

103^D CONGRESS
1ST SESSION

H. R. 3265

To amend title 28, United States Code, and the Social Security Act with respect to the establishment and jurisdiction of a United States Court of Appeals for the Social Security Circuit.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 13, 1993

Mr. JACOBS (for himself and Mr. BUNNING) introduced the following bill; which was referred jointly to the Committees on the Judiciary and Ways Means

A BILL

To amend title 28, United States Code, and the Social Security Act with respect to the establishment and jurisdiction of a United States Court of Appeals for the Social Security Circuit.

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 “Social Security Court
5 of Appeals Act”.

1 **SEC. 2. ESTABLISHMENT OF COURT OF APPEALS FOR THE**
 2 **SOCIAL SECURITY CIRCUIT.**

3 (a) NUMBER AND COMPOSITION OF CIRCUITS.—Sec-
 4 tion 41 of title 28, United States Code, is amended—

5 (1) by striking “thirteen” and inserting “four-
 6 teen”; and

7 (2) by adding at the end of the table contained
 8 therein the following:

“Social Security All Federal judicial districts.”.

9 (b) NUMBER AND RESIDENCE OF CIRCUIT
 10 JUDGES.—(1) Section 44(a) of title 28, United States
 11 Code, is amended by adding at the end of the table con-
 12 tained therein the following:

“Social Security 5.”.

13 (2) Section 44(c) of title 28, United States Code, is
 14 amended by adding at the end the following: “While in
 15 active service, each circuit judge of the Social Security ju-
 16 dicial circuit shall reside within fifty miles of the District
 17 of Columbia.”.

18 (c) TERMS OF COURT.—(1) Section 48(a) of title 28,
 19 United States Code, is amended by adding at the end of
 20 the table contained therein the following:

“Social Security District of Columbia, and in any
 other place listed above as the
 court directs.”.

1 (2) Section 48(d) of title 28, United States Code, is
2 amended by inserting “and of the Court of Appeals for
3 the Social Security Circuit” after “Federal Circuit”.

4 **SEC. 3. JURISDICTION.**

5 (a) FINAL DECISIONS OF DISTRICT COURTS.—Sec-
6 tion 1291 of title 28, United States Code, is amended—

7 (1) in the first sentence by inserting “and the
8 United States Court of Appeals for the Social Secu-
9 rity Circuit” after “Federal Circuit”; and

10 (2) by adding at the end the following: “The ju-
11 risdiction of the United States Court of Appeals for
12 the Social Security Circuit shall be limited to the ju-
13 risdiction described in subsections (b) and (e) of sec-
14 tion 1292 and section 1296 of this title.”.

15 (b) INTERLOCUTORY DECISIONS.—Section 1292 of
16 title 28, United States Code, is amended—

17 (1) in subsection (a) in the matter preceding
18 paragraph (1) by striking “and (d)” and inserting
19 “(d), and (e)”;

20 (2) in subsection (e)—

21 (A) by redesignating such subsection as
22 subsection (f); and

23 (B) by striking “or (d)” and inserting
24 “(d), or (e)”;

1 Social Security Act that is subject to judicial review as
2 provided in section 205(g) of that Act.”.

3 (2) The table of sections at the beginning of chapter
4 83 of title 5, United States Code, is amended by adding
5 at the end the following:

“1296. Jurisdiction of the United States Court of Appeals for the Social Security Circuit.”.

6 (e) AMENDMENT TO THE SOCIAL SECURITY ACT.—
7 Section 205(g) of the Social Security Act (42 U.S.C.
8 405(g)) is amended by striking “The judgment of the
9 court shall be final except that it shall be subject to judi-
10 cial review in the same manner as a judgment in other
11 civil actions.” and inserting “The judgment of the court
12 shall be final except that it may be appealed to the United
13 States Court of Appeals for the Social Security Circuit
14 under chapter 83 of title 28, United States Code.”.

15 **SEC. 4. ADMINISTRATIVE MATTERS.**

16 (a) JUDICIAL DISCIPLINE.—Section 372(c)(18) of
17 title 28, United States Code, is amended by striking “and
18 the Court of Appeals for the Federal Circuit” and insert-
19 ing “the Court of Appeals for the Federal Circuit, and
20 the Court of Appeals for the Social Security Circuit”.

21 (b) OFFICIAL DUTY STATION.—Section 456(b) of
22 title 28, United States Code, is amended by inserting “the
23 United States Court of Appeals for the Social Security
24 Circuit,” after “Federal Circuit,”.

1 (c) COURT ACCOMMODATIONS.—Section 462(d) of
2 title 28, United States Code, is amended by inserting “,
3 for the United States Court of Appeals for the Social Se-
4 curity Circuit,” after “Federal Circuit”.

5 (d) TRANSMISSION OF PETITIONS.—(1) Section 520
6 of title 28, United States Code, is amended—

7 (A) in subsection (a) by striking “Claims Court
8 or in the United States Court of Appeals for the
9 Federal Circuit” and inserting “Court of Federal
10 Claims, in the United States Court of Appeals for
11 the Federal Circuit, or in the United States Court
12 of Appeals for the Social Security Circuit”; and

13 (B) by amending the section heading to read as
14 follows:

15 **“§ 520. Transmission of petitions in United States**
16 **Court of Federal Claims, in the United**
17 **States Court of Appeals for the Federal**
18 **Circuit, or in the United States Court of**
19 **Appeals for the Social Security Circuit;**
20 **statement furnished by departments”.**

21 (2) The item relating to section 520 in the table of
22 sections at the beginning of chapter 31 of title 28, United
23 States Code, is amended to read as follows:

“520. Transmission of petitions in United States Court of Federal Claims in
the United States Court of Appeals for the Federal Circuit, or
in the United States Court of Appeals for the Social Security
Circuit; statement furnished by departments.”.

1 (e) BUDGET ESTIMATES.—Section 605 of title 28,
2 United States Code, is amended in the second undesig-
3 nated paragraph—

4 (1) by striking “such court and” and inserting
5 “such court,”; and

6 (2) by inserting before the period at the end the
7 following: “, and the estimate with respect to the
8 United States Court of Appeals for the Social Secu-
9 rity Circuit shall be approved by such court”.

10 **SEC. 5. OTHER CONFORMING AMENDMENTS.**

11 (a) REVIEW OF AGENCY ORDERS.—Section 2342 of
12 title 28, United States Code, is amended by inserting “and
13 the United States Court of Appeals for the Social Security
14 Circuit” after “Federal Circuit”.

15 (b) INTERNAL REVENUE CODE.—Section 7482(a)(1)
16 of the Internal Revenue Code of 1986 (26 U.S.C.
17 7482(a)(1)) is amended by inserting “and the United
18 States Court of Appeals for the Social Security Circuit”
19 after “Federal Circuit”.

20 **SEC. 6. EFFECTIVE DATE.**

21 (a) IN GENERAL.—This Act and the amendments
22 made by this Act shall take effect 180 days after the date
23 of the enactment of this Act.

24 (b) APPLICABILITY.—The amendments made by this
25 Act shall apply with respect to any appeal of an interlocu-

- 1 tory order or of a decision of a district court that is filed
- 2 on or after the effective date of this Act.

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