

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 2586

To reorganize the Federal administrative law judiciary, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

JULY 1, 1993

Mr. GLICKMAN (for himself, Mr. GEKAS, and Mr. KANJORSKI) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To reorganize the Federal administrative law judiciary, 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 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Reorganization of the  
5 Federal Administrative Judiciary Act”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds that—

8 (1) in order to promote efficiency, productivity,  
9 the reduction of administrative functions, and to  
10 provide economies of scale and better public service

1 and public trust in the administrative resolution of  
2 disputes, Federal administrative law judges should  
3 be organized in a unified corps;

4 (2) the dispersal of administrative law judges  
5 appointed under section 3105 of title 5, United  
6 States Code, in every Federal agency that requires  
7 hearings to be conducted by administrative law  
8 judges, underutilizes the potential of administrative  
9 law judges to serve the public and assist the Federal  
10 courts as special masters and finders of fact in spe-  
11 cific instances to help reduce the backlog of cases in  
12 Federal courts;

13 (3) the organization of administrative law  
14 judges in a corps will best promote their assignment  
15 to Federal agency needs as demand requires;

16 (4) a unified administrative law judge corps will  
17 better promote the use of information technology in  
18 serving the public; and

19 (5) an administrative law judge corps will,  
20 through consolidation, eliminate unnecessary offices  
21 and reduce travel and other related costs.

1 **SEC. 3. ESTABLISHMENT OF ADMINISTRATIVE LAW JUDGE**  
2 **CORPS.**

3 (a) IN GENERAL.—Chapter 5 of title 5, United  
4 States Code, is amended by adding at the end thereof the  
5 following new subchapter:

6 “SUBCHAPTER VI—ADMINISTRATIVE LAW  
7 JUDGE CORPS

8 “§ 597. Definitions

9 “For the purposes of this subchapter—

10 “(1) ‘agency’ means an authority referred to in  
11 section 551(1);

12 “(2) ‘Corps’ means the Administrative Law  
13 Judge Corps of the United States established under  
14 section 598;

15 “(3) ‘administrative law judge’ means an ad-  
16 ministrative law judge appointed under section 3105  
17 on or before the effective date of the Reorganization  
18 of the Federal Administrative Judiciary Act or  
19 under section 599c after such effective date;

20 “(4) ‘chief judge’ means the chief administra-  
21 tive law judge appointed and serving under section  
22 599;

23 “(5) ‘Council’ means the Council of the Admin-  
24 istrative Law Judge Corps established under section  
25 599b;

1           “(6) ‘Board’, unless otherwise indicated, means  
2           the Complaints Resolution Board established under  
3           section 599e; and

4           “(7) ‘division chief judge’ means the chief ad-  
5           ministrative law judge of a division appointed and  
6           serving under section 599a.

7   **“§ 598. Establishment; membership**

8           “(a) ESTABLISHMENT.—There is established an Ad-  
9           ministrative Law Judge Corps consisting of all adminis-  
10          trative law judges, in accordance with the provisions of  
11          subsection (b). Such Corps shall be administered in Wash-  
12          ington, D.C.

13          “(b) MEMBERSHIP.—An administrative law judge  
14          serving as such on the date of the commencement of the  
15          operation of the Corps shall be transferred to the Corps  
16          as of that date. An administrative law judge who is ap-  
17          pointed on or after the date of the commencement of the  
18          operation of the Corps shall be a member of the Corps  
19          as of the date of such appointment.

20   **“§ 599. Chief administrative law judge**

21          “(a) APPOINTMENT; TERM.—The chief administra-  
22          tive law judge shall be the chief administrative officer of  
23          the Corps and shall be the presiding judge of the Corps.  
24          The chief judge shall be appointed by the President, by  
25          and with the advice and consent of the Senate. The chief

1 judge shall be an administrative law judge who has served  
2 as an administrative law judge for at least five years pre-  
3 ceding the date of appointment as chief judge. The chief  
4 judge shall serve for a term of five years or until a succes-  
5 sor is appointed and qualifies to serve, whichever is earlier.  
6 A chief judge may be reappointed upon the expiration of  
7 his or her term, by and with the advice and consent of  
8 the Senate.

9 “(b) VACANCIES.—(1) If the office of chief judge is  
10 vacant, the division chief judge who is senior in length of  
11 service as a member of the Council shall serve as acting  
12 chief judge until such vacancy is filled.

13 “(2) If 2 or more division chief judges have the same  
14 length of service as members of the Council, the division  
15 chief judge who is senior in length of service as an admin-  
16 istrative law judge shall serve as such acting chief judge.

17 “(c) SPECIAL FUNCTIONS OF CHIEF JUDGE.—(1) In  
18 addition to other duties conferred on the chief judge, the  
19 chief judge shall be responsible for developing programs  
20 and practices, in coordination with agencies using admin-  
21 istrative law judges, which foster economy and efficiency  
22 in the processing of cases heard by administrative law  
23 judges. These programs and practices shall include, but  
24 not be limited to—

1           “(A) training of judges in more than one sub-  
2           ject area;

3           “(B) employment of computers and software  
4           and other information technology for automated de-  
5           cision preparation, case docketing, and research;

6           “(C) consolidating hearing facilities and law li-  
7           braries; and

8           “(D) programs and practices to foster overall  
9           efficient use of staff, personnel, equipment, and fa-  
10          cilities.

11         “(2) In order to minimize costs—

12           “(A) all administrative law judges and support  
13           personnel shall, for at least 1 year after the date of  
14           the commencement of the operation of the Corps,  
15           continue to use the office space and facilities, at the  
16           agencies using such judges and personnel, available  
17           before such date, and

18           “(B) the chief judge shall phase in transfers of  
19           administrative law judges and support personnel to  
20           other facilities so that the cost of providing facilities  
21           for the Corps shall not exceed the cost of maintain-  
22           ing such judges and personnel in equivalent space  
23           available at agencies using the Corps.

24         “(d) REPORTS.—The chief judge shall, within 90  
25         days after the end of each fiscal year, make a written re-

1 port to the President and the Congress concerning the  
2 business of the Corps during the preceding fiscal year. The  
3 report shall include information and recommendations of  
4 the Council concerning the future personnel requirements  
5 of the Corps.

6 “(e) SERVICE AFTER TERM EXPIRES.—After serving  
7 as chief judge, an individual may continue to serve as an  
8 administrative law judge unless such individual has been  
9 removed from office in accordance with section 599c.

10 **“§ 599a. Divisions of the Corps; division chief judges**

11 “(a) ASSIGNMENT TO DIVISIONS.—Each judge of the  
12 Corps shall be assigned to a division by the Council, pur-  
13 suant to section 599b. The assignment of a judge who was  
14 an administrative law judge on the date of commencement  
15 of the operation of the Corps shall be made after consider-  
16 ation of the areas of specialization in which the judge has  
17 served. Each division shall be headed by a division chief  
18 judge who shall exercise administrative supervision over  
19 such division.

20 “(b) DIVISIONS.—The divisions of the Corps shall be  
21 as follows:

22 “(1) Division of Communications, Public Util-  
23 ity, and Transportation Regulation.

24 “(2) Division of Safety and Environmental Reg-  
25 ulation.

1           “(3) Division of Labor.

2           “(4) Division of Labor Relations.

3           “(5) Division of Health and Benefits Programs.

4           “(6) Division of Securities, Commodities, and  
5 Trade Regulation.

6           “(7) Division of General Programs.

7           “(8) Division of Financial Services Institutions.

8           “(c) APPOINTMENT OF DIVISION CHIEF JUDGES.—

9 (1) The division chief judge of each division set forth in  
10 subsection (b) shall be appointed by the President, by and  
11 with the advice and consent of the Senate.

12           “(2) To be eligible for appointment as a division chief  
13 judge, an individual shall have served as an administrative  
14 law judge for at least 5 years and should possess experi-  
15 ence and expertise in the specialty of the division to which  
16 such person is an appointee.

17           “(3) Division chief judges shall be appointed for 5-  
18 year terms, except that of those division chief judges first  
19 appointed, the President shall designate 2 such individuals  
20 to be appointed for 5-year terms, 3 for 4-year terms, and  
21 2 for 3-year terms.

22           “(4) Any division chief judge appointed to fill an  
23 unexpired term shall be appointed only for the remainder  
24 of such predecessor’s term, but may be reappointed as pro-  
25 vided in paragraph (5).



1       “(5) Any division chief judge may be reappointed  
2 upon the expiration of his or her term.

3       “(6) Any judge, after serving as division chief judge,  
4 may continue to serve as an administrative law judge un-  
5 less such individual has been removed from office in ac-  
6 cordance with section 599e.

7       **“§ 599b. Council of the Corps**

8       “(a) IN GENERAL.—The policymaking body of the  
9 Corps shall be the Council of the Corps. The chief judge  
10 and the division chief judges shall constitute the Council.  
11 The chief judge shall preside over the Council. If the chief  
12 judge is unable to be present at a meeting of the Council,  
13 the division chief judge who is senior in length of service  
14 as a member of such Council shall preside at the meeting.

15       “(b) QUORUM; VOTING.—One half of all of the mem-  
16 bers of the Council shall constitute a quorum for the pur-  
17 pose of transacting business. The affirmative vote by a  
18 majority of all the members of the Council shall be re-  
19 quired to approve a matter on behalf of the Council. Each  
20 member of the Council shall have one vote.

21       “(c) MEETINGS.—Meetings of the Council shall be  
22 held at least once a month at the call of the chief judge  
23 or by the call of one-third or more of the members of the  
24 Council.

25       “(d) POWERS.—The Council is authorized—

1           “(1) to assign judges to divisions and transfer  
2           or reassign judges from one division to another, sub-  
3           ject to the provisions of section 599c;

4           “(2) to appoint persons as administrative law  
5           judges under section 599c;

6           “(3) to file charges seeking adverse action  
7           against an administrative law judge under section  
8           599e;

9           “(4) subject to the provisions of subsection (e),  
10          to prescribe, after providing an opportunity for no-  
11          tice and comment, the rules of practice and proce-  
12          dure for the conduct of proceedings before the  
13          Corps, except that, with respect to a category of pro-  
14          ceedings adjudicated by an agency before the effec-  
15          tive date of the Reorganization of the Federal Ad-  
16          ministrative Judiciary Act, the Council may not  
17          amend or revise the rules of practice and procedure  
18          prescribed by that agency during the two years fol-  
19          lowing such effective date without the approval of  
20          that agency, and any amendments or revisions made  
21          to such rules shall not affect or be applied to any  
22          pending action;

23          “(5) to issue such rules and regulations as may  
24          be appropriate for the efficient conduct of the busi-  
25          ness of the Corps and the implementation of this

1 subchapter, including the assignment of cases to ad-  
2 ministrative law judges;

3 “(6) subject to the civil service and classifica-  
4 tion laws and regulations—

5 “(A) to select, appoint, employ, and fix the  
6 compensation of the employees (other than ad-  
7 ministrative law judges) that the Council deems  
8 necessary to carry out the functions, powers,  
9 and duties of the Corps; and

10 “(B) to prescribe the authority and duties  
11 of such employees;

12 “(7) to establish, abolish, alter, consolidate, and  
13 maintain such regional, district, and other field of-  
14 fices as are necessary to carry out the functions,  
15 powers, and duties of the Corps and to assign and  
16 reassign employees to such field offices;

17 “(8) to procure temporary and intermittent  
18 services under section 3109;

19 “(9) to enter into, to the extent or in such  
20 amounts as are authorized in appropriation Acts,  
21 without regard to section 3709 of the Revised Stat-  
22 utes of the United States (41 U.S.C. 5), contracts,  
23 leases, cooperative agreements, or other transactions  
24 that may be necessary to conduct the business of the  
25 Corps;



1 judges as may be necessary for the efficient and expedi-  
2 tious conduct of the business of the Corps. Appointments  
3 shall be made from a register maintained by the Office  
4 of Personnel Management under subchapter I of chapter  
5 33 of this title. Upon request by the chief judge, the Office  
6 of Personnel Management shall certify enough names from  
7 the top of such register to enable the Council to consider  
8 five names for each vacancy. Notwithstanding section  
9 3318, a vacancy in the Corps may be filled from the high-  
10 est five eligible individuals available for appointment on  
11 the certificate furnished by the Office of Personnel Man-  
12 agement.

13       “(b) LIMITATION ON JUDGE’S DUTIES.—A judge of  
14 the Corps may not perform or be assigned to perform du-  
15 ties inconsistent with the duties and responsibilities of an  
16 administrative law judge.

17       “(c) REASSIGNMENTS; DETAILS.—A judge or staff  
18 member of the Corps on the date of commencement of the  
19 operation of the Corps, and all new judges and staff mem-  
20 bers appointed by the Council, may not thereafter be invol-  
21 untarily reassigned to a new permanent duty station if  
22 such station is beyond the commuting area of the duty  
23 station which is the judge’s permanent duty station on  
24 that date. A judge or staff member of the Corps may be  
25 temporarily detailed, once in a 24-month period, to a new

1 duty station at any location, for a period of not more than  
2 120 days.

3 **“§ 599d. Jurisdiction**

4 “(a) IN GENERAL.—Any case, claim, action, or pro-  
5 ceeding authorized to be heard before an administrative  
6 law judge on the day before the effective date of the Reor-  
7 ganization of the Federal Administrative Judiciary Act  
8 shall, on or after such date, be referred to the Corps for  
9 adjudication on the record after an opportunity for a hear-  
10 ing.

11 “(b) TYPES OF CASES.—An administrative law judge  
12 who is a member of the Corps shall hear and render a  
13 decision upon—

14 “(1) every case of adjudication subject to the  
15 provisions of section 553, 554, or 556;

16 “(2) every case in which hearings are required  
17 by law to be held in accordance with sections 553,  
18 554, or section 556;

19 “(3) every other case referred to the Corps by  
20 an agency in which a determination is to be made  
21 on the record after an opportunity for a hearing;  
22 and

23 “(4) every case referred to the Corps by a court  
24 for an administrative law judge to act as a special  
25 master or to otherwise making findings of fact on

1       behalf of the referring court, which shall continue to  
2       have exclusive and undiminished jurisdiction over  
3       the case.

4       “(c) REFERRAL OF CASES.—When a case under sub-  
5       section (b) arises, it shall be referred to the Corps. Under  
6       regulations issued by the Council, the case shall be as-  
7       signed to a division. The appropriate division chief shall  
8       assign cases to judges, taking into consideration speciali-  
9       zation, training, workload, and conflicts of interest.

10       “(d) REFERRALS BY AGENCIES AND COURTS.—  
11       Agencies are authorized to refer any appropriate case to  
12       the Corps. Courts are authorized to refer, subject to the  
13       approval of the majority of the Council, those cases in  
14       which they seek an administrative law judge either to act  
15       as a special master pursuant to the provisions of Rule  
16       53(a) of the Federal Rules of Procedure or otherwise seek  
17       an administrative law judge to make findings of fact in  
18       a case on behalf of the referring court, which shall con-  
19       tinue to have exclusive and undiminished jurisdiction over  
20       the case.

21       “(e) SATISFACTION OF OTHER PROCEDURAL RE-  
22       QUIREMENTS.—Compliance with this subchapter shall sat-  
23       isfy all requirements imposed under section 916 of the Fi-  
24       nancial Institutions Reform, Recovery, and Enforcement  
25       Act of 1989.

1 **“§ 599e. Removal and discipline**

2 “(a) Except as provided in subsection (b)—

3 “(1) an administrative law judge may not be re-  
4 moved, suspended, reprimanded, or disciplined ex-  
5 cept for misconduct or neglect of duty, but may be  
6 removed for physical or mental disability (consistent  
7 with prohibitions on discrimination otherwise im-  
8 posed by law); and

9 “(2) an action specified in paragraph (1) of this  
10 subsection may be taken against an administrative  
11 law judge only after the Council has filed with the  
12 Merit Systems Protection Board a notice of adverse  
13 action against the administrative law judge and the  
14 Merit Systems Protection Board has determined, on  
15 the record after an opportunity for a hearing before  
16 the Board, that there is good cause to take such ac-  
17 tion.

18 “(b) Subsection (a) does not apply to an action initi-  
19 ated under section 1215.

20 “(c) COMPLAINTS RESOLUTION BOARD.—Under reg-  
21 ulations issued by the Council, a Complaints Resolution  
22 Board shall be established within the Corps to consider  
23 and to recommend appropriate action to be taken when  
24 a complaint is made concerning the official conduct of a  
25 judge of the Corps. Such complaint may be made by any



1 interested person, including parties, practitioners, the  
2 chief judge, and agencies.

3 “(d) COMPOSITION OF THE BOARD.—The Board  
4 shall consist of 2 judges from each division of the Corps,  
5 who shall be appointed by the Council. The chief judge  
6 and the division chief judges may not serve on the Board.

7 “(e) PROCEDURAL REQUIREMENTS.—A complaint of  
8 misconduct by an administrative law judge shall be made  
9 in writing. The complaint shall be filed with the chief  
10 judge, or it may be originated by the chief judge on his  
11 own motion. The chief judge shall refer the complaint to  
12 a panel consisting of three members of the Board selected  
13 by the Council, none of whom may be serving in the same  
14 division as the administrative law judge who is the subject  
15 of the complaint. The administrative law judge who is the  
16 subject of the complaint shall be given notice of the com-  
17 plaint and the composition of the panel. The administra-  
18 tive law judge may challenge peremptorily not more than  
19 two members of the panel. The Council shall replace a  
20 challenged member with another member of the Board  
21 who is eligible to serve on such panel.

22 “(f) INQUIRY AND REPORT BY PANEL.—The panel  
23 shall inquire into the complaint and shall render a report  
24 thereon to the Council. A copy of the report shall be pro-  
25 vided concurrently to the administrative law judge who is

1 the subject of the complaint. The report shall be advisory  
2 only.

3 “(g) CONFIDENTIALITY.—The proceedings, delibera-  
4 tions, and reports of the Board and the contents of com-  
5 plaints under this section shall be treated as privileged and  
6 confidential. Documents considered by the Board and re-  
7 ports of the Board under this section are exempt from dis-  
8 closure or publication under section 552. Section 552b  
9 does not apply to the Board.”.

10 (b) CONFORMING AMENDMENT.—The table of sec-  
11 tions for chapter 5 of title 5, United States Code, is  
12 amended by adding at the end thereof the following:

13 “SUBCHAPTER VI—ADMINISTRATIVE LAW  
14 JUDGE CORPS

“Sec.

“597. Definitions.

“598. Establishment; membership.

“599. Chief administrative law judge.

“599a. Divisions of the Corps; division chief judges.

“599b. Council of the Corps.

“599c. Appointment and transfer of administrative law judges.

“599d. Jurisdiction.

“599e. Removal and discipline.”.

15 **SEC. 4. AGENCY REVIEW STUDY AND REPORT.**

16 (a) STUDY.—The chief administrative law judge of  
17 the Administrative Law Judge Corps of the United States  
18 shall conduct a study of the various types and levels of  
19 agency review to which decisions of administrative law  
20 judges are subject. A separate study shall be conducted  
21 for each division of the Corps. The studies shall include

1 monitoring and evaluating data and shall be conducted in  
2 consultation with the division chief judges, the Chairman  
3 of the Administrative Conference of the United States,  
4 and the agencies that review the decisions of administra-  
5 tive law judges.

6 (b) REPORT.—(1) Not later than two years after the  
7 effective date of this Act, the Council shall report to the  
8 President and the Congress on the findings and rec-  
9 ommendations resulting from the studies conducted under  
10 subsection (a).

11 (2) The report under paragraph (1) shall include rec-  
12 ommendations, including recommendations for new legis-  
13 lation, for any reforms that may be appropriate to make  
14 review of administrative law judges' decisions more effi-  
15 cient and meaningful and to accord greater finality to such  
16 decisions, except that all decisions subject, before the ef-  
17 fective date of this Act, to review pursuant to section  
18 205(g) of the Social Security Act (42 U.S.C. 405(g)) shall  
19 continue to be subject to such review pursuant to such  
20 section.

21 (3) The report under paragraph (1) shall also include  
22 recommendations for using staff more efficiently to de-  
23 crease backlogs, especially in the area of social security  
24 disability cases.

1 **SEC. 5. TRANSITION AND SAVINGS PROVISIONS.**

2 (a) TRANSFER OF FUNCTIONS.—There are trans-  
3 ferred to the administrative law judges of the Administra-  
4 tive Law Judge Corps established by section 598 of title  
5 5, United States Code (as added by section 3 of this Act),  
6 all functions authorized to be performed on the day before  
7 the effective date of this Act by the administrative law  
8 judges appointed under section 3105 of such title before  
9 the effective date of this Act.

10 (b) USE OF AGENCY FACILITIES AND PERSONNEL.—  
11 With the consent of the agencies concerned, the Adminis-  
12 trative Law Judge Corps of the United States may use  
13 the facilities and the services of officers, employees, and  
14 other personnel of agencies from which functions and du-  
15 ties are transferred to the Corps for so long as may be  
16 needed to facilitate the orderly transfer of those functions  
17 and duties under this Act.

18 (c) INCIDENTAL TRANSFERS.—The personnel, assets,  
19 liabilities, contracts, property, records, and unexpended  
20 balances of appropriations, authorizations, allocations,  
21 and other funds employed, held, used, arising from, avail-  
22 able or to be made available, in connection with the func-  
23 tions transferred by this Act, are, subject to section 1531  
24 of title 31, United States Code, transferred to the Corps  
25 for appropriate allocation.

1           (d) PAY OF TRANSFERRED PERSONNEL.—The trans-  
2 fer of personnel pursuant to subsection (b) or (c) shall  
3 be without reduction in pay or classification for 5 years  
4 after such transfer.

5           (e) AUTHORITIES OF DIRECTOR OF OMB.—The Di-  
6 rector of the Office of Management and Budget, at such  
7 time or times as the Director shall provide, may make  
8 such determinations as may be necessary with regard to  
9 the functions transferred by this Act, and to make such  
10 additional incidental dispositions of personnel, assets, li-  
11 abilities, grants, contracts, property, records, and unex-  
12 pended balances of appropriations, authorizations, alloca-  
13 tions, and other funds held, used, arising from, available  
14 to, or to be made available in connection with such func-  
15 tions, as may be necessary to carry out the provisions of  
16 this Act.

17           (f) CONTINUED EFFECTIVENESS OF PRIOR AC-  
18 TIONS.—All orders, determinations, rules, regulations,  
19 certificates, licenses, and privileges which have been is-  
20 sued, made, granted, or allowed to become effective in the  
21 exercise of any duties, powers, or functions which are  
22 transferred under this Act and are in effect at the time  
23 this Act becomes effective shall continue in effect accord-  
24 ing to their terms until modified, terminated, superseded,  
25 set aside, or repealed by the Administrative Law Judge

1 Corps of the United States or a judge thereof in the exer-  
2 cise of authority vested in the Corps or its members by  
3 this Act, by a court of competent jurisdiction, or by oper-  
4 ation of law.

5 (g) PENDING PROCEEDINGS.—(1) Except as pro-  
6 vided in subsections (d)(5) and (e) of section 599b of title  
7 5, United States Code, this Act shall not affect any pro-  
8 ceeding before any department or agency or component  
9 thereof which is pending at the time this Act takes effect.  
10 Such a proceeding shall be continued before the Adminis-  
11 trative Law Judge Corps of the United States or a judge  
12 thereof, or, to the extent the proceeding does not relate  
13 to functions so transferred, shall be continued before the  
14 agency in which it was pending on the effective date of  
15 this Act.

16 (2) No suit, action, or other proceeding commenced  
17 before the effective date of this Act shall abate by reason  
18 of the enactment of this Act.

19 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

20 There are authorized to be appropriated such sums  
21 as may be necessary to carry out the provisions of this  
22 Act and subchapter VI of title 5, United States Code (as  
23 added by section 3 of this Act).

1 **SEC. 7. TECHNICAL AND CONFORMING AMENDMENTS.**

2 (a) TITLE 5, UNITED STATES CODE.—Title 5, Unit-  
3 ed States Code, is amended as follows:

4 (1) Section 593(b) is amended—

5 (A) by redesignating paragraphs (4), (5),  
6 and (6) as paragraphs (5), (6), and (7), respec-  
7 tively, and

8 (B) by inserting the following after para-  
9 graph (3):

10 “(4) the chief administrative law judge of the  
11 Administrative Law Judge Corps of the United  
12 States;”.

13 (2) Section 3105 is amended to read as follows:

14 **“§ 3105. Appointment of administrative law judges**

15 “Administrative law judges shall be appointed by the  
16 Council of the Administrative Law Judge Corps pursuant  
17 to sections 596 and 599c of this title.”.

18 (3) Section 3344, and the item relating to sec-  
19 tion 3344 in the table of sections for chapter 33, are  
20 repealed.

21 (4) Subchapter III of chapter 75, and the items  
22 relating to subchapter III and section 7521 in the  
23 table of sections at the beginning of chapter 75, are  
24 repealed.

25 (5) Section 559 is amended—

1 (A) in the first sentence by striking “chap-  
2 ter 7” and all that follows through “7521” and  
3 inserting “subchapter VI of this chapter, chap-  
4 ter 7, and sections 1305, 3105, 4301(2)(E),  
5 and 5372”; and

6 (B) in the last sentence by striking “chap-  
7 ter 7” and all that follows through “7521” and  
8 inserting “subchapter VI of this chapter, chap-  
9 ter 7, section 1305, 3105, 4301(2)(E), or  
10 5372”.

11 (6) Section 1305 is amended—

12 (A) by striking “section 3105, 3344,” and  
13 inserting “sections 3105,”; and

14 (B) by striking “, and for the purpose of  
15 section 7521 of this title, the Merit Systems  
16 Protection Board may”.

17 (7) Section 5514(a)(2) is amended in the fourth  
18 sentence by striking “, except that” and all that fol-  
19 lows through “administrative law judge”.

20 (8) Section 7105 is amended—

21 (A) in subsection (d) by striking “, admin-  
22 istrative law judges under section 3105 of this  
23 title,”; and



1 (B) in subsection (e)(2) by striking “under  
2 subsection (d) of this section” and inserting  
3 “under section 3105 of this title”.

4 (9) Section 7132(a) is amended by striking  
5 “appointed by the Authority under section 3105 of  
6 this title” and inserting “appointed under section  
7 3105 of this title who is conducting hearings under  
8 this chapter”.

9 (10) Section 7502 is amended by striking  
10 “7521 or”.

11 (11) Section 7512(E) is amended by striking  
12 “or 7521”.

13 (b) OTHER PROVISIONS OF LAW.—

14 (1) Section 6(c) of the Commodity Exchange  
15 Act is amended—

16 (A) in the second sentence (7 U.S.C. 9)—

17 (i) by striking “Administrative Law  
18 Judge designated by the Commission” and  
19 inserting “administrative law judge of the  
20 Administrative Law Judge Corps”; and

21 (ii) by striking “Administrative Law  
22 Judge” and inserting “administrative law  
23 judge”; and

24 (B) by striking “Administrative Law  
25 Judge” each subsequent place it appears (7

1 U.S.C. 15) and inserting “administrative law  
2 judge of the Administrative Law Judge Corps”.

3 (2) Section 12(b) of the Commodity Exchange  
4 Act (7 U.S.C. 16(b)) is amended by striking “Ad-  
5 ministrative Law Judges,”.

6 (3) Section 274B(e)(2) of the Immigration and  
7 Nationality Act (8 U.S.C. 1324b(e)(2)) is amended  
8 by striking “are specially designated by the Attorney  
9 General as having” and inserting “have”.

10 (4) Section 1416(a) of the Interstate Land  
11 Sales Full Disclosure Act (15 U.S.C. 1715(a)) is  
12 amended—

13 (A) in the first sentence by inserting “,  
14 subject to section 599d of title 5, United States  
15 Code,” after “who may”;

16 (B) by striking the second sentence; and

17 (C) in the third sentence by striking “his  
18 administrative law judges to other administra-  
19 tive law judges or” and inserting “administra-  
20 tive law judges carrying out functions under  
21 this title”.

22 (5) Section 488A(b) of the Higher Education  
23 Act of 1965 (20 U.S.C. 1095a(b)) is amended in the  
24 third sentence by striking “except that” and all that  
25 follows through “administrative law judge”.

1           (6) Section 509(1) of title 28, United States  
2 Code, is amended—

3           (A) by striking “subchapter II” and insert-  
4 ing “subchapters II and VI”; and

5           (B) by striking “employed by the Depart-  
6 ment of Justice”.

7           (7) Section 12 of the Occupational Safety and  
8 Health Act of 1970 (29 U.S.C. 661) is amended—

9           (A) in subsection (e)—

10           (i) by striking “administrative law  
11 judges and other”; and

12           (ii) by striking “: *Provided*’ and all  
13 that follows through the end of the sub-  
14 section and inserting a period;

15           (B) in subsection (j) in the first sentence  
16 by striking “A” and all that follows through  
17 “Commission,” and inserting “An administra-  
18 tive law judge to whom is assigned any proceed-  
19 ing instituted before the Commission shall hear  
20 and make a determination upon the proceeding  
21 and any motion in connection with such pro-  
22 ceeding,”; and

23           (C) by striking subsection (k).

24           (8) Section 502(e)(1) of the Rehabilitation Act  
25 of 1973 (29 U.S.C. 792(e)(1)) is amended by strik-

1       ing the second and third sentences and inserting the  
2       following: “Proceedings required to be conducted  
3       under this section shall be presided over by adminis-  
4       trative law judges appointed under subchapter VI of  
5       chapter 5 of title 5, United States Code.”.

6               (9) Section 166 of the Job Training Partner-  
7       ship Act (29 U.S.C. 1576(a)) is amended in the first  
8       sentence by striking “of the Department of Labor”.

9               (10) Section 5(e) of the Federal Mine Safety  
10      and Health Act of 1977 (30 U.S.C. 804(e)) is  
11      amended to read as follows:

12      “(e) Proceedings required to be conducted in accord-  
13      ance with the provisions of this Act shall be presided over  
14      by administrative law judges appointed under subchapter  
15      VI of chapter 5 of title 5, United States Code.”.

16              (11) Section 113 of the Federal Mine Safety  
17      and Health Act of 1977 (30 U.S.C. 823) is amend-  
18      ed—

19                      (A) in subsection (b)(2) by striking all that  
20                      follows the second sentence;

21                      (B) in subsection (d)(1) in the first sen-  
22                      tence by striking “appointed by the Commis-  
23                      sion” and all that follows through “by the Com-  
24                      mission,” and inserting “to whom is assigned  
25                      any proceeding instituted before the Commis-

1           sion shall hear and make a determination upon  
2           the proceeding and any motion in connection  
3           with the proceeding.”; and

4           (C) in subsection (e) in the first sentence  
5           by striking “its” each place it appears.

6           (12) Section 428(b) of the Black Lung Benefits  
7           Act (30 U.S.C. 938(b)) is amended by striking the  
8           seventh sentence.

9           (13) Section 321(c)(1) of title 31, United  
10          States Code, is amended—

11           (A) by striking “subchapter II” and insert-  
12           ing “subchapters II and VI”; and

13           (B) by striking “employed by the Sec-  
14           retary”.

15           (14) Section 3801(a)(7)(A) of title 31, United  
16           States Code, is amended by striking “appointed in  
17           the authority” and all that follows through “such  
18           title;” and inserting “of the Administrative Law  
19           Judge Corps;”.

20           (15) Section 19(d) of the Longshore and Har-  
21           bor Workers’ Compensation Act (33 U.S.C. 919(d))  
22           is amended by amending the second sentence to read  
23           as follows: “Any such hearing shall be conducted by  
24           an administrative law judge qualified under sub-  
25           chapter VI of chapter 5 of that title.”.

1           (16) Section 21(b)(5) of the Longshore and  
2 Harbor Workers' Compensation Act (33 U.S.C.  
3 921(b)(5)) is amended by striking the first sentence.

4           (17) Section 7101(b)(2)(B) of title 38, United  
5 States Code, is amended by striking "7521" and in-  
6 serting "599e".

7           (18) Section 8(b)(1) of the Contract Disputes  
8 Act of 1978 (41 U.S.C. 607(b)(1)) is amended in  
9 the first sentence by striking "hearing examiners ap-  
10 pointed pursuant to section 3105 of title 5, United  
11 States Code" and inserting "administrative law  
12 judges appointed under section 3105 of title 5, Unit-  
13 ed States Code (as in effect on the day before the  
14 effective date of the Reorganization of the Federal  
15 Administrative Judiciary Act)".

16           (19) Section 705(a) of the Civil Rights Act of  
17 1964 (42 U.S.C. 2000e-4(a)) is amended—

18                   (A) by striking "administrative law  
19 judges,"; and

20                   (B) by striking ":", *Provided*" and all that  
21 follows through the end of the subsection and  
22 inserting a period.

23           (20) Section 808(c) of the Act of April 11,  
24 1968 (42 U.S.C. 3608(c)), is amended—

1 (A) in the first sentence by inserting “,  
2 subject to section 599d of title 5, United States  
3 Code,” after “The Secretary may”;

4 (B) by striking the second sentence; and

5 (C) in the last sentence by striking “his  
6 hearing examiners to other hearing examiners  
7 or” and inserting “administrative law judges  
8 carrying out functions under this title”.

9 (21) Section 806 of the Omnibus Crime Control  
10 and Safe Streets Act of 1968 (42 U.S.C. 3787) is  
11 amended—

12 (A) in the first sentence by striking “ap-  
13 point such hearing examiners” and all that fol-  
14 lows through “United States Code,” and insert-  
15 ing “, subject to section 599d of title 5, United  
16 States Code, request the use of such adminis-  
17 trative law judges”; and

18 (B) in the second sentence by striking  
19 “hearing examiner or administrative law judge  
20 assigned to or employed thereby” and inserting  
21 “such administrative law judge”.

22 (22) Section 401(c) of the Department of En-  
23 ergy Organization Act (42 U.S.C. 7171(c)) is  
24 amended by striking “appointment and employment  
25 of hearing examiners in accordance with the provi-

1 sions of title 5,” and inserting “referral of cases to  
2 the Administrative Law Judge Corps in accordance  
3 with subchapter VI of chapter 5 of title 5,”.

4 (23) Section 303(c)(3) of the Independent Safe-  
5 ty Board Act of 1974 (49 U.S.C. App. 1902(c)(3))  
6 is amended by striking “, attorneys, and administra-  
7 tive law judges” and inserting “and attorneys”.

8 (24) Section 304(b)(1) of the Independent  
9 Safety Board Act of 1974 (49 U.S.C. App.  
10 1903(b)(1)) is amended in the first sentence by  
11 striking “employed by or”.

12 (c) REFERENCES IN OTHER LAWS.—Reference in  
13 any other Federal law to an administrative law judge or  
14 hearing examiner or to an administrative law judge, hear-  
15 ing examiner, or employee appointed under section 3105  
16 of title 5, United States Code, shall be deemed to refer  
17 to an administrative law judge of the Administrative Law  
18 Judge Corps established by section 598 of title 5, United  
19 States Code.

20 **SEC. 8. OPERATION OF THE CORPS.**

21 Operation of the Corps shall commence on the date  
22 the first chief administrative law judge of the Corps takes  
23 office.



1 **SEC. 9. CONTRACT DISPUTES ACT.**

2       Nothing in this Act or the amendments made by this  
3 Act shall be deemed to affect any agency board established  
4 pursuant to the Contract Disputes Act (41 U.S.C. 601  
5 and following), or any other person designated to resolve  
6 claims or disputes pursuant to such Act.

7 **SEC. 10. EFFECTIVE DATE.**

8       Except as otherwise provided, this Act and the  
9 amendments made by this Act shall take effect 120 days  
10 after the date of the enactment of this Act.

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HR 2586 IH—2

HR 2586 IH—3