

85TH CONGRESS
1ST SESSION

H. R. 7866

IN THE HOUSE OF REPRESENTATIVES

JUNE 3, 1957

Mr. CELLER introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 28, United States Code, relating to the 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 of the United States Code is
4 amended by inserting after the first sentence thereof a new
5 sentence as follows: "Such court is hereby declared to be a
6 court established under article III of the Constitution of the
7 United States."

8 SEC. 2. Section 291 of title 28 of the United States
9 Code, as amended, is amended to read as follows:
10 "§ 291. Circuit judges

11 "(a) The Chief Justice of the United States may desig-

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1 nate and assign temporarily any circuit judge to act as circuit
2 judge in another circuit upon presentation of a certificate of
3 necessity by the chief judge or circuit justice of the circuit
4 where the need arises.

5 “(b) The Chief Justice of the United States may desig-
6 nate and assign temporarily any circuit judge to serve as a
7 judge of the Court of Claims or the Court of Customs and
8 Patent Appeals upon presentation to him of a certificate of
9 necessity by the chief judge of the court in which the need
10 arises.

11 “(c) The chief judge of a circuit or the circuit justice
12 may, in the public interest, designate and assign temporarily
13 any circuit judge within the circuit, including a judge des-
14 ignated and assigned to temporary duty therein, to hold a
15 district court in any district within the circuit.”

16 SEC. 3. Section 292 of title 28 of the United States Code,
17 as amended, is amended to read as follows:

18 “§ 292. District judges

19 “(a) The chief judge of a circuit may designate and
20 assign one or more district judges within the circuit to sit
21 upon the court of appeals or a division thereof whenever the
22 business of that court so requires. Such designations or
23 assignments shall be in conformity with the rules or orders
24 of the court of appeals of the circuit.

25 “(b) The chief judge of a circuit may, in the public

1 interest, designate and assign temporarily any district judge
2 of the circuit to hold a district court in any district within
3 the circuit.

4 “(c) The Chief Justice of the United States may desig-
5 nate and assign temporarily a district judge of one circuit
6 for service in another circuit, either in a district court or
7 court of appeals, upon presentation of a certificate of neces-
8 sity by the chief judge or circuit justice of the circuit
9 wherein the need arises.

10 “(d) The Chief Justice of the United States may desig-
11 nate and assign temporarily any district judge to serve as
12 a judge of the Court of Claims, the Court of Customs and
13 Patent Appeals or the Customs Court upon presentation to
14 him of a certificate of necessity by the chief judge of the
15 court in which the need arises.”

16 SEC. 4. Section 293 of title 28 of the United States
17 Code, as amended, is amended to read as follows:

18 “§ 293. Judges of other courts

19 “(a) The Chief Justice of the United States may
20 designate and assign temporarily any judge of the Court of
21 Claims or the Court of Customs and Patent Appeals to
22 perform judicial duties in any circuit, either in a court of
23 appeals or district court, upon presentation of a certificate
24 of necessity by the chief judge or circuit justice of the circuit
25 wherein the need arises.

1 perform such judicial duties in any circuit, including those
2 of a circuit justice, as he is willing to undertake.

3 “(b) Any retired circuit or district judge may be des-
4 ignated and assigned to perform such judicial duties in any
5 circuit as he is willing to undertake. Designation and assign-
6 ment of such judge for service within his circuit shall be
7 made by the chief judge or judicial council of the circuit.
8 Designation and assignment for service elsewhere shall be
9 made by the Chief Justice of the United States.

10 “(c) Any retired judge of the Court of Claims, the Court
11 of Customs and Patent Appeals, or the Customs Court may
12 be designated and assigned by the chief judge of such court
13 to perform such judicial duties therein as he is willing to
14 undertake or may be designated and assigned by the Chief
15 Justice of the United States to perform such judicial duties
16 in any circuit as he is willing to undertake.

17 “(d) No retired Justice or judge shall perform judicial
18 duties except when designated and assigned.”

19 SEC. 6. The first paragraph of section 295 of title 28
20 of the United States Code, as amended, is amended to read
21 as follows:

22 “No designation and assignment of a circuit or district
23 judge in active service shall be made without the consent
24 of the chief judge or judicial council of the circuit from which
25 the judge is to be designated and assigned. No designation

1 and assignment of a judge of any other court of the United
2 States in active service shall be made without the consent
3 of the chief judge of such court.”

4 SEC. 7. Item 293 in the analysis of chapter 13 of title
5 28 of the United States Code, immediately preceding section
6 291 of such title, is amended to read as follows:

“293. Judges of other courts.”

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