

98TH CONGRESS
2D SESSION

H. R. 5645

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

MAY 10, 1984

Mr. KASTENMEIER (for himself, Mr. BROOKS, Mr. MAZZOLI, Mr. SYNAR, Mrs. SCHROEDER, Mr. GLICKMAN, Mr. FRANK, Mr. MORRISON of Connecticut, Mr. BERMAN, Mr. MOORHEAD, Mr. HYDE, Mr. DEWINE, and Mr. SAWYER) 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 SHORT TITLE

4 SECTION 1. This Act may be cited as the "Federal
5 Courts Civil Priorities Act".

6 ESTABLISHMENT OF PRIORITY OF CIVIL ACTIONS

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

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

2 “(a) Notwithstanding any other provision of law, each
3 court of the United States shall determine the order in which
4 civil actions are heard and determined, except that the court
5 shall expedite the consideration of any action brought under
6 chapter 153 or section 1826 of this title, any action for tem-
7 porary or preliminary injunctive relief, or any other action if
8 good cause therefor is shown.

9 “(b) The Judicial Conference of the United States may
10 modify the rules adopted by the courts to determine the order
11 in which civil actions are heard and determined, in order to
12 establish consistency among the judicial circuits.”.

13 (b) The section analysis of chapter 111 of title 28,
14 United States Code, is amended by adding at the end thereof
15 the following new item:

“1657. Priority of civil actions.”.

16

AMENDMENTS TO OTHER LAWS

17 **SEC. 3.** The following provisions of law are amended:

18 (1)(A) Section 309(a)(10) of the Federal Election
19 Campaign Act of 1971 (2 U.S.C. 437g(a)(11)) is re-
20 pealed.

21 (B) Section 310(c) of the Federal Election Cam-
22 paign Act of 1971 (2 U.S.C. 437h(c)), is repealed.

23 (2) Section 552(a)(4)(D) of title 5, United States
24 Code, is repealed.

1 (3) Section 6(a) of the Commodity Exchange Act
2 (7 U.S.C. 8) is amended by striking out “The proceed-
3 ings in such cases in the court of appeals shall be made
4 a preferred cause and shall be expedited in every
5 way.”.

6 (4)(A) Section 6(c)(4) of the Federal Insecticide,
7 Fungicide, and Rodenticide Act (7 U.S.C. 136d(c)(4))
8 is amended by striking out the second sentence.

9 (B) Section 10(d)(3) of the Federal Insecticide,
10 Fungicide, and Rodenticide Act (7 U.S.C. 136h(d)(3))
11 is amended by striking out “The court shall give expe-
12 dited consideration to any such action.”.

13 (C) Section 16(b) of the Federal Insecticide, Fun-
14 gicide, and Rodenticide Act (7 U.S.C. 136n(b)) is
15 amended by striking out the last sentence.

16 (D) Section 25(a)(4)(E)(iii) of the Federal Insecti-
17 cide, Fungicide, and Rodenticide Act (7 U.S.C.
18 136w(a)(4)(E)(iii)) is repealed.

19 (5) Section 204(d) of the Packers and Stockyards
20 Act, 1921 (7 U.S.C. 194(d)), is amended by striking
21 out the second sentence.

22 (6) Section 366 of the Agricultural Adjustment
23 Act of 1938 (7 U.S.C. 1366) is amended in the fourth
24 sentence by striking out “At the earliest convenient

1 time, the court, in term time or vacation,” and insert-
2 ing in lieu thereof “The court”.

3 (7)(A) Section 410 of the ~~Federal Seed Act~~ (7
4 U.S.C. 1600) is amended by striking out “The pro-
5 ceedings in such cases in the court of appeals shall be
6 made a preferred cause and shall be expedited in every
7 way.”.

8 (B) Section 411 of the Federal Seed Act (7
9 U.S.C. 1601) is amended by striking out “The pro-
10 ceedings in such cases shall be made a preferred cause
11 and shall be expedited in every way.”.

12 (8) Section 816(c)(4) of the Department of De-
13 fense Appropriation Authorization Act, 1976 (10
14 U.S.C. 2304 note) is amended by striking out the last
15 sentence.

16 (9) Section 5(d)(6)(A) of the Home Owners’ Loan
17 Act of 1933 (12 U.S.C. 1464(d)(6)(A)) is amended by
18 striking out “Such proceedings shall be given prece-
19 dence over other cases pending in such courts, and
20 shall be in every way expedited.”.

21 (10)(A) Section 7A(f)(2) of the Clayton Act (15
22 U.S.C. 18a(f)(2)) is amended to read as follows: “(2)
23 certifies to the United States district court for the judi-
24 cial district within which the respondent resides or car-
25 ries on business, or in which the action is brought, that

1 it or he believes that the public interest requires relief
2 pendente lite pursuant to this subsection, then upon the
3 filing of such motion and certification, the chief judge
4 of such district court shall immediately notify the chief
5 judge of the United States court of appeals for the cir-
6 cuit in which such district court is located, who shall
7 designate a United States district judge to whom such
8 action shall be assigned for all purposes.”.

9 (B) Section 11(e) of the Clayton Act (15 U.S.C.
10 21(e)) is amended by striking out the first sentence.

11 (11) Section 1 of the Act of February 11, 1903,
12 commonly known as the Expediting Act (15 U.S.C.
13 28) is repealed.

14 (12) Section 5(e) of the Federal Trade Commis-
15 sion Act (15 U.S.C. 45(e)) is amended by striking out
16 the first sentence.

17 (13) Section 21(f)(3) of the Federal Trade Com-
18 mission Improvements Act of 1980 (15 U.S.C. 57a-
19 1(f)(3)) is repealed.

20 (14) Section 11A(c)(4) of the Securities Exchange
21 Act of 1934 (15 U.S.C. 78k-1(c)(4)) is amended—

22 (A) by striking out “(A)” after “(4)”; and

23 (B) by striking out subparagraph (B).

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

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

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

10 (16) Section 10(c)(2) of the Alaska Natural Gas
11 Transportation Act (15 U.S.C. 719h(c)(2)) is repealed.

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

16 (18) Section 503(b)(3)(E) of the Motor Vehicle In-
17 formation and Cost Savings Act (15 U.S.C.
18 2003(b)(3)(E)) is amended by striking out clause (ii)
19 and redesignating clauses (iii) and (iv) as clauses (ii)
20 and (iii), respectively.

21 (19) Section 23(d) of the Toxic Substances Con-
22 trol Act (15 U.S.C. 2622(d)) is amended by striking
23 out the last sentence.

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

4 (21) Section 11 of the Act of September 28, 1976
5 (16 U.S.C. 1910), is amended by striking out the last
6 sentence.

7 (22)(A) Section 807(b) of the Alaska National In-
8 terest Lands Conservation Act (16 U.S.C. 3117(b)) is
9 repealed.

10 (B) Section 1108 of the Alaska National Interest
11 Lands Conservation Act (16 U.S.C. 3168) is amended
12 to read as follows:

13 “INJUNCTIVE RELIEF

14 “SEC. 1108. No court shall have jurisdiction to grant
15 any injunctive relief lasting longer than ninety days against
16 any action pursuant to this title except in conjunction with a
17 final judgment entered in a case involving an action pursuant
18 to this title.”.

19 (23)(A) Section 10(b)(3) of the Central Idaho Wil-
20 derness Act of 1980 (Public Law 96-312; 94 Stat.
21 948) is repealed.

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

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

1 (24)(A) Section 1964(b) of title 18, United States
2 Code, is amended by striking out the second sentence.

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

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

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

11 (26) Section 8(f) of the Foreign Agents Registra-
12 tion Act of 1938 (22 U.S.C. 618(f)) is amended by
13 striking out the last sentence.

14 (27) Section 4 of the Act of December 22, 1974
15 (25 U.S.C. 640d-3), is amended by striking out “(a)”
16 and by striking out subsection (b).

17 (28)(A) Section 3310(e) of the Internal Revenue
18 Code of 1954 is repealed.

19 (B) Section 6110(f)(5) of the Internal Revenue
20 Code of 1954 is amended by striking out “and the
21 Court of Appeals shall expedite any review of such de-
22 cision in every way possible”.

23 (C) Section 6363(d)(4) of the Internal Revenue
24 Code of 1954 is repealed.

1 (D) Section 7609(h)(3) of the Internal Revenue
2 Code of 1954 is repealed.

3 (E) Section 9010(c) of the Internal Revenue Code
4 of 1954 is amended by striking out the last sentence.

5 (F) Section 9011(b)(2) of the Internal Revenue
6 Code of 1954 is amended by striking out the last sen-
7 tence.

8 (29)(A) Section 596(a)(3) of title 28, United States
9 Code, is amended by striking out the last sentence.

10 (B) Section 636(c)(4) of title 28, United States
11 Code, is amended in the second sentence by striking
12 out “expeditious and”.

13 (C) Section 1296 of title 28, United States Code,
14 and the item relating to that section in the section
15 analysis of chapter 83 of that title, are repealed.

16 (D) Subsection (c) of section 1364 of title 28,
17 United States Code, the section heading of which reads
18 “**Senate actions**”, is repealed.

19 (E) Section 2284(b)(2) of title 28, United States
20 Code, is amended by striking out the last sentence.

21 (F) Section 2349(b) of title 28, United States
22 Code, is amended by striking out the last two sen-
23 tences.

1 (G) Section 2647 of title 28, United States Code,
2 and the item relating to that section in the section
3 analysis of chapter 169 of that title, are repealed.

4 (30) Section 10 of the Act of March 23, 1932,
5 commonly known as the Norris-LaGuardia Act (29
6 U.S.C. 110) is amended by striking out “with the
7 greatest possible expedition” and all that follows
8 through the end of the sentence and inserting in lieu
9 thereof “expeditiously”.

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

12 (32) Section 11(a) of the Occupational Safety and
13 Health Act of 1970 (29 U.S.C. 660(a)) is amended by
14 striking out the last sentence.

15 (33) Section 4003(e)(4) of the Employee Retirement
16 Income Security Act of 1974 (29 U.S.C.
17 1303(e)(4)) is repealed.

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

21 (35) Section 1016 of the Impoundment Control
22 Act of 1974 is amended by striking out the second sen-
23 tence.

24 (36) Section 2022 of title 38, United States Code,
25 is amended by striking out “The court shall order

1 speedy hearing in any such case and shall advance it
2 on the calendar.”.

3 (37) Section 3628 of title 39, United States Code,
4 is amended by striking out the fourth sentence.

5 (38) Section 1450(i)(4) of the Public Health Serv-
6 ice Act (42 U.S.C. 300j-9(i)(4)) is amended by striking
7 out the last sentence.

8 (39) Section 304(e) of the Social Security Act (42
9 U.S.C. 504(e)) is repealed.

10 (40)(A) Section 2004(e) of the Revised Statutes of
11 the United States (42 U.S.C. 1971(e)) is amended—

12 (i) in the third paragraph, by striking out
13 “An application for an order pursuant to this sub-
14 section shall be heard within ten days, and the
15 execution of any order disposing of such applica-
16 tion” and inserting in lieu thereof “The execution
17 of an order disposing of an application pursuant to
18 this subsection”; and

19 (ii) in the eighth paragraph, by striking out
20 the first sentence.

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

23 (i) in the first paragraph, by striking out “to
24 assign the case for hearing at the earliest practi-

1 cable date,” and by striking out “, and to cause
2 the case to be in every way expedited”; and

3 (ii) by striking out the third paragraph.

4 (41)(A) Section 10(c) of the Voting Rights Act of
5 1965 (42 U.S.C. 1973h(c)) is amended by striking out
6 “to assign the case for hearing at the earliest practica-
7 ble date,” and by striking out “, and to cause the case
8 to be in every way expedited”.

9 (B) Section 301(a)(2) of the Voting Rights Act of
10 1965 (42 U.S.C. 1973bb(a)(2)) is amended by striking
11 out “, and to cause the case to be in every way expe-
12 dited”.

13 (42)(A) Section 206(b) of the Civil Rights Act of
14 1964 (42 U.S.C. 2000a-5(b)) is amended—

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

19 (ii) by striking out the last paragraph.

20 (B) Section 706(f)(2) of the Civil Rights Act of
21 1964 (42 U.S.C. 2000e-5(f)(2)) is amended by striking
22 out the last sentence.

23 (C) Section 706(f)(5) of the Civil Rights Act of
24 1964 (42 U.S.C. 2000e-5(f)(5)) is amended to read as
25 follows:

1 “(5) The judge designated to hear the case may appoint
2 a master pursuant to rule 53 of the Federal Rules of Civil
3 Procedure.”.

4 (D) Section 707(b) of the Civil Rights Act of
5 1964 (42 U.S.C. 2000e-6(b)) is amended—

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

10 (ii) by striking out the last paragraph.

11 (43) Section 814 of the Act of April 11, 1968 (42
12 U.S.C. 3614), is repealed.

13 (44) The matter under the subheading “EXPLO-
14 RATION OF NATIONAL PETROLEUM RESERVE IN
15 ALASKA” under the headings “ENERGY AND MINER-
16 ALS” and “GEOLOGICAL SURVEY” in title I of the Act
17 of December 12, 1980 (94 Stat. 2964; 42 U.S.C.
18 6508), is amended in the third paragraph by striking
19 out the last sentence.

20 (45) Section 214(b) of The Emergency Energy
21 Conservation Act of 1979 (42 U.S.C. 8514(b)) is re-
22 pealed.

23 (46) Section 2 of the Act of February 25, 1885
24 (43 U.S.C. 1062), is amended by striking out “; and
25 any suit brought under the provisions of this section

1 shall have precedence for hearing and trial over other
2 cases on the civil docket of the court, and shall be tried
3 and determined at the earliest practicable day”.

4 (47) Section 23(d) of the Outer Continental Shelf
5 Lands Act (43 U.S.C. 1349(d)) is repealed.

6 (48) Section 511(c) of the Public Utilities Regula-
7 tory Policies Act of 1978 (43 U.S.C. 2011(c)) is
8 amended by striking out “Any such proceeding shall be
9 assigned for hearing at the earliest possible date and
10 shall be expedited by such court.”.

11 (49) Section 203(d) of the Trans-Alaska Pipeline
12 Authorization Act (43 U.S.C. 1652(d)) is amended by
13 striking out the fourth sentence.

14 (50) Section 5(f) of the Railroad Unemployment
15 Insurance Act (45 U.S.C. 355(f)) is amended by strik-
16 ing out “, and shall be given precedence in the adjudi-
17 cation thereof over all other civil cases not otherwise
18 entitled by a law to precedence”.

19 (51) Section 305(d)(2) of the Regional Rail Reor-
20 ganization Act of 1973 (45 U.S.C. 745(d)(2)) is
21 amended—

22 (A) in the first sentence by striking out
23 “Within 180 days after” and inserting in lieu
24 thereof “After”; and

1 (B) in the last sentence by striking out
2 “Within 90 days after” and inserting in lieu
3 thereof “After”.

4 (52) Section 124(b) of the Rock Island Transition
5 and Employee Assistance Act (45 U.S.C. 1018(b)) is
6 amended by striking out “, and shall render a final de-
7 cision no later than sixty days after the date the last
8 such appeal is filed”.

9 (53) Section 402(g) of the Communications Act of
10 1934 (47 U.S.C. 402(g)) is amended—

11 (A) by striking out “At the earliest conven-
12 ient time the” and inserting in lieu thereof “The”;
13 and

14 (B) by striking out “10(e) of the Administra-
15 tive Procedure Act” and inserting in lieu thereof
16 “706 of title 5, United States Code”.

17 (54) Section 405(e) of the Surface Transportation
18 Assistance Act of 1982 (Public Law 97-424; 49
19 U.S.C. 2305(e)) is amended by striking out the last
20 sentence.

21 (55) Section 606(c)(1) of the Rail Safety and
22 Service Improvement Act of 1982 (Public Law 97-
23 468; 49 U.S.C. 1205(c)(1)) is amended by striking out
24 the second sentence.

1 (56) Section 13A(a) of the Subversive Activities
2 Control Act of 1950 (50 U.S.C. 792a note) is amended
3 in the third sentence by striking out "or any court".

4 (57) Section 12(a) of the Military Selective Serv-
5 ice Act of 1967 (50 U.S.C. App. 462(a)) is amended
6 by striking out the last sentence.

7 (58) Section 4(b) of the Act of July 2, 1948 (50
8 U.S.C. App. 1984(b)), is amended by striking out the
9 last sentence.

10 EFFECTIVE DATE

11 SEC. 4. The amendments made by this Act shall not
12 apply to cases pending on the date of the enactment of this
13 Act.

○