

97TH CONGRESS
1ST SESSION

H. R. 4396

To permit courts of the United States to establish the order of hearing for certain civil matters, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 4, 1981

Mr. KASTENMEIER (for himself and Mr. RAILSBACK) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To permit courts of the United States to establish the order of hearing for certain civil matters, 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 "Federal Courts Civil
4 Priorities Act".

5 SEC. 2. (a) Chapter 111 of title 28, United States Code,
6 is amended by adding at the end thereof the following new
7 section:

1 **“§ 1657. Priority of civil actions**

2 “Notwithstanding any law to the contrary, each court of
3 the United States shall determine the order in which civil
4 actions are heard and determined, except that the court shall
5 expedite the consideration of any action brought under chap-
6 ter 153 or section 1826 of this title, any action for temporary
7 or permanent injunctive relief, or any other action if good
8 cause therefor is shown.”.

9 (b) The table of sections for chapter 111 of title 28,
10 United States Code, is amended by adding at the end thereof
11 the following new item:

“1657. Priority of civil actions.”.

12 **SEC. 3. (a)** The following provisions of law are repealed:

13 (1) Section 309(a)(10) of the Federal Election
14 Campaign Act of 1971 (2 U.S.C. 437g(a)(11)).

15 (2) Section 310(c) of the Federal Election Cam-
16 paign Act of 1971 (2 U.S.C. 437h(c)).

17 (3) Section 552(a)(4)(D) of title 5, United States
18 Code.

19 (4) Section 1 of the Act of February 11, 1903,
20 commonly known as the Expediting Act (15 U.S.C.
21 28).

22 (5) Section 21(f)(3) of the Federal Trade Commis-
23 sion Improvements Act of 1980 (15 U.S.C.
24 57a-1(f)(3)).

1 (6) Section 12(e)(3) of the Coastal Zone Manage-
2 ment Improvement Act of 1980 (16 U.S.C.
3 1463a(e)(3)).

4 (7) Section 3310(e) of the Internal Revenue Code
5 of 1954.

6 (8) Section 6110(f)(5) of the Internal Revenue
7 Code of 1954.

8 (9) Section 6363(d)(4) of the Internal Revenue
9 Code of 1954.

10 (10) Section 2602 of title 28, United States Code.

11 (11) Section 10(i) of the National Labor Relations
12 Act (29 U.S.C. 160(i)).

13 (12) Section 4003(e)(4) of the Employee Retire-
14 ment Income Security Act of 1974 (29 U.S.C.
15 1303(e)(4)).

16 (13) Section 304(e) of the Social Security Act (42
17 U.S.C. 504(e)).

18 (14) Section 814 of the Act of April 11, 1968 (42
19 U.S.C. 3614).

20 (15) Section 23(d) of the Outer Continental Shelf
21 Lands Act (43 U.S.C. 1349(d)).

22 (b)(1) Section 6(a) of the Commodity Exchange Act (7
23 U.S.C. 8(a)) is amended by striking out "The proceedings in
24 such cases in the court of appeals shall be made a preferred
25 cause and shall be expedited in every way."

1 (2)(A) Section 6(c)(4) of the Federal Insecticide, Fungi-
2 cide, and Rodenticide Act (7 U.S.C. 136d(c)(4)) is amended
3 by striking out the second sentence.

4 (B) Section 16(b) of the Federal Insecticide, Fungicide,
5 and Rodenticide Act (7 U.S.C. 136n(b)) is amended by strik-
6 ing out the last sentence.

7 (3) Section 204(d) of the Packers and Stockyards Act,
8 1921 (7 U.S.C. 194(d)), is amended by striking out the
9 second sentence.

10 (4) Section 366 of the Agricultural Adjustment Act of
11 1938 (7 U.S.C. 1366) is amended in the fourth sentence by
12 striking out “At the earliest convenient time, the court, in
13 term time or vacation,” and inserting in lieu thereof “The
14 court”.

15 (5)(A) Section 410 of the Federal Seed Act (7 U.S.C.
16 1600) is amended by striking out “The proceedings in such
17 cases in the court of appeals shall be made a preferred cause
18 and shall be expedited in every way.”.

19 (B) Section 411 of the Federal Seed Act (7 U.S.C.
20 1601) is amended by striking out “The proceedings in such
21 cases shall be made a preferred cause and shall be expedited
22 in every way.”.

23 (6) Section 816(c)(4) of the Act of October 7, 1975,
24 commonly known as the Department of Defense Appropri-

1 ation Authorization Act of 1976 (10 U.S.C. 2304 note), is
2 amended by striking out the last sentence.

3 (7) Section 5(d)(6)(A) of the Home Owners' Loan Act of
4 1933 (12 U.S.C. 1464(d)(6)(A)) is amended by striking out
5 "Such proceedings shall be given precedence over other
6 cases pending in such courts, and shall be in every way expe-
7 dited."

8 (8)(A) Section 7A(f)(2) of the Clayton Act (15 U.S.C.
9 18a(f)(2)) is amended to read as follows: "(2) certifies to the
10 United States district court for the judicial district within
11 which the respondent resides or carries on business, or in
12 which the action is brought, that it or he believes that the
13 public interest requires relief pendente lite pursuant to this
14 subsection, then upon the filing of such motion and certifica-
15 tion, the chief judge of such district court shall immediately
16 notify the chief judge of the United States court of appeals
17 for the circuit in which such district court is located, who
18 shall designate a United States district judge to whom such
19 action shall be assigned for all purposes."

20 (B) Section 11(e) of the Clayton Act (15 U.S.C. 21(e)),
21 is amended by striking out the first sentence.

22 (9) Section 5(e) of the Federal Trade Commission Act
23 (15 U.S.C. 45(e)) is amended by striking out the first sen-
24 tence.

1 (10)(A) Section 309(e) of the Small Business Investment
2 Act of 1958 (15 U.S.C. 687a(e)) is amended by striking out
3 the sixth sentence.

4 (B) Section 309(f) of the Small Business Investment Act
5 of 1958 (15 U.S.C. 687a(f)) is amended by striking out the
6 last sentence.

7 (C) Section 311(a) of the Small Business Investment
8 Act of 1958 (15 U.S.C. 687c(a)) is amended by striking out
9 the last sentence.

10 (11) Section 155(a) of the National Traffic and Motor
11 Vehicle Safety Act of 1966 (15 U.S.C. 1415(a)) is amended
12 by striking out “(1)” and by striking out paragraph (2).

13 (12) Section 503(b)(3)(E) of the Motor Vehicle Informa-
14 tion and Cost Savings Act (15 U.S.C. 2003(b)(3)(E)) is
15 amended by striking out clause (ii) and redesignating clauses
16 (iii) and (iv) as clauses (ii) and (iii), respectively.

17 (13) Section 11 of the Act of September 28, 1976 (16
18 U.S.C. 1910), is amended by striking out the last sentence.

19 (14) Section 1108 of the Alaska National Interest Lands
20 Conservation Act (16 U.S.C. 3168) is amended to read as
21 follows:

22 “INJUNCTIVE RELIEF

23 “SEC. 1108. No court shall have jurisdiction to grant
24 any injunctive relief lasting longer than ninety days against
25 any action pursuant to this title except in conjunction with a

1 final judgment entered in a case involving an action pursuant
2 to this title.”.

3 (15)(A) Section 10(b) of the Central Idaho Wilderness
4 Act of 1980 is amended by striking out paragraph (3).

5 (B) Section 10(c) of the Central Idaho Wilderness Act of
6 1980 is amended to read as follows:

7 “(c) Any review of any decision of the United States
8 District Court for the District of Idaho shall be made by the
9 Ninth Circuit Court of Appeals of the United States.”.

10 (16)(A) Section 1964(b) of title 18, United States Code,
11 is amended by striking out the second sentence.

12 (B) Section 1966 of title 18, United States Code, is
13 amended by striking out the last sentence.

14 (17)(A) Section 408(i)(5) of the Federal Food, Drug, and
15 Cosmetic Act (21 U.S.C. 346a(i)(5)), is amended by striking
16 out the last sentence.

17 (B) Section 409(g)(2) of the Federal Food, Drug, and
18 Cosmetic Act (21 U.S.C. 348(g)(2)) is amended by striking
19 out the last sentence.

20 (18) Section 8(f) of the Foreign Agents Registration Act
21 of 1938 (22 U.S.C. 618(f)) is amended by striking out the last
22 sentence.

23 (19) Section 4 of the Act of December 22, 1974 (25
24 U.S.C. 640d-3), is amended by striking out “(a)” and by
25 striking out subsection (b).

1 (20)(A) Section 9010(c) of the Internal Revenue Code of
2 1954 is amended by striking out the last sentence.

3 (B) Section 9011(b)(2) of the Internal Revenue Code of
4 1954 is amended by striking out the last sentence.

5 (21)(A) Section 2284(b)(2) of title 28, United States
6 Code, is amended by striking out the last sentence.

7 (B) Section 2349(b) of title 28, United States Code, is
8 amended by striking out the last two sentences.

9 (22) Section 10 of the Act of March 23, 1932, common-
10 ly known as the Norris-LaGuardia Act (29 U.S.C. 110), is
11 amended by striking out “with the greatest possible expedi-
12 tion” and all that follows through the end of the sentence and
13 inserting in lieu thereof “expeditiously”.

14 (23) Section 11(a) of the Occupational Safety and
15 Health Act of 1970 (29 U.S.C. 660(a)) is amended by strik-
16 ing out the last sentence.

17 (24) Section 106(a)(1) of the Federal Coal Mine Health
18 and Safety Act of 1969 (30 U.S.C. 816(a)(1)) is amended by
19 striking out the last sentence.

20 (25) Section 1016 of the Impoundment Control Act of
21 1974 (31 U.S.C. 1406) is amended by striking out the second
22 sentence.

23 (26) Section 3628 of title 39, United States Code, is
24 amended by striking out the fourth sentence.

1 (27) Section 1450(i)(4) of the Public Health Service Act
2 (42 U.S.C. 300j-9(i)(4)) is amended by striking out the last
3 sentence.

4 (28)(A) Section 2004(e) of the Revised Statutes of the
5 United States (42 U.S.C. 1971(e)) is amended—

6 (i) in the third paragraph, by striking out “An ap-
7 plication for an order pursuant to this subsection shall
8 be heard within ten days, and the execution of any
9 order disposing of such application” and inserting in
10 lieu thereof “The execution of an order disposing of an
11 application pursuant to this subsection”; and

12 (ii) by striking out the first sentence of the eighth
13 paragraph.

14 (B) Section 2004(g) of the Revised Statutes of the
15 United States (42 U.S.C. 1971(g)) is amended—

16 (i) in the first paragraph, by striking out “to
17 assign the case for hearing at the earliest practicable
18 date,” and by striking out “, and to cause the case to
19 be in every way expedited”; and

20 (ii) by striking out the third paragraph.

21 (29)(A) Section 10(c) of the Voting Rights Act of 1965
22 (42 U.S.C. 1973h(c)) is amended by striking out “to assign
23 the case for hearing at the earliest practicable date,” and by
24 striking out “, and to cause the case to be in every way
25 expedited”.

1 (B) Section 301(a)(2) of the Voting Rights Act of 1965
2 (42 U.S.C. 1973bb(a)(2)) is amended by striking out “, and to
3 cause the case to be in every way expedited”.

4 (30)(A) Section 206(b) of the Civil Rights Act of 1964
5 (42 U.S.C. 2000a-5(b)) is amended—

6 (i) in the first paragraph, by striking out “to
7 assign the case for hearing at the earliest practicable
8 date,” and by striking out “, and to cause the case to
9 be in every way expedited”; and

10 (ii) by striking out the last paragraph.

11 (B) Section 706(f)(2) of the Civil Rights Act of 1964 (42
12 U.S.C. 2000e-5(f)(2)) is amended by striking out the last sen-
13 tence.

14 (C) Section 706(f)(5) of the Civil Rights Act of 1964 (42
15 U.S.C. 2000e-5(f)(5)) is amended to read as follows:

16 “(5) The judge designated to hear such case may ap-
17 point a master pursuant to rule 53 of the Federal Rules of
18 Civil Procedure.”.

19 (D) Section 707(b) of the Civil Rights Act of 1964 (42
20 U.S.C. 2000e-6(b)) is amended—

21 (i) in the first paragraph, by striking out “to
22 assign the case for hearing at the earliest practicable
23 date,” and by striking out “, and to cause the case to
24 be in every way expedited”; and

25 (ii) by striking out the last paragraph.

1 (31) Section 2 of the Act of February 25, 1885 (43
2 U.S.C. 1062), is amended by striking out “; and any suit
3 brought under the provisions of this section shall have prece-
4 dence for hearing and trial over other cases on the civil
5 docket of the court, and shall be tried and determined at the
6 earliest practicable day”.

7 (32) Section 203(d) of the Trans-Alaska Pipeline Au-
8 thorization Act (43 U.S.C. 1652(d)) is amended by striking
9 out the fourth sentence.

10 (33) Section 5(f) of the Railroad Unemployment Insur-
11 ance Act (45 U.S.C. 355(f)), is amended by striking out “,
12 and shall be given precedence in the adjudication thereof over
13 all other civil cases not otherwise entitled by law to prece-
14 dence”.

15 (34) Section 402(g) of the Communications Act of 1934
16 (47 U.S.C. 402(g)) is amended—

17 (A) by striking out “At the earliest convenient
18 time the” and inserting in lieu thereof “The”; and

19 (B) by striking out “10(e) of the Administrative
20 Procedure Act” and inserting in lieu thereof “706 of
21 title 5, United States Code”.

22 (35) Section 12(a) of the Military Selective Service Act
23 of 1967 (50 U.S.C. App. 462(a)) is amended by striking out
24 the last sentence.

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