

S. 3131

[Report No. 2353]

IN THE SENATE OF THE UNITED STATES

MARCH 15 (legislative day, MARCH 1), 1954

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

AUGUST 7 (legislative day, AUGUST 5), 1954

Reported by Mr. McCARRAN, with an amendment

[Omit the part struck through and insert the part printed in italic]

A BILL

To amend title 28, United States Code, with respect to the United States Court of Customs and Patent Appeals.

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

3 That section 211 of title 28, United States Code, is amended
4 by adding at the end thereof the following paragraph:

5 "Such court is hereby declared to be a court established
6 under article III of the Constitution of the United States."

7 ~~SEC. 2. Section 291 (b) of title 28, United States Code,~~
8 ~~is amended to read as follows:~~

9 ~~"(b) Upon request of the chief judge of any circuit, the~~
10 ~~Chief Justice of the United States may designate and assign~~
11 ~~temporarily any judge of the Court of Customs and Patent~~

1 Appeals to serve as a circuit judge of such circuit to perform
2 such duties as a judge of that circuit as he is willing to under-
3 take. Upon request of the chief judge of the District Court
4 for the District of Columbia, the Chief Justice of the United
5 States may designate and assign temporarily any judge of
6 the Court of Customs and Patent Appeals to serve as a judge
7 of the District Court for the District of Columbia to perform
8 such duties as a judge of that court as he is willing to
9 undertake."

10 SEC. 3. Section 293 of title 28, United States Code, is
11 amended to read as follows:

12 "§ 293. Circuit judges to Court of Customs and Patent
13 Appeals

14 "The Chief Justice of the United States, upon presen-
15 tation to him by the chief judge of the Court of Customs and
16 Patent Appeals of a certificate of necessity, may designate
17 and assign temporarily any circuit judge to perform such
18 duties as a judge of that court as he is willing to undertake."

19 SEC. 4. Section 294 of title 28, United States Code, is
20 amended by changing present subsection (d) to (f), and
21 inserting after subsection (e) the following new subsections:

22 "(d) Upon request of the chief judge of any circuit,
23 the Chief Justice of the United States may designate and
24 assign temporarily any retired judge of the Court of Customs
25 and Patent Appeals to perform such duties as a circuit judge

1 of that circuit as he is willing to undertake. Upon request
2 of the chief judge of the District Court for the District of
3 Columbia, the Chief Justice of the United States may design-
4 nate and assign temporarily any retired judge of the Court of
5 Customs and Patent Appeals to perform such duties as a
6 judge of the District Court for the District of Columbia as he
7 is willing to undertake.

8 “(e) The Chief Justice of the United States, upon
9 presentation to him by the chief judge of the Court of
10 Customs and Patent Appeals of a certificate of necessity,
11 may designate and assign temporarily any retired circuit
12 judge to perform such duties as a judge of that court as he
13 is willing to undertake.”

14 *SEC. 2. (a) Subsection (b) of section 291 of title 28,*
15 *United States Code, is amended to read as follows:*

16 “(b) The Chief Justice of the United States may upon
17 presentation to him by the chief judge of the Court of Cus-
18 toms and Patent Appeals of a certificate of necessity, design-
19 nate and assign temporarily any circuit judge to serve as a
20 judge of the Court of Customs and Patent Appeals.”

21 (b) Section 292 of title 28, United States Code, is
22 amended by inserting immediately after subsection (d) a new
23 subsection reading as follows:

24 “(e) The Chief Justice of the United States may upon
25 presentation to him by the chief judge of the Court of Cus-

1 *toms and Patent Appeals of a certificate of necessity, desig-*
2 *nate and assign temporarily any district judge to serve as a*
3 *judge of the Court of Customs and Patent Appeals.”*

4 *SEC. 3. (a) Item 293 in the analysis of chapter 13 of*
5 *title 28, United States Code, immediately preceding section*
6 *291 of such title, is amended to read as follows:*

“293. Judges of Court of Customs and Patent Appeals.”

7 *(b) Section 293 of title 28, United States Code, is*
8 *amended to read as follows:*

9 *“§ 293. Judges of Court of Customs and Patent Appeals.*

10 *“The Chief Justice of the United States may designate*
11 *and assign temporarily a judge of the Court of Customs*
12 *and Patent Appeals to perform judicial duties in any circuit,*
13 *either in a court of appeals or district court, upon presenta-*
14 *tion of a certificate of necessity by the chief judge or circuit*
15 *justice of the circuit wherein the need arises.”*

16 *SEC. 4. (a) Subsection (b) of section 294 of title 28,*
17 *United States Code, is amended to read as follows:*

18 *“(b) Any retired circuit or district judge may be desig-*
19 *nated and assigned to perform such judicial duties in any*
20 *circuit or in the Court of Customs and Patent Appeals as*
21 *he is willing to undertake. Designation and assignment of*
22 *such judge for service within his circuit shall be made by*
23 *the chief judge or judicial council of the circuit. Designa-*
24 *tion and assignment for service in another circuit or in the*

1 *Court of Customs and Patent Appeals shall be made by the*
2 *Chief Justice of the United States.”*

3 *(b) Subsection (d) of section 294 of title 28, United*
4 *States Code, is redesignated (e) and such section is amended*
5 *by inserting immediately after subsection (c) a new sub-*
6 *section reading as follows:*

7 *“(d) Any retired judge of the Court of Customs and*
8 *Patent Appeals may be designated and assigned by the Chief*
9 *Justice of the United States to perform such judicial duties*
10 *in any circuit as he is willing to undertake.”*

11 *(c) The first paragraph of section 295 of title 28, United*
12 *States Code, is amended to read as follows:*

13 *“No designation and assignment of a circuit or district*
14 *judge in active service shall be made without the consent*
15 *of the chief judge or judicial council of the circuit from which*
16 *such judge is to be designated and assigned. No designation*
17 *and assignment of a judge of the Court of Customs and*
18 *Patent Appeals in active service shall be made without the*
19 *consent of the chief judge of such court.”*

Calendar No. 2369

83^d CONGRESS
2^d SESSION

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