
10 to section 599a of this title.”.

11 (3) Section 3344 and any references to such
12 section are repealed.

13 (4) The table of sections for chapter 33 is
14 amended by striking out the item relating to section
15 3344.

16 (5)(A) Subchapter III of chapter 75 of title 5,
17 United States Code, is repealed.

18 (B) The table of sections at the beginning of
19 chapter 75 of title 5, United States Code, is amend-
20 ed—

21 (i) by striking out the items relating to
22 subchapter III and section 7521;

23 (ii) by redesignating “Subchapter IV” and
24 all references to such subchapter as “Sub-
25 chapter III”; and

1 (iii) by redesignating “Subchapter V” and
 2 all references to such subchapter as “Sub-
 3 chapter IV”.

4 OPERATION OF THE CORPS

5 SEC. 7. Operation of the Corps shall commence on
 6 the date the first chief administrative law judge of the
 7 Corps takes office.

8 CONTRACT DISPUTES ACT

9 SEC. 8. Nothing in this Act or the amendments made
 10 by this Act shall be deemed to affect any agency board
 11 established pursuant to the Contract Disputes Act (41
 12 U.S.C. 601), or any other person designated to resolve
 13 claims or disputes pursuant to such Act.

14 EFFECTIVE DATE

15 SEC. 9. Except as otherwise provided, this Act and
 16 the amendments made by this Act shall take effect 120
 17 days after the date of enactment.

18 **SECTION 1. SHORT TITLE.**

19 *This Act may be cited as the “Reorganization of the*
 20 *Federal Administrative Judiciary Act”.*

21 **SEC. 2. FINDINGS.**

22 *The Congress finds that—*

23 (1) *in order to promote efficiency, productivity,*
 24 *the reduction of administrative functions, and to pro-*
 25 *vide economies of scale and better public service and*
 26 *public trust in the administrative resolution of dis-*

1 *putes, Federal administrative law judges should be or-*
2 *ganized in a unified corps;*

3 *(2) the dispersal of administrative law judges*
4 *appointed under section 3105 of title 5, United States*
5 *Code, in every Federal agency that requires hearings*
6 *to be conducted by administrative law judges,*
7 *underutilizes the potential of administrative law*
8 *judges to serve the public and assist the Federal*
9 *courts as special masters and finders of fact in spe-*
10 *cific instances to help reduce the backlog of cases in*
11 *Federal courts;*

12 *(3) the organization of administrative law judges*
13 *in a corps will best promote their assignment to Fed-*
14 *eral agency needs as demand requires;*

15 *(4) a unified administrative law judge corps will*
16 *better promote the use of information technology in*
17 *serving the public; and*

18 *(5) an administrative law judge corps will,*
19 *through consolidation, eliminate unnecessary offices*
20 *and reduce travel and other related costs.*

21 **SEC. 3. ESTABLISHMENT OF ADMINISTRATIVE LAW JUDGE**

22 **CORPS.**

23 *(a) IN GENERAL.—Chapter 5 of title 5, United States*
24 *Code, is amended by adding at the end thereof the following*
25 *new subchapter:*

1 “SUBCHAPTER VI—ADMINISTRATIVE LAW JUDGE
2 CORPS

3 **“§ 597. Definitions**

4 “For the purposes of this subchapter—

5 “(1) ‘agency’ means an authority referred to in
6 section 551(1);

7 “(2) ‘Corps’ means the Administrative Law
8 Judge Corps of the United States established under
9 section 598;

10 “(3) ‘administrative law judge’ means an ad-
11 ministrative law judge appointed under section 3105
12 on or before the effective date of the Reorganization of
13 the Federal Administrative Judiciary Act or under
14 section 599c after such effective date;

15 “(4) ‘chief judge’ means the chief administrative
16 law judge appointed and serving under section 599;

17 “(5) ‘Council’ means the Council of the Adminis-
18 trative Law Judge Corps established under section
19 599b;

20 “(6) ‘Board’, unless otherwise indicated, means
21 the Complaints Resolution Board established under
22 section 599e; and

23 “(7) ‘division chief judge’ means the chief ad-
24 ministrative law judge of a division appointed and
25 serving under section 599a.

1 **“§ 598. Establishment; membership**

2 “(a) *ESTABLISHMENT.*—There is established an Ad-
3 ministrative Law Judge Corps consisting of all administra-
4 tive law judges, in accordance with the provisions of sub-
5 section (b). Such Corps shall be administered in Washing-
6 ton, D.C.

7 “(b) *MEMBERSHIP.*—An administrative law judge
8 serving as such on the date of the commencement of the op-
9 eration of the Corps shall be transferred to the Corps as
10 of that date. An administrative law judge who is appointed
11 on or after the date of the commencement of the operation
12 of the Corps shall be a member of the Corps as of the date
13 of such appointment.

14 **“§ 599. Chief administrative law judge**

15 “(a) *APPOINTMENT; TERM.*—The chief administrative
16 law judge shall be the chief administrative officer of the
17 Corps and shall be the presiding judge of the Corps. The
18 chief judge shall be appointed by the President, by and with
19 the advice and consent of the Senate. The chief judge shall
20 be learned in the law. The chief judge shall serve for a term
21 of five years or until a successor is appointed and qualifies
22 to serve, whichever is earlier. A chief judge may be
23 reappointed upon the expiration of the term of such judge,
24 by and with the advice and consent of the Senate.

25 “(b) *VACANCIES.*—(1) If the office of chief judge is va-
26 cant, the division chief judge who is senior in length of serv-

1 *ice as a member of the Council shall serve as acting chief*
2 *judge until such vacancy is filled.*

3 “(2) *If 2 or more division chief judges have the same*
4 *length of service as members of the Council, the division*
5 *chief judge who is senior in length of service as an adminis-*
6 *trative law judge shall serve as such acting chief judge.*

7 “(c) *SPECIAL FUNCTIONS OF CHIEF JUDGE.—(1) In*
8 *addition to other duties conferred on the chief judge, the*
9 *chief judge shall be responsible for developing programs and*
10 *practices, in coordination with agencies using administra-*
11 *tive law judges, which foster economy and efficiency in the*
12 *processing of cases heard by administrative law judges.*
13 *These programs and practices shall include—*

14 “(A) *training of judges in more than one subject*
15 *area;*

16 “(B) *employment of computers and software and*
17 *other information technology for automated decision*
18 *preparation, case docketing, and research;*

19 “(C) *consolidating hearing facilities and law li-*
20 *braries; and*

21 “(D) *programs and practices to foster overall ef-*
22 *ficent use of staff, personnel, equipment, and facili-*
23 *ties.*

24 “(2) *In order to minimize costs—*

1 “(A) all administrative law judges and support
2 personnel shall, for at least 1 year after the date of
3 the commencement of the operation of the Corps, con-
4 tinue to use the office space and facilities, at the
5 agencies using such judges and personnel, available
6 before such date, and

7 “(B) the chief judge shall phase in transfers of
8 administrative law judges and support personnel to
9 other facilities so that the cost of providing facilities
10 for the Corps shall not exceed the cost of maintaining
11 such judges and personnel in equivalent space avail-
12 able at agencies using the Corps.

13 “(d) *REPORTS.*—The chief judge shall, within 90 days
14 after the end of each fiscal year, make a written report to
15 the President and the Congress concerning the business of
16 the Corps during the preceding fiscal year. The report shall
17 include information and recommendations of the Council
18 concerning the future personnel requirements of the Corps.

19 “(e) *SERVICE AFTER TERM EXPIRES.*—After serving
20 as chief judge, an individual may continue to serve as an
21 administrative law judge unless such individual has been
22 removed from office in accordance with section 599c.

23 “**§ 599a. Divisions of the Corps; division chief judges**

24 “(a) *ASSIGNMENT TO DIVISIONS.*—Each judge of the
25 Corps shall be assigned to a division by the Council, pursu-

1 ant to section 599b. The assignment of a judge who was
2 an administrative law judge on the date of commencement
3 of the operation of the Corps shall be made after consider-
4 ation of the areas of specialization in which the judge has
5 served. Each division shall be headed by a division chief
6 judge who shall exercise administrative supervision over
7 such division.

8 “(b) DIVISIONS.—The divisions of the Corps shall be
9 as follows:

10 “(1) Division of Communications, Public Util-
11 ity, and Transportation Regulation.

12 “(2) Division of Safety and Environmental Reg-
13 ulation.

14 “(3) Division of Labor.

15 “(4) Division of Labor Relations.

16 “(5) Division of Health and Human Services
17 Programs.

18 “(6) Division of Securities, Commodities, and
19 Trade Regulation.

20 “(7) Division of General Programs.

21 “(8) Division of Financial Services Institutions.

22 “(c) APPOINTMENT OF DIVISION CHIEF JUDGES.—(1)
23 The division chief judge of each division set forth in sub-
24 section (b) shall be appointed by the President, by and with

1 *the advice and consent of the Senate, and shall be learned*
2 *in the law.*

3 “(2) *Division chief judges shall be appointed for 5-year*
4 *terms, except that of those division chief judges first ap-*
5 *pointed, the President shall designate 2 such individuals*
6 *to be appointed for 5-year terms, 3 for 4-year terms, and*
7 *2 for 3-year terms.*

8 “(3) *Any division chief judge appointed to fill an*
9 *unexpired term shall be appointed only for the remainder*
10 *of such predecessor’s term, but may be reappointed as pro-*
11 *vided in paragraph (4).*

12 “(4) *Any division chief judge may be reappointed*
13 *upon the expiration of his or her term.*

14 “(5) *Any judge, after serving as division chief judge,*
15 *may continue to serve as an administrative law judge un-*
16 *less such individual has been removed from office in accord-*
17 *ance with section 599e.*

18 **“§ 599b. Council of the Corps**

19 “(a) *IN GENERAL.—The policymaking body of the*
20 *Corps shall be the Council of the Corps. The chief judge and*
21 *the division chief judges shall constitute the Council. The*
22 *chief judge shall preside over the Council. If the chief judge*
23 *is unable to be present at a meeting of the Council, the divi-*
24 *sion chief judge who is senior in length of service as a mem-*
25 *ber of such Council shall preside at the meeting.*

1 “(b) *QUORUM; VOTING.*—One half of all of the members
2 of the Council shall constitute a quorum for the purpose
3 of transacting business. The affirmative vote by a majority
4 of all the members of the Council shall be required to ap-
5 prove a matter on behalf of the Council. Each member of
6 the Council shall have one vote.

7 “(c) *MEETINGS.*—Meetings of the Council shall be held
8 at least once a month at the call of the chief judge or by
9 the call of one-third or more of the members of the Council.

10 “(d) *POWERS.*—The Council is authorized—

11 “(1) to assign judges to divisions and transfer or
12 reassign judges from one division to another, subject
13 to the provisions of section 599c;

14 “(2) to appoint persons as administrative law
15 judges under section 599c;

16 “(3) to file charges seeking adverse action
17 against an administrative law judge under section
18 599e;

19 “(4) subject to the provisions of subsection (e), to
20 prescribe, after providing an opportunity for notice
21 and comment, the rules of practice and procedure for
22 the conduct of proceedings before the Corps, except
23 that, with respect to a category of proceedings adju-
24 dicated by an agency before the effective date of the
25 Reorganization of the Federal Administrative Judici-

1 *ary Act, the Council may not amend or revise the*
2 *rules of practice and procedure prescribed by that*
3 *agency during the 2 years following such effective*
4 *date without the approval of that agency, and any*
5 *amendments or revisions made to such rules shall not*
6 *affect or be applied to any pending action;*

7 *“(5) to issue such rules and regulations as may*
8 *be appropriate for the efficient conduct of the business*
9 *of the Corps and the implementation of this sub-*
10 *chapter, including the assignment of cases to adminis-*
11 *trative law judges;*

12 *“(6) subject to the civil service and classification*
13 *laws and regulations—*

14 *“(A) to select, appoint, employ, and fix the*
15 *compensation of the employees (other than ad-*
16 *ministrative law judges) that the Council deems*
17 *necessary to carry out the functions, powers, and*
18 *duties of the Corps; and*

19 *“(B) to prescribe the authority and duties of*
20 *such employees;*

21 *“(7) to establish, abolish, alter, consolidate, and*
22 *maintain such regional, district, and other field of-*
23 *fices as are necessary to carry out the functions, pow-*
24 *ers, and duties of the Corps and to assign and reas-*
25 *sign employees to such field offices;*

1 “(8) to procure temporary and intermittent serv-
2 ices under section 3109;

3 “(9) to enter into, to the extent or in such
4 amounts as are authorized in appropriation Acts,
5 without regard to section 3709 of the Revised Statutes
6 of the United States (41 U.S.C. 5), contracts, leases,
7 cooperative agreements, or other transactions that
8 may be necessary to conduct the business of the Corps;

9 “(10) to delegate any of the chief judge’s func-
10 tions or powers with the consent of the chief judge, or
11 whenever the office of such chief judge is vacant, to
12 one or more division chief judges or other employees
13 of the Corps, and to authorize the redelegation of any
14 of those functions or powers;

15 “(11) to establish, after consulting with an agen-
16 cy, initial and continuing educational programs to
17 assure that each administrative law judge assigned to
18 hear cases of that agency has the necessary training
19 in the specialized field of law of that agency;

20 “(12) to make suitable arrangements for continu-
21 ing education and training of other employees of the
22 Corps, so that the level of expertise in the divisions
23 of the Corps will be maintained and enhanced; and

24 “(13) to determine all other matters of general
25 policy of the Corps.

1 “(e) *OFFICIAL SEAL.*—The Council shall select an offi-
2 cial seal for the Corps which shall be judicially noticed.

3 “§599c. **Appointment and transfer of administrative**
4 **law judges**

5 “(a) *APPOINTMENT.*—After the initial establishment of
6 the Corps, the Council shall appoint new or additional
7 judges as may be necessary for the efficient and expeditious
8 conduct of the business of the Corps. Appointments shall
9 be made from a register maintained by the Office of Person-
10 nel Management under subchapter I of chapter 33 of this
11 title. Upon request by the chief judge, the Office of Personnel
12 Management shall certify enough names from the top of
13 such register to enable the Council to consider five names
14 for each vacancy. Notwithstanding section 3318, a vacancy
15 in the Corps may be filled from the highest five eligible indi-
16 viduals available for appointment on the certificate fur-
17 nished by the Office of Personnel Management.

18 “(b) *LIMITATION ON JUDGE’S DUTIES.*—A judge of the
19 Corps may not perform or be assigned to perform duties
20 inconsistent with the duties and responsibilities of an ad-
21 ministrative law judge.

22 “(c) *REASSIGNMENTS; DETAILS.*—A judge or staff
23 member of the Corps on the date of commencement of the
24 operation of the Corps, and all new judges and staff mem-
25 bers appointed by the Council, may not thereafter be invol-

1 *untarily reassigned to a new permanent duty station if*
2 *such station is beyond the commuting area of the duty sta-*
3 *tion which is the judge's permanent duty station on that*
4 *date. A judge or staff member of the Corps may be tempo-*
5 *rarily detailed, once in a 24-month period, to a new duty*
6 *station at any location, for a period of not more than 120*
7 *days.*

8 **“§ 599d. Jurisdiction**

9 “(a) *IN GENERAL.*—Any case, claim, action, or pro-
10 *ceeding authorized to be heard before an administrative law*
11 *judge on the day before the effective date of the Reorganiza-*
12 *tion of the Federal Administrative Judiciary Act shall, on*
13 *or after such date, be referred to the Corps for adjudication*
14 *on the record after an opportunity for a hearing.*

15 “(b) *TYPES OF CASES.*—An administrative law judge
16 *who is a member of the Corps shall hear and render a deci-*
17 *sion upon—*

18 “(1) *every case of adjudication subject to the pro-*
19 *visions of section 553, 554, or 556;*

20 “(2) *every case in which hearings are required*
21 *by law to be held in accordance with sections 553,*
22 *554, or section 556;*

23 “(3) *every other case referred to the Corps by an*
24 *agency in which a determination is to be made on the*
25 *record after an opportunity for a hearing; and*

1 “(4) every case referred to the Corps by a court
2 for an administrative law judge to act as a special
3 master or to otherwise making findings of fact on be-
4 half of the referring court, which shall continue to
5 have exclusive and undiminished jurisdiction over the
6 case.

7 “(c) REFERRAL OF CASES.—When a case under sub-
8 section (b) arises, it shall be referred to the Corps. Under
9 regulations issued by the Council, the case shall be assigned
10 to a division. The appropriate division chief shall assign
11 cases to judges, taking into consideration specialization,
12 training, workload, and conflicts of interest.

13 “(d) REFERRALS BY AGENCIES AND COURTS.—Courts
14 are authorized to refer, subject to the approval of the major-
15 ity of the Council and the parties in the court proceeding,
16 those cases, or portions thereof, in which they seek an ad-
17 ministrative law judge either to act as a special master pur-
18 suant to the provisions of Rule 53(a) of the Federal Rules
19 of Civil Procedure or otherwise seek an administrative law
20 judge to make findings of fact in a case on behalf of the
21 referring court, which shall continue to have exclusive and
22 undiminished jurisdiction over the case. When a court has
23 referred a case to an administrative law judge, the rec-
24 ommendations, rulings, and findings of fact of the adminis-

1 *trative law judge are subject to de novo review by the refer-*
2 *ring court.*

3 “(e) *SATISFACTION OF OTHER PROCEDURAL RE-*
4 *QUIREMENTS.—Compliance with this subchapter shall sat-*
5 *isfy all requirements imposed under section 916 of the Fi-*
6 *nancial Institutions Reform, Recovery, and Enforcement*
7 *Act of 1989.*

8 “(f) *APPLICATION OF AGENCY POLICY.—The provi-*
9 *sions of this subchapter shall effect no change in—*

10 “(1) *an agency’s rulemaking, interpretative, or*
11 *policymaking authority in carrying out the statutory*
12 *responsibilities vested in the agency or agency head;*

13 “(2) *the adjudicatory authority of administra-*
14 *tive law judges; or*

15 “(3) *the authority of an agency to review deci-*
16 *sions of administrative law judges under any appli-*
17 *cable provision of law.*

18 **“§ 599e. Removal and discipline**

19 “(a) *Except as provided in subsection (b)—*

20 “(1) *an administrative law judge may not be re-*
21 *moved, suspended, reprimanded, or disciplined except*
22 *for misconduct or neglect of duty, but may be removed*
23 *for physical or mental disability (consistent with pro-*
24 *hibitions on discrimination otherwise imposed by*
25 *law); and*

1 “(2) an action specified in paragraph (1) of this
2 subsection may be taken against an administrative
3 law judge only after the Council has filed with the
4 Merit Systems Protection Board a notice of adverse
5 action against the administrative law judge and the
6 Merit Systems Protection Board has determined, on
7 the record after an opportunity for a hearing before
8 the Merit Systems Protection Board, that there is
9 good cause to take such action.

10 “(b) Subsection (a) does not apply to an action initi-
11 ated under section 1215.

12 “(c) COMPLAINTS RESOLUTION BOARD.—Under regu-
13 lations issued by the Council, a Complaints Resolution
14 Board shall be established within the Corps to consider and
15 to recommend appropriate action to be taken when a com-
16 plaint is made concerning the official conduct of a judge
17 of the Corps. Such complaint may be made by any inter-
18 ested person, including parties, practitioners, the chief
19 judge, and agencies.

20 “(d) COMPOSITION OF THE BOARD.—The Board shall
21 consist of 2 judges from each division of the Corps, who
22 shall be appointed by the Council. The chief judge and the
23 division chief judges may not serve on the Board.

24 “(e) PROCEDURAL REQUIREMENTS.—A complaint of
25 misconduct by an administrative law judge shall be made

1 *in writing. The complaint shall be filed with the chief judge,*
2 *or it may be originated by the chief judge on his own mo-*
3 *tion. The chief judge shall refer the complaint to a panel*
4 *consisting of 3 members of the Board selected by the Coun-*
5 *cil, none of whom may be serving in the same division as*
6 *the administrative law judge who is the subject of the com-*
7 *plaint. The administrative law judge who is the subject of*
8 *the complaint shall be given notice of the complaint and*
9 *the composition of the panel. The administrative law judge*
10 *may challenge peremptorily not more than 2 members of*
11 *the panel. The Council shall replace a challenged member*
12 *with another member of the Board who is eligible to serve*
13 *on such panel.*

14 “(f) *INQUIRY AND REPORT BY PANEL.*—*The panel*
15 *shall inquire into the complaint and shall render a report*
16 *thereon to the Council. A copy of the report shall be pro-*
17 *vided concurrently to the administrative law judge who is*
18 *the subject of the complaint. The report shall be advisory*
19 *only.*

20 “(g) *CONFIDENTIALITY.*—*The proceedings, delibera-*
21 *tions, and reports of the Board and the contents of com-*
22 *plaints under this section shall be treated as privileged and*
23 *confidential. Documents considered by the Board and re-*
24 *ports of the Board under this section are exempt from dis-*

1 *closure or publication under section 552. Section 552b does*
 2 *not apply to the Board.”.*

3 (b) *APPOINTMENTS OF DIVISION CHIEF JUDGES.—It*
 4 *is the sense of the Congress that the President should ap-*
 5 *point as division chief judges under section 599a(c) of title*
 6 *5, United States Code (as added by subsection (a) of this*
 7 *section), individuals who have served as an administrative*
 8 *law judge for at least 5 years.*

9 (c) *ADMINISTRATIVE PROVISION.—Except as provided*
 10 *under subchapter VI of chapter 5 of title 5, United States*
 11 *Code, the chief administrative law judge and the division*
 12 *chief judges appointed under such subchapter shall be*
 13 *deemed administrative law judges appointed under section*
 14 *3105.*

15 (d) *TECHNICAL AND CONFORMING AMENDMENT.—The*
 16 *table of sections for chapter 5 of title 5, United States Code,*
 17 *is amended by adding at the end thereof the following:*

18 *“SUBCHAPTER VI—ADMINISTRATIVE LAW JUDGE*

19 *CORPS*

“Sec.

“597. Definitions.

“598. Establishment; membership.

“599. Chief administrative law judge.

“599a. Divisions of the Corps; division chief judges.

“599b. Council of the Corps.

“599c. Appointment and transfer of administrative law judges.

“599d. Jurisdiction.

“599e. Removal and discipline.”.

1 **SEC. 4. AGENCY REVIEW STUDY AND REPORT.**

2 (a) *STUDY.*—The chief administrative law judge of the
3 Administrative Law Judge Corps of the United States shall
4 conduct a study of the various types and levels of agency
5 review to which decisions of administrative law judges are
6 subject. A separate study shall be conducted for each divi-
7 sion of the Corps. The studies shall include monitoring and
8 evaluating data and shall be conducted in consultation with
9 the division chief judges, the Chairman of the Administra-
10 tive Conference of the United States, and the agencies that
11 review the decisions of administrative law judges.

12 (b) *REPORT.*—(1) Not later than 2 years after the effec-
13 tive date of this Act, the Council shall report to the Presi-
14 dent and the Congress on the findings and recommendations
15 resulting from the studies conducted under subsection (a).

16 (2) The report under paragraph (1) shall include rec-
17 ommendations, including recommendations for new legisla-
18 tion, for any reforms that may be appropriate to make re-
19 view of administrative law judges' decisions more efficient
20 and meaningful and to accord greater finality to such deci-
21 sions, except that all decisions subject, before the effective
22 date of this Act, to review pursuant to section 205(g) of
23 the Social Security Act (42 U.S.C. 405(g)) shall continue
24 to be subject to such review pursuant to such section.

25 (3) The report under paragraph (1) shall also include
26 recommendations for using staff more efficiently to decrease

1 *backlogs, especially in the area of social security disability*
2 *cases.*

3 **SEC. 5. TRANSITION AND SAVINGS PROVISIONS.**

4 (a) *TRANSFER OF FUNCTIONS.*—*There are transferred*
5 *to the administrative law judges of the Administrative Law*
6 *Judge Corps established by section 598 of title 5, United*
7 *States Code (as added by section 3 of this Act), all functions*
8 *authorized to be performed on the day before the effective*
9 *date of this Act by the administrative law judges appointed*
10 *under section 3105 of such title before the effective date of*
11 *this Act.*

12 (b) *USE OF AGENCY FACILITIES AND PERSONNEL.*—
13 *With the consent of the agencies concerned, the Administra-*
14 *tive Law Judge Corps of the United States may use the*
15 *facilities and the services of officers, employees, and other*
16 *personnel of agencies from which functions and duties are*
17 *transferred to the Corps for so long as may be needed to*
18 *facilitate the orderly transfer of those functions and duties*
19 *under this Act.*

20 (c) *INCIDENTAL TRANSFERS.*—*The personnel, assets,*
21 *liabilities, contracts, property, records, and unexpended*
22 *balances of appropriations, authorizations, allocations, and*
23 *other funds employed, held, used, arising from, available or*
24 *to be made available, in connection with the functions*
25 *transferred by this Act, are, subject to section 1531 of title*

1 31, United States Code, transferred to the Corps for appro-
2 priate allocation.

3 (d) *PAY OF TRANSFERRED PERSONNEL.*—The transfer
4 of personnel pursuant to subsection (b) or (c) shall be with-
5 out reduction in pay or classification for 5 years after such
6 transfer.

7 (e) *AUTHORITIES OF DIRECTOR OF OMB.*—The Direc-
8 tor of the Office of Management and Budget, at such time
9 or times as the Director shall provide, may make such deter-
10 minations as may be necessary with regard to the functions
11 transferred by this Act, and to make such additional inci-
12 dental dispositions of personnel, assets, liabilities, grants,
13 contracts, property, records, and unexpended balances of
14 appropriations, authorizations, allocations, and other funds
15 held, used, arising from, available to, or to be made avail-
16 able in connection with such functions, as may be necessary
17 to carry out the provisions of this Act.

18 (f) *CONTINUED EFFECTIVENESS OF PRIOR ACTIONS.*—
19 All orders, determinations, rules, regulations, certificates,
20 licenses, and privileges which have been issued, made,
21 granted, or allowed to become effective in the exercise of any
22 duties, powers, or functions which are transferred under
23 this Act and are in effect at the time this Act becomes effec-
24 tive shall continue in effect according to their terms until
25 modified, terminated, superseded, set aside, or repealed by

1 *the Administrative Law Judge Corps of the United States*
2 *or a judge thereof in the exercise of authority vested in the*
3 *Corps or its members by this Act, by a court of competent*
4 *jurisdiction, or by operation of law.*

5 *(g) PENDING PROCEEDINGS.—(1) Except as provided*
6 *in subsections (d)(5) and (e) of section 599b of title 5,*
7 *United States Code, this Act shall not affect any proceeding*
8 *before any department or agency or component thereof*
9 *which is pending at the time this Act takes effect. Such a*
10 *proceeding shall be continued before the Administrative*
11 *Law Judge Corps of the United States or a judge thereof,*
12 *or, to the extent the proceeding does not relate to functions*
13 *so transferred, shall be continued before the agency in which*
14 *it was pending on the effective date of this Act.*

15 *(2) No suit, action, or other proceeding commenced be-*
16 *fore the effective date of this Act shall abate by reason of*
17 *the enactment of this Act.*

18 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

19 *There are authorized to be appropriated such sums as*
20 *may be necessary to carry out the provisions of this Act*
21 *and subchapter VI of title 5, United States Code (as added*
22 *by section 3 of this Act).*

23 **SEC. 7. TECHNICAL AND CONFORMING AMENDMENTS.**

24 *(a) TITLE 5, UNITED STATES CODE.—Title 5, United*
25 *States Code, is amended as follows:*

1 (1) *Section 593(b) is amended—*

2 (A) *by redesignating paragraphs (4), (5),*
3 *and (6) as paragraphs (5), (6), and (7), respec-*
4 *tively, and*

5 (B) *by inserting the following after para-*
6 *graph (3):*

7 “*(4) the chief administrative law judge of the*
8 *Administrative Law Judge Corps of the United*
9 *States;*”.

10 (2) *Section 3105 is amended to read as follows:*

11 ***“§ 3105. Appointment of administrative law judges***

12 “*Administrative law judges shall be appointed by the*
13 *Council of the Administrative Law Judge Corps pursuant*
14 *to sections 596 and 599c of this title.*”.

15 (3) *Section 3344, and the item relating to section*
16 *3344 in the table of sections for chapter 33, are re-*
17 *pealed.*

18 (4) *Subchapter III of chapter 75, and the items*
19 *relating to subchapter III and section 7521 in the*
20 *table of sections at the beginning of chapter 75, are*
21 *repealed.*

22 (5) *Section 559 is amended—*

23 (A) *in the first sentence by striking “chap-*
24 *ter 7” and all that follows through “7521” and*
25 *inserting “subchapter VI of this chapter, chapter*

1 7, and sections 1305, 3105, 4301(2)(E), and
2 5372”; and

3 (B) in the last sentence by striking “chapter
4 7” and all that follows through “7521” and in-
5 serting “subchapter VI of this chapter, chapter 7,
6 section 1305, 3105, 4301(2)(E), or 5372”.

7 (6) Section 1305 is amended—

8 (A) by striking “section 3105, 3344,” and
9 inserting “sections 3105,”; and

10 (B) by striking “, and for the purpose of
11 section 7521 of this title, the Merit Systems Pro-
12 tection Board may”.

13 (7) Section 5514(a)(2) is amended in the fourth
14 sentence by striking “, except that” and all that fol-
15 lows through “administrative law judge”.

16 (8) Section 7105 is amended—

17 (A) in subsection (d) by striking “, admin-
18 istrative law judges under section 3105 of this
19 title,”; and

20 (B) in subsection (e)(2) by striking “under
21 subsection (d) of this section” and inserting
22 “under section 3105 of this title”.

23 (9) Section 7132(a) is amended by striking “ap-
24 pointed by the Authority under section 3105 of this
25 title” and inserting “appointed under section 3105 of

1 *this title who is conducting hearings under this chap-*
2 *ter”.*

3 (10) *Section 7502 is amended by striking “7521*
4 *or”.*

5 (11) *Section 7512(E) is amended by striking “or*
6 *7521”.*

7 (b) *OTHER PROVISIONS OF LAW.—*

8 (1) *Section 6(c) of the Commodity Exchange Act*
9 *is amended—*

10 (A) *in the second sentence (7 U.S.C. 9)—*

11 (i) *by striking “Administrative Law*
12 *Judge designated by the Commission” and*
13 *inserting “administrative law judge of the*
14 *Administrative Law Judge Corps”; and*

15 (ii) *by striking “Administrative Law*
16 *Judge” and inserting “administrative law*
17 *judge”; and*

18 (B) *by striking “Administrative Law*
19 *Judge” each subsequent place it appears (7*
20 *U.S.C. 15) and inserting “administrative law*
21 *judge of the Administrative Law Judge Corps”.*

22 (2) *Section 12(b) of the Commodity Exchange*
23 *Act (7 U.S.C. 16(b)) is amended by striking “Admin-*
24 *istrative Law Judges,”.*

1 (3) *Section 274B(e)(2) of the Immigration and*
2 *Nationality Act (8 U.S.C. 1324b(e)(2)) is amended by*
3 *striking “are specially designated by the Attorney*
4 *General as having” and inserting “have”.*

5 (4) *Section 1416(a) of the Interstate Land Sales*
6 *Full Disclosure Act (15 U.S.C. 1715(a)) is amend-*
7 *ed—*

8 (A) *in the first sentence by inserting “, sub-*
9 *ject to section 599d of title 5, United States*
10 *Code,” after “who may”;*

11 (B) *by striking the second sentence; and*

12 (C) *in the third sentence by striking “his*
13 *administrative law judges to other administra-*
14 *tive law judges or” and inserting “administra-*
15 *tive law judges carrying out functions under this*
16 *title”.*

17 (5) *Section 488A(b) of the Higher Education Act*
18 *of 1965 (20 U.S.C. 1095a(b)) is amended in the third*
19 *sentence by striking “, except that” and all that fol-*
20 *lows through “administrative law judge”.*

21 (6) *Section 509(1) of title 28, United States*
22 *Code, is amended—*

23 (A) *by striking “subchapter II” and insert-*
24 *ing “subchapters II and VI”; and*

1 (B) by striking “employed by the Depart-
2 ment of Justice”.

3 (7) Section 12 of the Occupational Safety and
4 Health Act of 1970 (29 U.S.C. 661) is amended—

5 (A) in subsection (e)—

6 (i) by striking “administrative law
7 judges and other”; and

8 (ii) by striking “: Provided” and all
9 that follows through the end of the sub-
10 section and inserting a period;

11 (B) in subsection (j) in the first sentence by
12 striking “A” and all that follows through “Com-
13 mission,” and inserting “An administrative law
14 judge to whom is assigned any proceeding insti-
15 tuted before the Commission shall hear and make
16 a determination upon the proceeding and any
17 motion in connection with such proceeding.”;
18 and

19 (C) by striking subsection (k).

20 (8) Section 502(e)(1) of the Rehabilitation Act of
21 1973 (29 U.S.C. 792(e)(1)) is amended by striking the
22 second and third sentences and inserting the follow-
23 ing: “Proceedings required to be conducted under this
24 section shall be presided over by administrative law

1 *judges appointed under subchapter VI of chapter 5 of*
2 *title 5, United States Code.”.*

3 (9) *Section 166 of the Job Training Partnership*
4 *Act (29 U.S.C. 1576(a)) is amended in the first sen-*
5 *tence by striking “of the Department of Labor”.*

6 (10) *Section 5(e) of the Federal Mine Safety and*
7 *Health Act of 1977 (30 U.S.C. 804(e)) is amended to*
8 *read as follows:*

9 “(e) *Proceedings required to be conducted in accord-*
10 *ance with the provisions of this Act shall be presided over*
11 *by administrative law judges appointed under subchapter*
12 *VI of chapter 5 of title 5, United States Code.”.*

13 (11) *Section 113 of the Federal Mine Safety and*
14 *Health Act of 1977 (30 U.S.C. 823) is amended—*

15 (A) *in subsection (b)(2) by striking all that*
16 *follows the second sentence;*

17 (B) *in subsection (d)(1) in the first sentence*
18 *by striking “appointed by the Commission” and*
19 *all that follows through “by the Commission,”*
20 *and inserting “to whom is assigned any proceed-*
21 *ing instituted before the Commission shall hear*
22 *and make a determination upon the proceeding*
23 *and any motion in connection with the proceed-*
24 *ing.”; and*

1 (C) in subsection (e) in the first sentence by
2 striking “its” each place it appears.

3 (12) Section 428(b) of the Black Lung Benefits
4 Act (30 U.S.C. 938(b)) is amended by striking the
5 seventh sentence.

6 (13) Section 321(c)(1) of title 31, United States
7 Code, is amended—

8 (A) by striking “subchapter II” and insert-
9 ing “subchapters II and VI”; and

10 (B) by striking “employed by the Sec-
11 retary”.

12 (14) Section 3801(a)(7)(A) of title 31, United
13 States Code, is amended by striking “appointed in
14 the authority” and all that follows through “such
15 title;” and inserting “of the Administrative Law
16 Judge Corps;”.

17 (15) Section 19(d) of the Longshore and Harbor
18 Workers’ Compensation Act (33 U.S.C. 919(d)) is
19 amended by amending the second sentence to read as
20 follows: “Any such hearing shall be conducted by an
21 administrative law judge qualified under subchapter
22 VI of chapter 5 of that title.”.

23 (16) Section 21(b)(5) of the Longshore and Har-
24 bor Workers’ Compensation Act (33 U.S.C. 921(b)(5))
25 is amended by striking the first sentence.

1 (17) Section 7101(b)(2)(B) of title 38, United
2 States Code, is amended by striking “7521” and in-
3 sserting “599e”.

4 (18) Section 8(b)(1) of the Contract Disputes Act
5 of 1978 (41 U.S.C. 607(b)(1)) is amended in the first
6 sentence by striking “hearing examiners appointed
7 pursuant to section 3105 of title 5, United States
8 Code” and inserting “administrative law judges ap-
9 pointed under section 3105 of title 5, United States
10 Code (as in effect on the day before the effective date
11 of the Reorganization of the Federal Administrative
12 Judiciary Act)”.

13 (19) Section 705(a) of the Civil Rights Act of
14 1964 (42 U.S.C. 2000e-4(a)) is amended—

15 (A) by striking “administrative law
16 judges,”; and

17 (B) by striking “: Provided” and all that
18 follows through the end of the subsection and in-
19 sserting a period.

20 (20) Section 808(c) of the Act of April 11, 1968
21 (42 U.S.C. 3608(c)), is amended—

22 (A) in the first sentence by inserting “, sub-
23 ject to section 599d of title 5, United States
24 Code,” after “The Secretary may”;

25 (B) by striking the second sentence; and

1 (C) in the last sentence by striking “his
2 hearing examiners to other hearing examiners
3 or” and inserting “administrative law judges
4 carrying out functions under this title”.

5 (21) Section 806 of the Omnibus Crime Control
6 and Safe Streets Act of 1968 (42 U.S.C. 3787) is
7 amended—

8 (A) in the first sentence by striking “ap-
9 point such hearing examiners” and all that fol-
10 lows through “United States Code,” and insert-
11 ing “; subject to section 599d of title 5, United
12 States Code, request the use of such administra-
13 tive law judges”; and

14 (B) in the second sentence by striking
15 “hearing examiner or administrative law judge
16 assigned to or employed thereby” and inserting
17 “such administrative law judge”.

18 (22) Section 401(c) of the Department of Energy
19 Organization Act (42 U.S.C. 7171(c)) is amended by
20 striking “appointment and employment of hearing ex-
21 aminers in accordance with the provisions of title 5,”
22 and inserting “referral of cases to the Administrative
23 Law Judge Corps in accordance with subchapter VI
24 of chapter 5 of title 5,”.

1 (23) Section 303(c)(3) of the Independent Safety
2 Board Act of 1974 (49 U.S.C. App. 1902(c)(3)) is
3 amended by striking “, attorneys, and administrative
4 law judges” and inserting “and attorneys”.

5 (24) Section 304(b)(1) of the Independent Safety
6 Board Act of 1974 (49 U.S.C. App. 1903(b)(1)) is
7 amended in the first sentence by striking “employed
8 by or”.

9 (c) REFERENCES IN OTHER LAWS.—Reference in any
10 other Federal law to an administrative law judge or hear-
11 ing examiner or to an administrative law judge, hearing
12 examiner, or employee appointed under section 3105 of title
13 5, United States Code, shall be deemed to refer to an admin-
14 istrative law judge of the Administrative Law Judge Corps
15 established by section 598 of title 5, United States Code.

16 **SEC. 8. OPERATION OF THE CORPS.**

17 Operation of the Corps shall commence on the date the
18 first chief administrative law judge of the Corps takes office.

19 **SEC. 9. CONTRACT DISPUTES ACT.**

20 Nothing in this Act or the amendments made by this
21 Act shall be deemed to affect any agency board established
22 pursuant to the Contract Disputes Act (41 U.S.C. 601 and
23 following), or any other person designated to resolve claims
24 or disputes pursuant to such Act.

1 **SEC. 10. PAYMENT BY CERTAIN AGENCIES FOR ADMINIS-**
 2 **TRATIVE LAW JUDGE SALARIES AND EX-**
 3 **PENSES.**

4 *Any agency which before the effective date of this Act*
 5 *paid the salaries and expenses of administrative law judges*
 6 *from fees charged by such agency shall on and after the ef-*
 7 *fective date of this Act pay from such fees to the chief judge*
 8 *of the Administrative Law Judge Corps, or the designee of*
 9 *the chief judge, an amount necessary to reimburse the sala-*
 10 *ries and expenses of the Corps for services provided by the*
 11 *Corps to such agency.*

12 **SEC. 11. EFFECTIVE DATE.**

13 *Except as otherwise provided, this Act and the amend-*
 14 *ments made by this Act shall take effect 120 days after the*
 15 *date of the enactment of this Act.*

Amend the title so as to read: "A bill to reorganize
 the Federal administrative law judiciary, and for other
 purposes."

S 486 RS—2

S 486 RS—3

S 486 RS—4