

85TH CONGRESS  
2D SESSION

# H. R. 12292

---

IN THE SENATE OF THE UNITED STATES

AUGUST 13 (legislative day, AUGUST 12), 1958

Read twice and referred to the Committee on the Judiciary

---

## AN ACT

To amend subsections (b), (c), and (d) of section 294 of title 28, United States Code, relating to the assignment of retired judges to active duty.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       That subsections (b), (c), and (d) of section 294 of  
4       title 28, United States Code, be amended to read as follows:

5       “(b) Any judge of the United States who has retired  
6       from regular active service under section 371 (b) or 372  
7       (a) of this title shall be known and designated as a senior  
8       judge and may continue to perform such judicial duties as  
9       he is willing and able to undertake, when designated and

10       assigned as provided in subsections (c) and (d).

**FINAL ACTION**

1       “(c) Any retired circuit or district judge may be desig-  
2 nated and assigned by the chief judge or judicial council of  
3 his circuit to perform such judicial duties within the circuit  
4 as he is willing and able to undertake. Any other retired  
5 judge of the United States may be designated and assigned  
6 by the chief judge of his court to perform such judicial duties  
7 in such court as he is willing and able to undertake.

8       “(d) The Chief Justice of the United States shall  
9 maintain a roster of retired judges of the United States who  
10 are willing and able to undertake special judicial duties  
11 from time to time outside their own circuit, in the case of  
12 a retired circuit or district judge, or in a court other than  
13 their own, in the case of other retired judges, which roster  
14 shall be known as the roster of senior judges. Any such  
15 retired judge of the United States may be designated and  
16 assigned by the Chief Justice to perform such judicial duties  
17 as he is willing and able to undertake in a court outside his  
18 own circuit, in the case of a retired circuit or district judge,  
19 or in a court other than his own, in the case of any other  
20 retired judge of the United States. Such designation and  
21 assignment to a court of appeals or district court shall be  
22 made upon the presentation of a certificate of necessity by  
23 the chief judge or circuit justice of the circuit wherein the  
24 need arises and to any other court of the United States upon  
25 the presentation of a certificate of necessity by the chief judge

1 of such court. No such designation or assignment shall be  
2 made to the Supreme Court.”

Passed the House of Representatives August 12, 1958.

Attest:

RALPH R. ROBERTS,

*Clerk.*

85TH CONGRESS  
2D SESSION

# H. R. 12292

---

## AN ACT

To amend subsections (b), (c), and (d) of section 294 of title 28, United States Code, relating to the assignment of retired judges to active duty.

---

AUGUST 13 (legislative day, AUGUST 12), 1958  
Read twice and referred to the Committee on the  
Judiciary