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98TH CONGRESS 2d Session | HOUSE OF REPRESENTATIVES | REPORT 98-985

FEDERAL COURTS CIVIL PRIORITIES ACT

AUGUST 31, 1984.—Committed to the Committee of the Whole House on the State of the Union and ordered to printed

Mr. KASTENMEIER, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H.R. 5645]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the bill (H.R. 5645) to permit courts of the United States to establish the order of hearing for certain civil matters, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment strikes out all after the enacting clause of the bill and inserts a new text which appears in italic type in the reported bill.

SUMMARY

This bill has the net effect of eliminating most of the existing civil priorities. Over the past two hundred years various Congresses have acted in an *ad hoc* and random fashion to grant "priority" to particular and diverse types of civil cases. Unfortunately, so many expediting provisions have been added that it is impossible for the courts to intelligently categorize cases.

When a bill (H.R. 4396) was introduced on this subject last Congress approximately forty expediting provisions had been located. As a result of a further computer-assisted search by the Library of Congress and the Federal Judicial Center, an additional forty priority provisions were located in a bill which passed the House on suspension September 20, 1982, H.R. 6872 (title III). This bill wipes the slate clean of such priorities with certain narrow exceptions. The courts are instructed under the bill to give appropriate priority to criminal cases and habeas corpus cases, because of the involvement of personal liberty. In addition, the courts are directed to give pri-

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ority treatment to cases that involve either applications for temporary restraining orders or preliminary injunctions or to any other cases where *good cause* has been demonstrated.

The Committee accepted the recommendations of the Judicial Conference and the Administration to eliminate virtually all of the existing civil priorities. Witnesses for these entities argued persuasively that it was impossible to categorize types of cases (e.g., mandamus actions against the Interior Department or actions brought under the Federal Rodenticide, Pesticide and Insecticide Act) that should always be granted priority. Moreover, because every Congressional committee assumes that actions involving their jurisdiction are the most important, it is virtually impossible to reconcile competing priorities among the tens of provisions.

LEGISLATIVE BACKGROUND

This bill is the result of work begun in proceding Congresses. On June 22, 1982, the Subcommittee on Courts, Civil Liberties and the Administration of Justice held one day of hearings on a series of bills, including a predecessor to this bill, H.R. 4396. The Subcommittee heard testimony from representatives of the Judicial Conference of the United States, the United States Department of Justice, the American Bar Association and the Association of the Bar of the City of New York. All of these organizations endorsed the bills.

Shortly after the hearing, the Subcommittee met and marked up H.R. 4396. During the Subcommittee mark-up, the bill relating to civil priorities was modified in several respects. First, the Judicial Conference was given authority to reconcile any apparent differences between circuits with respect to what types of cases should be granted priority treatment. Second, the Subcommittee deleted, as overly broad, the authority found in H.R. 4396 which had granted automatic priority status to any case that involved an application for an injunction. All of the witnesses before the Subcommittee recommended that only those cases involving applications for temporary restraining orders or preliminary injunctions receive priority treatment relative to other civil cases. The Subcommittee adopted this recommendation.

The final set of amendments adopted by the Subcommittee related to the discovery of new civil priority provisions. At the time H.R. 4396 was introduced, approximately thirty civil priority provisions had been located by the Committee staff and the Federal Judicial Center. After the bill's introduction, the Committee requested the American Law Division, Congressional Research Service, Library of Congress, to conduct further examination of all titles of the United States Code for similar provisions. As the direct result of the diligent work done by Lee Beck of that office, an additional forty priority provisions were identified. The Subcommittee concluded the mark-up by deleting these newly discovered civil priority provisions.

After the bill was reported by the Subcommittee, it was taken up and ordered favorably reported by the full Committee by voice vote. (See House Report 97-824.) The bill H.R. 6872, reported by the Committee included three titles, including one on Civil Priorities. That bill, sponsored by Congressman Railsback, passed the House

unanimously on September 20, 1982. Due to the lateness of the legislative session that portion of the bill relating to civil priorities did not become law.

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During the 98th Congress, the Subcommittee on Courts, Civil Liberties and the Administration of Justice received written comments on civil priorities legislation from the same organizations who had previously testified on the subject.[1] The Subcommittee marked up H.R. 3256 and reported a clean bill (H.R. 5645) to the Committee on the Judiciary. The only amendments to the bill were technical in nature. During the 97th Congress, three new civil priority provisions had been added. The Subcommittee amendments merely repealed these provisions. *See* section 2, subsections (14), (54) and (55) of the bill.

When the Committee on the Judiciary marked up the bill only one amendment, by Congressman Kastenmeier, was adopted. This amendment provides a definition for the term "good cause." The amendment is an attempt to respond to the concerns of users of certain statutory causes of action (especially the Freedom of Information Act). The Committee, in part, repealed existing expediting authority to avoid advancing on the docket cases which are clearly frivolous. The amendment clarifies the Committee's view that courts retain an obligation to give special consideration to those cases which present facts which justify a claim for expedited treatment.

BACKGROUND

The bill alters the method of analyzing which civil cases should be given priority or expedited status on the dockets of the various Federal courts. The fundamental reform worked by this bill is to remove the existing statutory authority for expediting the treatment of over eighty different types of cases and replace it with a set of general rules. *See infra* (sectional analysis in connection with proposed section 1657 of title 28, section 1 of the bill).

The impetus for reform in this area came from suggestions first made by the American Bar Association. It concluded, after an extensive study of expediting provisions, that a reform of the way Congress dealt with the questions of civil priorities was called for. *See* American Bar Association Special Committee on Coordination of Judicial Improvements, Report to the House of Delegates (1977). In addition, the Judicial Conference of the United States suggested that action on this topic was imperative. Finally, the Association of the Bar of the City of New York conducted an extensive survey of the practices and problems associated with the use of existing civil priorities for cases in the various Courts of Appeals. 37 *Rec. Assn. B.C.N.Y.* 19 (1982).

These suggestions for reform were originally embodied in H.R. 4396 by Mr. Kastenmeier in the 97th Congress. After the legislation was introduced, the Department of Justice was asked to

[1] Letter from Leland E. Beck, Counsel, Administrative Office United States Courts, to Robert W. Kastenmeier, Oct. 11, 1983.

submit formal comments on it. After consulting with the affected divisions and sub-units, the Justice Department concluded that the approach taken in the legislation was a sound one.

During the hearings on this bill last Congress, the Judicial Conference made a number of suggestions for minor amendments, as did the American Bar Association and the Department of Justice. All of these suggestions were adopted by the Committee, as explained in greater detail in the sectional analysis.

H.R. 5645 is virtually the same bill as passed the House on September 20, 1982, last Congress.

Rationale for General Civil Priority Rules

Under current Federal law, there are so many civil priorities that in some cases those cases with such priorities cannot be reached at all. *See* Federal Judicial Center, "Priorities for the Handling of Litigation in the United States District Courts" (FJC No. 76-2, April 1976); Federal Judicial Center, "Priorities for Handling Litigation in the United States Courts of Appeals," (FJC R-77-1, May 1977). In addition, due to the sheer number of priorities, it is ". . . impossible to literally comply with the statutory requirements."

As Deputy Assistant Attorney General Timothy J. Finn, Office of Legal Policy, Department of Justice, aptly observed in the Committee hearings last Congress:

> We believe that the approach taken by [the bill] to this problem is fundamentally correct. We believe that all but the most clearly necessary and justifiable priority provisions should be revoked and replaced with a single standard which the courts can apply to all cases to determine the need for expedition. The courts are, in general, in the best position to determine the need for expedition in the circumstances of any particular case, to weigh the relative needs of various cases on their dockets, and to establish an order of hearing that treats all litigants most fairly. Litigants who can persuasively assert that there is a special public or private interest in expeditious treatment of their case will be able to use the general expedition provision provided in [the bill] to the same effect as existing priority provisions.[2]

The Committee believes that the bill improves the efficiency of Federal courts. In addition, the bill should discourage the creation of any new civil priorities unless there has been a strong and compelling case made for such a provision.

Section-by-Section Analysis

Section 1 provides the short title is the "Federal Courts Civil Priorities Act."

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[2] Mandatory Appellate Jurisdiction of the Supreme Court—Abolition of Civil Priorities—Juror's Rights: Hearings on H.R. 2406, H.R. 4395 and 4396 before the Subcommittee on Courts, Civil Liberties, and the Administration of Justice of the House Committee on the Judiciary, 97th Cong., 1st Session, Serial No. 65 (1982).

Section 2

Section 2 adds a new section to title 28, to be numbered 1657. This new section establishes for the first time in Federal law a general rule with respect to the expedition (or priority status) of civil actions in the Federal courts.

The new section has two subsections. The first subsection has six elements. First, the phrase "notwithstanding any other provision of law" generally eliminates civil [3] expediting requirements, including those which are not explicitly repealed in section 302 of the bill. *See, e.g.,* Fed. R. App. P. 21(b). Second, it automatically requires expedition in actions under chapter 153 of title 28 United States Code. This perpetuates existing rules requiring prompt consideration and hearing in habeas corpus and other collateral proceedings,[4] notwithstanding the bill's general repeal of civil priorities. Third, it automatically requires expedition in actions under section 1826 of title 28. This preserves section 1826(b)'s 30-day time limit on concluding appeals of civil contempt commitments, again notwithstanding the bill's general repeal of civil priorities. Fourth, it automatically requires expedition of any action for temporary or preliminary injunctive relief.[5] Fifth, it requires expedition of any other action if "good cause" for expedition is shown.

The Committee included a definition of "good cause" to emphasize the type of factual inquiry which the court should make. The Committee wishes to preclude clearly frivolous lawsuits from being granted expedited treatment merely by involving a statutory cause of action which had been given expedited status.

The Committee recognizes in Section 2(a) the special nature of Freedom of Information Act cases. This section recognizes the need to expedite hearings upon the showing of "good cause" and defines good cause as including a right under Section 552 of Title 5, the Freedom of Information Act (FOIA).

The Freedom of Information Act is a major tool through which the public and the press obtain information about their govern-

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[3] The bill does not affect criminal cases, which are processed under the rules of the Speedy Trial Act, 18 U.S.C. 3161-74. In addition to having no effect on statutes governing the timing or priority of criminal cases, the bill does not affect Rules of Procedure relating to criminal proceedings. *See e.g.,* Fed. R. App. P. 9(b) (prompt determination of motions relating to conditional release).

[4] *See* Rules 4, 8(c) of the Rules Governing Section 2254 Cases in the United States District Courts, 28 U.S.C. foll. § 2254; Rules 4, 8(c) of the Rules Governing Section 2255 Proceedings for the United States District Courts, 28 U.S.C. foll. § 2255; 28 U.S.C. § 2255 (first sentence of third paragraph).

[5] Subsection (a) of proposed section 1657 in the original bill of last Congress, H.R. 4396, would have provided expediting requirements for any actions seeking an injunction of any sort. Many of the witnesses who testified before the Subcommittee suggested that this phrase was too broad and should be narrowed to the formulation found in the reported bill.

There is currently no comparable codified priority, but it is the general practice of the courts to give expedited consideration to applications for temporary restraining orders and preliminary injunctions since such applications by their nature require speedy judicial response. The bill's expedition requirement for actions for temporary or preliminary injunctive relief is intended to perpetuate the general practice of the courts in this area.

While the requirement that such actions be "expedited" does not impose any specific time limit, it should, of course, be understood to mean that applications for temporary restraining orders and preliminary injunctions must at least be heard and decided in time to prevent the harm threatened if the relief requested is found to be warranted. For example, 15 U.S.C. § 18a(f) establishes a categorical priority for requests for preliminary injunctions against acquisitions and mergers in violation of the Sherman or Clayton Acts. While the specific priority established by 15 U.S.C. § 18a(f) would be repealed by section 302 of the bill, it would remain incumbent on the courts to hear and decide such a meritorious application in time to prevent the challenged acquisition or merger from being carried out.

ment. Prompt review of decisions denying access to government information is critical to FOIA users and to the purposes of the Act. Without such prompt review, government officials can delay access to public records, and extended delays in court can encourage unjustified refusals to disclose information. Frequently the value of disclosed information is transitory. If this information is not released in a timely manner, it may be of no value at all.[6] Further most FOIA cases do not involve extended discovery or testimony and therefore do not burden court dockets for extensive periods of time. Expedited action by the courts in these cases can reduce the opportunities to hamper reporting of governmental activities, and it is the intent of the Committee that the "good cause" provision be liberally construed by the courts in granting requests for expedited consideration under the Freedom of Information Act.

In addition, the "good cause" standard could properly come into play, for example, in a case in which failure to expedite would result in mootness or deprive the relief requested of much of its value,[7] in a case in which failure to expedite would result in extraordinary hardship to a litigant,[8] or actions where the public interest in enforcement of the statute is particularly strong.

Outside of the specific expediting requirements discussed above, the bill provides that each court of the United States shall determine the order in which civil actions are heard and determined. The Committee concluded that if we can entrust judges with the duty to decide cases on the merits we can permit them to decide when to decide which case on the docket. Thus, the Judicial Councils of the various Circuits will be able to issue rules that require expedited treatment of general classes of cases by the Circuit Court itself or by the District Courts within the Circuit.[9] The Judicial Councils will, moreover, be able to resolve unwarranted discrepancies between expediting or priority rules adopted by the District Courts within their Circuits in the same way that the Judicial Conference will be able to resolve unwarranted inter-circuit differences

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[6] Scholars as well as news reporters frequently use the disclosure provisions of FOIA. Although the end product of such inquiries differs, there should be no discrimination in this regard. The work of scholars can equally justify expedited treatment in certain cases.

[7] *E.g.*, a case relating to voting rights which would be mooted or partially mooted by an upcoming election.

[8] *E.g.*, a case challenging denial of disability benefits on which the plaintiff is dependent for subsistence.

[9] The authority of the Judicial Councils to make such rules is clear in existing law. See 28 U.S.C. 332(d)(1) ("each judicial council shall make all necessary and appropriate orders for the effective and expeditious administration of justice within its circuit."); *In re Imperial "400" National, Inc.*, 481 F.2d 41, 45–46 (3d Cir. 1973). The use of the phrase "court of the United States" in the proposed section is not intended to limit in any way the authority of the Judicial Councils. In addition to acting through the Judicial Councils, the Circuit Courts sometimes adopt rules for the District Courts or the conduct of their own business in the course of deciding particular cases. There is also no purpose in the bill to limit the existing authority of the Circuit Courts to adopt rules in this manner.

In general, the bill's repeal of categorical priorities is not meant to limit the powers of the courts, but simply to restore to them the control over their calendars that was withdrawn by the repealed priority provisions. The repeal of statutory priorities by the bill is not intended to eliminate, or to discourage the continuation of judicially created priorities or to prevent the creation by the courts of new priorities which experience shows to be warranted. *See e.g.*, 26 U.S.C. 7609(h) (expediting provision for actions to enforce IRS summonses which was preceded by, and has been supplemented by, caselaw expediting rules recognized in such cases as *United States v. Kis*, 658 F.2d 526, 535–36 (7th Cir. 1981), *United States v. Hodgson*, 492 F.2d 1175, 1178 (10th Cir. 1974), and *United States v. Davey*, 426 F.2d 842, 845 (2d Cir. 1970)); 7 U.S.C. 8(a) (expediting provision for appeals from decisions of the Commodity Futures Trading Commission refusing to designate a board of trade as a contract market or suspending or revoking an existing designation of a board of trade as a contract market).

under subsection (b) of proposed section 1657. While the bill allows the courts to establish general rules of expedition, nothing in it requires that such rules be established.

Subsection (b) of proposed section 1657 provides that the Judicial Conference of the United States may modify the civil priority rules adopted by the courts in order to establish consistency among the circuits. This provision was added at the suggestion of the Judicial Conference.

The Committee fully expects the Conference to act in a dispassionate manner, with due time given to Federal judges, court employees, and other interested parties for comment. The Committee also feels that it should be consulted on significant modifications to the civil priority rules. Such consultation should not weaken the separation of powers; rather it enforces it.

Section (b) of Section 2 of the bill amends the sectional analysis to add a new caption for proposed section 1657 (Priority of Civil Actions).

Section 3

This section amends over eighty priority or expediting provisions relating to civil actions in Federal District Courts, the Courts of Appeal or various specialized courts. *See* L. Beck, Library of Congress, Congressional Research Service, American Law Division, "Priorities in Deciding Cases Before United States Courts," June 17, 1982 (the single most comprehensive discussion of the topic currently available).

Subsection (1)(A) strikes out an expediting requirement with respect to certain actions under the Federal Election Campaign Act with respect to the non-disclosure of campaign funds. This provision, 2 U.S.C. 437(g)(10), had required that all actions of this type be advanced on the dockets of the District Courts ahead of all other actions. Obviously it is difficult—if not impossible—to achieve this result when there are numerous other similar provisions of law with respect to other types of actions. The removal of this expediting provision—or any other found in this section—does mean that such cases will be heard more slowly. Rather the Committee expects and intends that each civil action will be handled in such a way as to bring a just and rapid disposition to the matter. The general rules set forth in proposed section 1657 of 28 provide the courts with sufficient flexibility to decide which cases should be heard first.

Subsection (1)(B) deletes an expediting provision with respect to certain actions challenging the constitutionality of the Federal Election Campaign Act. 2 U.S.C. 437(h)(c).

Subsection (2) deletes the priority handling requirement for cases brought to seek the disclosure of certain governmental records. 5 U.S.C. 552(a)(4)(D). *See generally* discussion of "good cause".

Subsection (3) removes an expediting requirement with respect to actions brought in the Court of Appeals to challenge the suspension of licenses issued by the Commodity Futures Trading Commission. 7 U.S.C. 8(a). *See generally* discussion of "good cause".

Subsection (4)(A) eliminates the expedition requirement with respect to actions brought to challenge the suspension of the registra-

tion of certain pesticides by the Administrator of the Environmental Protection Agency. 7 U.S.C. 136d(c)(4).

Subsection (4)(B) removes an expediting provision with respect to actions to enjoin the disclosure of information that had been submitted by a person or organization with a registered pesticide. 7 U.S.C. 136h(d)(3).

Subsection (4)(C) removes the expedited treatment afforded to civil actions challenging the actions of EPA with respect to the registration of pesticides. 7 U.S.C. 136n(b).

Subsection (4)(D) removes an expediting provision with respect to actions challenging the constitutionality of a legislative veto provision that was added by P.L 95-396 7 U.S.C. w(a)(4)(E)(iii).

Subsection (5) strikes out the expediting provisions with respect to actions challenging the issuance of cease and desist orders by the Secretary of Agriculture with respect to violations of the Packers and Stockyard Act. 7 U.S.C. 194(d).

Subsection (6) removes a requirement that District Courts hear at the earliest convenient time actions contesting the issuance of farm marketing quotas by the Secretary of Agriculture under the Agriculture Adjustment Act of 1938. 7 U.S.C. 1366.

Subsection (7)(A) strikes an expediting provision with respect to Court of Appeals review of decisions by the Secretary of Agriculture to issue a cease and desist order for violations of the Federal Seed Act. 7 U.S.C. 1601.

Subsection (7)(B) repeals the existing expediting provision with respect to enforcement actions by the Secretary of Agriculture under the Federal Seed Act. 7 U.S.C. 1601.

Subsection (8) removes an expediting requirement with respect to actions brought in District Court to restrain discrimination in the procurement of petroleum supplies by the armed forces. 10 U.S.C. 2304 note.

Subsection (9) removes an expediting provision with respect to actions brought in District Court to challenge the appointment of a conservator for associations regulated in the context of Federal Savings and Loan activities. 12 U.S.C. 1464(d)(6)(A).

Subsection (10)(A) removes the expediting provision with respect to actions by the Federal Trade Commission to enjoin the acquisition of another person's voting securities or assets in violation of the Clayton Antitrust Act. 15 U.S.C. 18a(f)(2)(B). Of course, such actions may be eligible for priority treatment under the general provisions of proposed section 1657 of title 28 with respect to actions seeking temporary or preliminary injunctive relief. Thus, it remains the duty of the courts to take necessary actions to prevent the challenged merger or acquisition from being carried out, if the requisite proofs are made.

Subsection (10)(B) removes the requirement that the Courts of Appeals give expedited treatment to cases challenging the issuance of cease and desist orders by the Federal Trade Commission with respect to alleged violations of the Clayton Act. 15 U.S.C. 21(e).

Subsection (11) removes the expediting requirements with respect to actions brought by the FTC against persons who allegedly violate the Clayton Act. 15 U.S.C. 28.

Subsection (12) removes the expediting provisions with respect to actions contesting the issuance of cease and desist orders by the FTC against alleged unfair trade practices. 15 U.S.C. 45(e).

Subsection (13) removes an expediting provision with respect to actions challenging the constitutionality of legislative veto provisions contained in legislation that authorizes the Federal Trade Commission to issue rules. 15 U.S.C. 57a-1(f)(3).

Subsection (14) strikes subparagraph B in the Securities Exchange Act of 1934 (15 U.S.C. 78k-1(c)(4)).

Subsection (15)(A) removes the expediting requirement for actions in the Courts of Appeals challenging the revocation of certain licenses issued by the Small Business Administration. 15 U.S.C. 687a(e).

Subsection (15)(B) removes an expediting provision with respect to actions contesting the issuance of either cease and desist orders or license revocation actions by the SBA. 15 U.S.C. 687a(f).

Subsection (15)(C) removes the expediting provisions with respect to actions to enforce orders issued against small business investment companies. 15 U.S.C. 719c(a).

Subsection (16) removes an expediting provision relating to actions brought under the Alaska Natural Gas Transportation Act of 1976. Such actions had to have been filed within 60 days of the effective date of the act, thus rendering the provision obsolete. 15 U.S.C. 719h.

Subsection (17) removes the expediting provision that related to certain actions in District Court to enforce motor vehicle safety standard violations. 15 U.S.C. 1415(a)(2).

Subsection (18) removes the expediting provision with respect to challenges of the decisions of the Secretary of Energy with respect to exemptions from average fuel economy standards. 15 U.S.C. 2003(b)(3)(g)(ii).

Subsection (19) removes the expediting provisions with respect to actions in Federal District Court concerning the discharge or discrimination against an employee who blew the whistle to EPA relative to violations of the Toxic Substance Control Act. 15 U.S.C. 2622(d).

Subsection (20) removes the expediting provision with respect to challenges to the constitutionality of legislative veto provisions of legislation relating to coastal zone management. 15 U.S.C. 1463a(e)(3).

Subsection (21) removes the expediting provision with respect to actions seeking compensation by persons who allegedly have mining claims in the National Park system that they are not permitted to pursue because of Federal law. 16 U.S.C. 1910.

Subsection (22)(A) removes the expediting provision with respect to actions that seek to continue subsistence usage of certain public lands in Alaska. 16 U.S.C. 3117(b).

Subsection (22)(B) removes the expediting provisions with respect to challenges to certain administrative decisions relating to Alaska lands and the transportation and utility systems thereon. 16 U.S.C. 3168(a). This subsection does affect any other type of civil action other then those brought under the Alaska National Interest Land Conservation Act.

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Subsection (23)(A) removes a requirement that the Federal District Court in Idaho expedite certain actions brought under the Central Idaho Wilderness Act of 1980. Decisions of this nature are better made by that court on a case-by-case basis, depending on the facts of the case and the other civil caseload. P.L. 96-312, section 10(b)(3).

Subsection (23)(B) removes the parallel expediting provision to those cited above with respect to actions in the 9th Circuit. P.L. 96-312 section 10(c).

Subsection (24)(A) removes the expediting provisions with respect to actions by the Attorney General under the civil law portions of the Racketeer Influences and Corrupt Organizations Act (RICO). 18 U.S.C. 1964(b).

Subsection (24)(B) removes the expediting provisions with respect to civil actions brought by private parties seeking treble damages for alleged violations of RICO. 18 U.S.C. 1966.

Subsection (25)(A) removes the expediting provisions with respect to actions brought in the Courts of Appeals to contest decisions of the Secretary of Agriculture concerning the use of pesticides. 21 U.S.C. 346(a)(i)(5).

Subsection (25)(B) removes the expediting provision with respect to actions contesting the decisions of the Secretary of Agriculture in issuing regulations on the topic of food additives. 21 U.S.C. 348(g)(2).

Subsection (26) removes the expediting provision with respect to actions by the Attorney General to prevent an unregistered foreign agent from doing certain publicity-related activity. 22 U.S.C. 618(f). Of course, proposed section 1657 of title 28 may provide expedited treatment in many of these cases.

Subsection (27) removes the expediting provisions with respect to actions in Federal District Court relative to the partition of lands between the Hopi and Navajo Indians. 25 U.S.C. 640d-3(b).

Subsection (28)(A) removes the expediting provisions for actions in the Courts of Appeals challenging the refusal of the Secretary of Labor to certify additional tax credit allowances for States out of compliance with certain Unemployment Compensation amendments. 26 U.S.C. 3310(e).

Subsection (28)(B) removes the requirement that the Tax Court must expedite the treatment of cases brought to prevent the disclosure of information submitted to the Secretary of the Treasury and the IRS in connection with a request for a tax ruling. 26 U.S.C. 6110f(5). Of course, actions that seek preliminary or temporary injunctive relief will be given expedited treatment under the terms of proposed section 1657 of title 28.

Subsection (28)(C) removes an expediting provision with respect to actions by a state to terminate the services of the Federal government with respect to the collection and administration of taxes in connection with certain qualifying state individual income tax plans. 26 U.S.C. 6363(d)(4).

Subsection (28)(D) removes an expediting provision with respect to actions on District Court that involve the issuance of "John Doe" summonses. 26 U.S.C. 7609(h).

Subsection (28)(E) removes the requirement that actions brought by the Federal Election Commission receive expedited treatment. 26 U.S.C. 9010(c).

Subsection (28)(F) removes the expediting requirement for cases involving challenges to decisions of the Federal Election Commission with respect to entitlements to receive Presidential Campaign funding. 26 U.S.C. 9011(b).

Subsection (29)(A) removes the expediting provisions with respect to actions brought by the Special Prosecutor to challenge his or her removal. 28 U.S.C. 596(a)(3).

Subsection (29)(B) removes a requirement that any appeal from a United States magistrate to the District Court be expedited. 28 U.S.C. 636c(4).

Subsection (29)(C) deletes as unnecessary the authority for the newly created Court of Appeals for the Federal Circuit to set rules relative to the priority to give certain cases, Section 1296 of Title 28 (eff. Oct. 1, 1982). This authority is unnecessary in light of the general authority granted in proposed section 1657 of Title 28.

Subsection (29)(D) removes a requirement that actions by the Senate of the United States, or any of its committees or subcommittees, brought in the District Court of the District of Columbia for either contempt of Congress or the enforcement of subpoenas, be given expedited treatment, 28 U.S.C. 1364(c). It is virtually certain that all of these cases will qualify for expedited treatment under the "good cause shown" standard set forth in proposed section 1657 of Title 28.

Subsection (29)(E) removes the expediting provision with respect to reapportionment actions against state or local officials before three judge District Court panels. 28 U.S.C. 2284.

Subsection (29)(F) removes as redundant the expediting provisions of 28 U.S.C. 2349 relating to interlocutory injunctive actions against the orders of certain Federal agencies. This provisions is unnecessary in light of the general rules with respect to injunctions found in proposed section 1657 of Title 28.

Subsection (29)(G) has the net effect of providing that the Court of International Trade (formerly the Customs Court) may set, by court rule (under proposed section 1657 of Title 28) the order of priorities to give to the categories of cases it hears. Under the current law certain categories of cases are given statutory priority. Deletion of these provisions does not reflect on the relative importance of these types of cases. Rather the Committee believes that the Court itself is in a better position to establish priority rules for its own operations.

Subsection (30) removes the expediting requirements found in 29 U.S.C. 110 relative to actions challenging the denial of a temporary injunction in a labor dispute.

Subsection (31) removes the expediting requirements with respect to enforcement actions in the Court of Appeals brought by the National Labor Relations Board relative to unfair labor practices. 29 U.S.C. 160(i).

Subsection (32) removes the expediting provisions with respect to actions brought to contest the issuance of a citation to an employer for a violation of occupational, safety and health standards. 29 U.S.C. 660(a).

Subsection (33) removes the expediting provision with respect to actions brought by the Pension Benefit Guaranty Corporation relative to the regulation of employee pension plans. 29 U.S.C. 1303(d)(4).

Subsection (34) removes the expediting provision relative to challenges to decisions of the Labor Secretary with respect to questions about the health and safety operations of coal mines. Such cases are brought in the Court of Appeals in the District of Columbia. 30 U.S.C. 816(a). Nothing in this section prevents that Court from granting, by court rule, priority to these cases.

Subsection (35) removes the priority or expediting provision with respect to certain actions by the Comptroller General of the United States under the Congressional Budget and Impoundment Control Act of 1974. P.L. 93-344. 31 U.S.C. 1406. Such actions will likely qualify for expedited treatment under the "good cause shown" standard of proposed section 1657 of Title 28.

Subsection (36) removes the expediting provisions of 38 U.S.C. 2022 relative to actions by persons claiming a violation of law with respect to the failure of an employer to reemploy a person who has been previously inducted into the Armed Forces.

Subsection (37) removes the expediting provision with respect to actions by aggrieved parties in the Courts of Appeals contesting the decisions of the Postal Rates Commission and the Board of Governors of the Postal Service with respect to mail classification. 39 U.S.C. 3628.

Subsection (38) removes the expediting treatment of cases brought by an employee who has been aggrieved because of actions taken as a result of whistle-blowing concerning violations of drinking water regulations. 42 U.S.C. 300i-9(i)(4).

Subsection (39) removes the expediting provision relating to actions by States relative to the denial or revocation of certification under the Federal unemployment compensation law. 42 U.S.C. 504(e).

Subsection (40)(A) removes an expediting provision with respect to actions brought in District Court seeking an order to qualify such person to vote. 42 U.S.C. 1971(e). Under the provisions of proposed section 1657, such actions would be expedited if they involved applications for temporary or preliminary relief. In addition, because of the nature of the fundamental right involved—that is, the right to vote—it is very likely that such actions would meet the "good cause shown" test for expeditious treatment.

Subsection (40)(B) removes the expediting feature of 42 U.S.C. 1971(g) with respect to actions in the District Court brought by the Attorney General when a person has been denied the right to vote.

Subsection (41)(A) removes the expediting provision with respect to actions brought by the Attorney General in District Court with respect to the use of a poll tax to discourage or prevent persons from voting. 42 U.S.C. 1973h(c).

Subsection (41)(B) removes the expediting requirement found in 42 U.S.C. 1973bb(a)(2) with respect to actions to enforce the right of eighteen year old persons to vote.

Subsection (42)(A) removes the expediting provisions of 42 U.S.C. 2000a-5(b) that relate to actions by the Attorney General in Dis-

trict Court to enforce the features of the 1964 Civil Rights Act relating to racial discrimination in public accommodations.

Subsection (42)(B) removes the expediting provisions in 42 U.S.C. 2000e-5(f)(2) with respect to actions brought in the District Court by the Equal Employment Opportunity Commission (EEOC) to redress employment discrimination.

Subsection (42)(C) repeals the portions of 42 U.S.C. 2000e-5(f)(5) that require the District Courts to hear certain cases brought by the EEOC within certain time limits.

Subsection (42)(D) removes the expediting provisions of 42 U.S.C. 2000e-6(b) relating to actions by the Attorney General with respect to discrimination in the hiring of workers.

Subsection (43) deletes the expediting provisions relative to actions by the Attorney General in the District Courts to remedy discriminatory housing practices. 42 U.S.C. 3614.

Subsection (44) removes an expediting provision with respect to actions brought in the District Court under 42 U.S.C. 6508 relating to certain actions (including challenges to the adequacy of environmental impact statements) arising out of the exploration of oil and gas in Alaska.

Subsection (45) removes the requirement that the various Courts of Appeals expedite the treatment of actions by the States to challenge the determinations of the Secretary of Energy with respect to State energy conservation plans. 42 U.S.C. 8514(b).

Subsection (46) removes the expediting provisions with respect to actions in the District Courts relative to enclosures or occupancy of public lands. 43 U.S.C. 1062.

Subsection (47) removes the expediting requirement with respect to actions brought in the District Courts under the Outer Continental Shelf Lands Act. 43 U.S.C. 1349(d).

Subsection (48) removes the expediting provisions found in 43 U.S.C. 2011(c) relative to actions challenging decisions of the Executive Branch with respect to decisions made on the application for crude oil transportation systems (i.e., pipelines).

Subsection (49) removes an obsolete provision found in 43 U.S.C. 1652(d). Under the terms of P.L. 93-153, the United States was granted rights of way with respect to the construction of the pipeline for Alaskan North Slope oil. Persons opposing these permits were given access—and expedited treatment—in District Courts to challenge such rights of way.

Subsection (50) removes the expediting provision with respect to actions in the Courts of Appeals relative to actions to contest the determinations of the Railroad Retirement Board. 45 U.S.C. 355(f).

Subsection (51) removes an expediting provision relating to certain actions in the Railroad Reorganization Court. 45 U.S.C. 745(d)(2).

Subsection (52) removes the expediting provisions with respect to actions of two types in the Courts of Appeals. (First, with respect to actions challenging the constitutionality of parts of the new 1978 Bankruptcy Act and, second, with respect to actions arising out of the reorganization of the Milwaukee Railroad system.) 45 U.S.C. 1018(b).

Subsection (53) removes an expediting provision relating to actions in the Court of Appeals for the District of Columbia arising out of the orders of the Federal Communications Commission.

Subsection (54) removes an expediting provision found in section 405(e) of the Surface Transportation Assistance Act.

Subsection (55) removes an expediting provision found in section 606(c)(1) of the Rail Safety and Service Improvement Act of 1982.

Subsection (56) removes the expediting provisions found in 50 U.S.C. 792a note, relating to actions by the Subversive Activities Control Board when dissolution of certain organizations is being sought.

Subsection (57) removes the expediting provisions found in 50 U.S.C. App. 462(a) relating to civil actions arising out of draft registration.

Subsection (58) removes the expediting provisions for actions in the Courts of Claims with respect to claims arising out of the internment of displacement of Japanese-Americans during the Second World War. 50 U.S.C. App. 1984(b).

Section (4) provides that the amendments made by title III of the bill do not apply to case pending at the time of the enactment of the legislation.

OVERSIGHT FINDINGS

Pursuant to the House Rules the Committee makes certain oversight findings with respect to the establishment of priorities for the handling of civil cases in Federal District Courts and in the Courts of Appeals. The Committee finds that such provisions have been added in an *ad hoc,* haphazard manner over the years. The Committee further finds that because these priority provisions arise from bills ordered reported by different committees that there is no method of either centralizing or rationalizing them. Moreover, the Committee finds that frequently the addition of such expediting provisions appears to be the result of a less than complete policy analysis.[10]

The Committee considered and rejected as unwieldy the adoption of a House Rule that would have required the referral of every bill that contained a priority provision to the Committee on the Judiciary. The preferable solution appears to be a request that the Speaker take into account the need to rationally deal with these provisions in making decisions with respect to joint or sequential referral of bills.

The Committee received several letters from persons or organizations who have used the Freedom of Information Act (FOIA) expressing concern about changes in the treatment of FOIA cases. These persons argued that the existing "priority" for FOIA cases served to stimulate a more rapid response from Federal agencies. These commenters argued that because Federal agencies knew that FOIA cases would be given priority status in court Federal agencies were more likely to respond to FOIA requests in a timely fashion.

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[10] Note: "The Impact of Civil Expediting Provisions on the United States Courts of Appeals," 37 *Record Assoc. B.C.N.Y.* 19 (1982) (hereinafter *Impact*).

The Committee recognizes that the provisions of FOIA relating to agency practice are within the jurisdiction of the Committee on Government Operations. In the event that our sister committee finds that implementation of FOIA will be furthered by changes relating to agency practices, in court or before the commencement of judicial proceedings, then some further amendments may be necessary. This Committee does not intend to encourage any dilatory tactics by Federal agencies with respect to FOIA requests. In fact, the "good cause" language, discussed *supra,* should improve the speed with which FOIA cases are heard and adjudicated.

In regard to clause 2(l)(3)(D) of rule XI of the Rules of the House of Representatives, no oversight findings have been submitted to the Committee by the Committee on Government Operations.

NEW BUDGET AUTHORITY

In regard to clause 2(l)(3)(B) of rule XI of the Rules of the House of Representatives, the bill creates no new budget authority or increased tax expenditures for the Federal judiciary.

INFLATIONARY IMPACT STATEMENT

Pursuant to clause 2(l)(4) of rule XI of the Rules of the House of Representatives, the Committee feels that the bill will have no foreseeable inflationary impact on prices or costs in the operation of the national economy.

FEDERAL ADVISORY COMMITTEE ACT OF 1972

The Committee finds that this legislation does not create any new advisory committees within the meaning of the Federal Advisory Committee Act of 1972.

COST ESTIMATE

In compliance with clause 7 of rule XIII of the Rules of the House of Representatives, the committee estimates that no costs will be incurred in carrying out the provisions of the reported bill.

STATEMENT OF THE CONGRESSIONAL BUDGET OFFICE

Pursuant to clause 2(l)(3)(C) of rule XI of the Rules of the House of Representatives, and section 403 of the Congressional Budget Act of 1974, the following is the cost estimate on H.R. 5645 prepared by the Congressional Budget Office.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, August 8, 1984.

Hon. PETER W. RODINO, Jr.,
Chairman, Committee on the Judiciary, U.S. House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed H.R. 5645, the Federal Courts Civil Priorities Act as ordered reported by the House Committee on the Judiciary, July 31, 1984.

We estimate that no costs to the Federal Government, or to State or local governments would result from enactment of this bill. H.R.

5645 would permit each U.S. court to determine the order in which civil actions will be heard and determined. This provision would apply to all civil cases except certain types specified by the bill, which the courts would be required to expedite. The Judicial Conference of the United States may modify the rules adopted by the courts to determine the order in which civil cases will be heard, in order to establish consistency among the judicial circuits.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

RUDOLPH G. PENNER.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

TITLE 28, UNITED STATES CODE

* * * * * * *

PART II—DEPARTMENT OF JUSTICE

* * * * * * *

CHAPTER 39—SPECIAL PROSECUTOR

* * * * * * *

§ 596. Removal of a special prosecutor; termination of office

(a)(1) A special prosecutor appointed under this chapter may be removed from office, other than by impeachment and conviction, only by the personal action of the Attorney General and only for extraordinary impropriety, physical disability, mental incapacity, or any other condition that substantially impairs the performance of such special prosecutor's duties.

(2) If a special prosecutor is removed from office, the Attorney General shall promptly submit to the division of the court and the Committees on the Judiciary of the Senate and the House of Representatives a report specifying the facts found and the ultimate grounds for such removal. The committees shall make available to the public such report, except that each committee may, if necessary to protect the rights of any individual named in the report or to prevent undue interference with any pending prosecution, delete or postpone publishing any or all of the report. The division of the court may release any or all of such report in the same manner as a report released under section 595(b)(3) of this title and under the same limitations as apply to the release of a report under that section.

(3) A special prosecutor so removed may obtain judicial review of the removal in a civil action commenced before the division of the

court and, if such removal was based on error of law or fact, may obtain reinstatement or other appropriate relief. [The division of the court shall cause such an action to be in every way expedited.]

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PART III—COURT OFFICERS AND EMPLOYEES

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CHAPTER 43—UNITED STATES MAGISTRATES

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§ 636. Jurisdiction, powers, and temporary assignment

(a) * * *

* * * * * * *

Notwithstanding any provision of law to the contrary—

(1) Upon the consent of the parties, a full-time United States magistrate or a part-time United States magistrate who serves as a full-time judicial officer may conduct any or all proceedings in a jury or nonjury civil matter and order the entry of judgment in the case, when specially designated to exercise such jurisdiction by the district court or courts he serves. Upon the consent of the parties, pursuant to their specific written request, any other part-time magistrate may exercise such jurisdiction, if such magistrate meets the bar membership requirements set forth in section 631(b)(1) and the chief judge of the district court certifies that a full-time magistrate is not reasonably available in accordance with guidelines established by the judicial council of the circuit. When there is more than one judge of a district court, designation under this paragraph shall be by the concurrence of a majority of all the judges of such district court, and when there is no such concurrence, then by the chief judge.

(2) If a magistrate is designated to exercise civil jurisdiction under paragraph (1) of this subsection, the clerk of court shall, at the time the action is filed, notify the parties of their right to consent to the exercise of such jurisdiction. The decision of the parties shall be communicated to the clerk of court. Thereafter, neither the district judge nor the magistrate shall attempt to persuade or induce any party to consent to reference of any civil matter to a magistrate. Rules of court for the reference of civil matters to magistrates shall include procedures to protect the voluntariness of the parties' consent.

(3) Upon entry of judgment in any case referred under paragraph (1) of this subsection, an aggrieved party may appeal directly to the appropriate United States court of appeals from the judgment of the magistrate in the same manner as an appeal from any other judgment of a district court. In this circumstance, the consent of the parties allows a magistrate designated to exercise civil jurisdiction under paragraph (1) of this subsection to direct the entry of a judgment of the district court in acordance with the Federal Rules of Civil Procedure.

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Nothing in this paragraph shall be construed as a limitation of any party's right to seek review by the Supreme Court of the United States.

(4) Notwithstanding the provisions of paragraph (3) of this subsection, at the time of reference to a magistrate, the parties may further consent to appeal on the record to a judge of the district court in the same manner as on an appeal from a judgment of the district court to a court of appeals. Wherever possible the local rules of the district court and the rules promulgated by the conference shall endeavor to make such appeal [expeditious and] inexpensive. The district court may affirm, reverse, modify, or remand the magistrate's judgment.

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PART IV—JURISDICTION AND VENUE

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CHAPTER 83—COURTS OF APPEALS

Sec.
1291. Final decisions of district courts.
1292. Interlocutory decisions.

* * * * * * *

[1296. Precedence of cases in the United States Court of Appeals for the Federal Circuit.]

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[§ 1296. Precedence of cases in the United States Court of Appeals for the Federal Circuit

[Civil actions in the United States Court of Appeals for the Federal Circuit shall be given precedence, in accordance with the law applicable to such actions, in such order as the court may be ruled establish.]

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CHAPTER 85—DISTRICT COURTS; JURISDICTION

* * * * * * *

§ 1364. Senate actions

(a) * * *

* * * * * * *

[(c) In any civil action or contempt proceeding brought pursuant to this section, the court shall assign the action or proceeding for hearing at the ealiest practicable date and cause the action or proceeding in every way to be expedited. Any appeal or petition for review from any order or judgment in such action or proceeding shall be expedited in the same manner.]

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PART V—PROCEDURE

* * * * * * *

CHAPTER 111—GENERAL PROVISIONS

Sec.
1651. Writs.
1652. State laws as rules of decision.
1653. Amendment of pleadings to show jurisdiction.
1654. Appearance personally or by counsel.
1655. Lien enforcement; absent defendants.
1656. Creation of new district or division or transfer of territory; lien enforcement.
1657. Priority of civil actions.

* * * * * * *

§1657. Priority of civil actions

(a) Notwithstanding any other provision of law, each court of the United States shall determine the order in which civil actions are heard and determined, except that the court shall expedite the consideration of any action brought under chapter 153 or section 1826 of this title, any action for temporary or preliminary injunctive relief, or any other action if good cause therefor is shown. For purposes of this subsection, "good cause" is shown if a right under the Constitution of the United States or a Federal statute (including rights under section 552 of title 5) would be maintained in a factual context that indicates that a request for expedited consideration has merit.

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

PART VI—PARTICULAR PROCEEDINGS

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CHAPTER 155—INJUNCTIONS; THREE-JUDGE COURTS

* * * * * * *

§ 2284. Three-judge court; when required; composition; procedure

(a) A district court of three judges shall be convened when otherwise required by Act of Congress, or when an action is filed challenging the constitutionality of the apportionment of congressional districts or the apportionment of any statewide legislative body.

(b) In any action required to be heard and determined by a district court of three judges under subsection (a) of this section, the composition and procedure of the court shall be as follows:

(1) Upon the filing of a request for three judges, the judge to whom the request is presented shall, unless he determines that three judges are not required, immediately notify the chief judge of the circuit, who shall designate two other judges, at least one of whom shall be a circuit judge. The judges so designated, and the

judge to whom the request was presented, shall serve as members of the court to hear and determine the action or proceeding.

(2) If the action is against a State, or officer or agency thereof, at least five days' notice of hearing of the action shall be given by registered or certified mail to the Governor and attorney general of the State. [The hearing shall be given precedence and held at the earliest practicable day.]

* * * * * * *

CHAPTER 158—ORDERS OF FEDERAL AGENCIES; REVIEW

* * * * * * *

§ 2349. Jurisdiction of the proceeding

(a) The court of appeals has jurisdiction of the proceeding on the filing and service of a petition to review. The court of appeals in which the record on review is filed, on the filing, has jurisdiction to vacate stay orders or interlocutory injunctions previously granted by any court, and has exclusive jurisdiction to make and enter, on the petition, evidence, and proceedings set forth in the record on review, a judgment determining the validity of, and enjoining, setting aside, or suspending, in whole or in part, the order of the agency.

(b) The filing of the petition to review does not of itself stay or suspend the operation of the order of the agency, but the court of appeals in its discretion may restrain or suspend, in whole or in part, the operation of the order pending the final hearing and determination of the petition. When the petitioner makes application for an interlocutory injunction restraining or suspending the enforcement, operation, or execution of, or setting aside, in whole or in part, any order reviewable under this chapter, at least 5 days' notice of the hearing thereon shall be given to the agency and to the Attorney General. In a case in which irreparable damage would otherwise result to the petitioner, the court of appeals may, on hearing, after reasonable notice to the agency and to the Attorney General, order a temporary stay or suspension, in whole or in part, of the operation of the order of the agency for not more than 60 days from the date of the order pending the hearing on the application for the interlocutory injunction, in which case the order of the court of appeals shall contain a specific finding, based on evidence submitted to the court of appeals, and identified by reference thereto, that irreparable damage would result to the petitioner and specifying the nature of the damage. The court of appeals, at the time of hearing the application for an interlocutory injunction, on a like finding, may continue the temporary stay or suspension, in whole or in part, until decision on the application. [The hearing on an application for an interlocutory injunction shall be given preference and expedited and shall be heard at the earliest practicable date after the expiration of the notice of hearing on the application. On the final hearing of any proceeding to review any order under this chapter, the same requirements as to precedence and expedition apply.]

* * * * * * *

CHAPTER 169—COURT OF INTERNATIONAL TRADE PROCEDURE

Sec.
2631. Persons entitled to commence a civil action.
2632. Commencement of a civil action.
2633. Procedure and fees.
2634. Notice.
2635. Filing of official documents.
2636. Time for commencement of action.
2637. Exhaustion of administrative remedies.
2638. New grounds in support of a civil action.
2639. Burden of proof; evidence of value.
2640. Scope and standard of review.
2641. Witnesses; inspection of documents.
2642. Analysis of imported merchandise.
2643. Relief.
2644. Interest.
2645. Decisions.
2646. Retrial or rehearing.
[2647. Precedence of cases.]

* * * * * * *

[§ 2647. Precedence of cases

[The following civil actions in the Court of International Trade shall be given precedence, in the following order, over the other civil actions pending before the court, and shall be assigned for hearing at the earliest practicable date and expedited in every way:

[(1) First, a civil action involving the exclusion of perishable merchandise or the redelivery of such merchandise.

[(2) Second, a civil action for the review of a determination under section 516A(a)(1)(B) (i) or (ii) of the Tariff Act of 1930.

[(3) Third, a civil action commenced under section 515 of the Tariff Act of 1930 involving the exclusion or redelivery of merchandise.

[(4) Fourth, a civil action commenced under section 516 or 516A of the Tariff Act of 1930, other than a civil action described in paragraph (2) of this section.]

* * * * * * *

FEDERAL ELECTION CAMPAIGN ACT OF 1971

ENFORCEMENT

SEC. 309. (a)(1) * * *

* * * * * * *

[(10) Any action brought under this subsection shall be advanced on the docket of the court in which filed, and put ahead of all other actions (other than other actions brought under this subsection or under section 310 of this Act).]

* * * * * * *

JUDICIAL REVIEW

SEC. 310. (a) The Commission, the national committee of any political party, or any individual eligible to vote in any election for

the office of President may institute such actions in the appropriate district court of the United States, including actions for declaratory judgment, as may be appropriate to construe the constitutionality of any provision of this Act. The district court immediately shall certify all questions of constitutionality of this Act to the United States court of appeals for the circuit involved, which shall hear the matter sitting en blanc.

(b) Notwithstanding any other provision of law, any decision on a matter certified under subsection (a) shall be reviewable by appeal directly to the Supreme Court of the United States. Such appeal shall be brought no later than 20 days after the decision of the court of appeals.

[(c) It shall be the duty of the court of appeals and of the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of any matter certified under subsection (a).]

TITLE 5, UNITED STATES CODE

PART I—THE AGENCIES GENERALLY

* * * * * * *

CHAPTER 5—ADMINISTRATIVE PROCEDURE

* * * * * * *

SUBCHAPTER II—ADMINISTRATIVE PROCEDURE

* * * * * * *

§ 552. Public information; agency rules, opinions, orders, records, and proceedings

(a) Each agency shall make available to the public information as follows:

(1) * * *

* * * * * * *

(4)(A) * * *

* * * * * * *

[(D) Except as to cases the court considers of greater importance, proceedings before the district court, as authorized by this subsection, and appeals therefrom, take precedence on the docket over all cases and shall be assigned for hearing and trial or for argument at the earliest practicable date and expedited in every way.]

* * * * * * *

SECTION 6 OF THE COMMODITY EXCHANGE ACT

SEC. 6. Any board of trade desiring to be designated a "contract market" shall make application to the Commission for such desig-

nation and accompany the same with a showing that it complies with the above conditions, and with a sufficient assurance that it will continue to comply with the above requirements. In the event of a refusal to designate as a "contract market" any board of trade that has made application therefor, such board of trade shall be afforded an opportunity for a hearing on the record before the Commission, with the right to appeal an adverse decision after such hearing to the court of appeals as provided for in other cases in paragraph (a) of this section.

(a) The commission is authorized to suspend for a period not to exceed six months or to revoke the designation of any board of trade as a "contract market" upon a showing that such board of trade is not enforcing or has not enforced its rules of government made a condition of its designation as set forth in section 5 of this Act or that such board of trade, or any director, officer, agent, or employee thereof, otherwise is violating or has violated any of the provisions of this Act or any of the rules, regulations, or orders of the Secretary of Agriculture or the commission thereunder. Such suspension or revocation shall only be after a notice to the officers of the board of trade affected and upon a hearing on the record: *Provided,* That such suspension or revocation shall be final and conclusive, unless within fifteen days after such suspension or revocation by the commission such board of trade appeals to the court of appeals for the circuit in which it has its principal place of business, by filing with the clerk of such court a written petition praying that the order of the commission be set aside or modified in the manner stated in the petition, together with a bond in such sum as the court may determine, conditioned that such board of trade will pay the costs of the proceedings if the court so directs. The clerk of the court in which such a petition is filed shall immediately cause a copy thereof to be delivered to the Secretary of Agriculture, who shall thereupon notify the other members of the commission and file in the court the record in such proceedings, as provided in section 2112 of title 28, United States Code. The testimony and evidence taken or submitted before the commission, duly filed as aforesaid as a part of the record, shall be considered by the court of appeals as the evidence in the case. [The proceedings in such cases in the court of appeals shall be made a preferred cause and shall be expedited in every way.] Such a court may affirm or set aside the order of the commission or may direct it to modify its order. No such order of the commission shall be modified or set aside by the court of appeals unless it is shown by the board of trade that the order is unsupported by the weight of the evidence or was issued without due notice and a reasonable opportunity having been afforded to such board of trade for a hearing, or infringes the Constitution of the United States, or is beyond the jurisdiction of the commission.

FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

* * * * * * *

SEC. 6. ADMINISTRATIVE REVIEW; SUSPENSION.

(a) CANCELLATION AFTER FIVE YEARS.—

* * * * * * *

(c) SUSPENSION.—

(1) * * *

* * * * * * *

(4) JUDICIAL REVIEW.—A final order on the question of suspension following a hearing shall be reviewable in accordance with Section 16 of this Act, notwithstanding the fact that any related cancellation proceedings have not been completed. [Petitions to review orders on the issue of suspension shall be advanced on the docket of the courts of appeals.] Any order of suspension entered prior to a hearing before the Administrator shall be subject to immediate review in an action by the registrant or other interested person with the concurrence of the registrant in an appropriate district court, solely to determine whether the order of suspension was arbitrary, capricious or an abuse of discretion, or whether the order was issued in accordance with the procedures established by law. The effect of any order of the court will be only to stay the effectiveness of the suspension order, pending the Administrator's final decision with respect to cancellation or change in classification. This action may be maintained simultaneously with any administrative review proceeding under this section. The commencement of proceedings under this paragraph shall not operate as a stay of order, unless ordered by the court.

* * * * * * *

SEC. 10. PROTECTION OF TRADE SECRETS AND OTHER INFORMATION.

(a) IN GENERAL.— * * *

* * * * * * *

(d) LIMITATIONS.—

(1) * * *

* * * * * * *

(3) If the Administrator proposes to disclose information described in clause (A), (B), or (C) of paragraph (1) or in paragraph (2) of this subsection, the Administrator shall notify by certified mail the submitter of such information of the intent to release such information. The Administrator may not release such information, without the submitter's consent, until thirty days after the submitter has been furnished such notice: *Provided,* That where the Administrator finds that disclosure of information described in clause (A), (B), or (C) of paragraph (1) of this subsection is necessary to avoid or lessen an imminent and substantial risk of injury to the public health, the Administrator may set such shorter period of notice (but not less than ten days) and such method of notice as the Administrator finds appropriate. During such period the data submitter may institute an action in an appropriate district court to enjoin or limit the proposed disclosure. [The court shall give expedited consideration to any such action.] The court may

enjoin disclosure, or limit the disclosure or the parties to whom disclosure shall be made, to the extent that—

(A) in the case of information described in clause (A), (B), or (C) of paragraph (1) of this subsection, the proposed disclosure is not required to protect against an unreasonable risk of injury to health or the environment; or

(B) in the case of information described in paragraph (2) of this subsection, the public interest in availability of the information in the public proceeding does not outweigh the interests in preserving the confidentiality of the information.

* * * * * * *

SEC. 16. ADMINISTRATIVE PROCEDURE; JUDICIAL REVIEW.

(a) * * *

(b) REVIEW BY COURT OF APPEALS.—In the case of actual controversy as to the validity of any order issued by the Administrator following a public hearing, any person who will be adversely affected by such order and who had been a party to the proceedings may obtain judicial review by filing in the United States court of appeals for the circuit wherein such person resides or has a place of business, within 60 days after the entry of such order, a petition praying that the order be set aside in whole or in part. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Administrator or any designated by him for that purpose, and thereupon the Administrator shall file in the court the record of the proceedings on which he based his order, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition the court shall have exclusive jurisdiction to affirm or set aside the order complained of in whole or in part. The court shall consider all evidence of record. The order of the Administrator shall be sustained if it is supported by substantial evidence when considered on the record as a whole. The judgment of the court affirming or setting aside, in whole or in part, any order under this section shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28 of the United States Code. The commencement of proceedings under this section shall not, unless specifically ordered by the court to the contrary, operate as a stay of an order. [The court shall advance on the docket and expedite the disposition of all cases filed therein pursuant to this section.]

* * * * * * *

SEC. 25. AUTHORITY OF ADMINISTRATOR.

(a)(1) * * *

* * * * * * *

(4) RULE AND REGULATION REVIEW.—

(A) * * *

* * * * * * *

(E) JUDICIAL REVIEW.—

(i) Any interested party, including any person who participated in the rulemaking involved, may institute such

actions in the appropriate district court of the United States, including actions for declaratory judgment, as may be appropriate to construe the constitutionality of any provision of this paragraph. The district court immediately shall certify all questions of the constitutionality of this paragraph to the United States court of appeals for the circuit involved, which shall hear the matter sitting en banc.

(ii) Notwithstanding any other provision of law, any decision on a matter certified under clause (i) of this subparagraph shall be reviewable by appeal directly to the Supreme Court of the United States. Such appeal shall be brought not later than 20 days after the decision of the court of appeals.

[(iii) It shall be the duty of the court of appeals and of the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of any matter certified under clause (i) of this subparagraph.]

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SECTION 204 OF THE PACKERS AND STOCKYARDS ACT, 1921

SEC. 204. (a) * * *

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(d) The evidence so taken or admitted, and filed as aforesaid as a part of the record, shall be considered by the court as the evidence in the case. [The proceedings in such cases in the court of appeals shall be made a preferred cause and shall be expedited in every way.]

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SECTION 366 OF THE AGRICULTURAL ADJUSTMENT ACT OF 1938

COURT REVIEW

SEC. 366. The review by the court shall be limited to questions of law, and the findings of fact by the review committee, if supported by evidence, shall be conclusive. If application is made to the court for leave to adduce additional evidence, and it is shown to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for failure to adduce such evidence in the hearing before the review committee, the court may direct such additional evidence to be taken before the review committee in such manner and upon such terms and conditions as to the court may seem proper. The review committee may modify its findings of fact or its determination by reason of the additional evidence so taken, and it shall file with the court such modified findings or determination, which findings of fact shall be conclusive. [At the earliest convenient time, the court, in term time or vacation,] *The court* shall hear and determine the case upon the original record of the hearings before the review committee and upon

such record as supplemented if supplemented, by further hearing before the review committee pursuant to direction of the court. The court shall affirm the review committee's determination, or modified determination, if the court determines that the same is in accordance with law. If the court determines that such determination or modified determination is not in accordance with law, the court shall remand the proceeding to the review committee with direction either to make such determination as the court shall determine to be in accordance with law or to take such further proceedings as, in the court's opinion, the law requires.

THE FEDERAL SEED ACT

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TITLE IV—GENERAL PROVISIONS

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SEC. 410. An order made under section 409 shall be final and conclusive unless within thirty days after the service the person appeals to the court of appeals for the circuit in which such person resides or has his principal place of business by filing with the clerk of such court a written petition praying that the Secretary's order be set aside or modified in the manner stated in the petition, together with a bond in such sum as the court may determine, conditioned that such person will pay the costs of the proceedings if the court so directs.

The clerk of the court shall immediately cause a copy of the petition to be delivered to the Secretary, and the Secretary shall thereupon file in the court the record in such proceedings, as provided in section 2112 of title 28, United States Code. If before such record is filed, the Secretary amends or sets aside his report or order, in whole or in part, the petitioner may amend the petition within such time as the court may determine, on notice to the Secretary.

At any time after such petition is filed the court, on application of the Secretary, may issue a temporary injunction restraining, to the extent it deems proper, the person and his officers, directors, agents, and employees from violating any of the provisions of the order pending the final determination of the appeal.

The evidence so taken or admitted and filed as aforesaid as a part of the record, shall be considered by the court as the evidence in the case. [The proceedings in such cases in the court of appeals shall be made a preferred cause and shall be expedited in every way.]

The court may affirm, modify, or set aside the order of the Secretary.

If the court determines that the just and proper disposition of the case requires the taking of additional evidence, the court shall order the hearing to be reopened for the taking of such evidence, in such manner and upon such terms and conditions as the court may deem proper. The Secretary may modify his findings as to the facts, or make new findings, by reason of the additional evidence so taken, and he shall file such modified or new findings and his rec-

ommendations, if any for the modification or setting aside of his order, with the return of such additional evidence.

If the court of appeals affirms or modifies the order of the Secretary, its decree shall operate as an injunction to restrain the person and his officers, directors, agents, and employees from violating the provisions of such order or such order as modified.

SEC. 411. If any person against whom an order is issued under section 409 fails to obey the order, the Secretary of Agriculture, or the United States, by its Attorney General, may apply to the court of appeals of the United States, within the circuit where the person against whom the order was issued resides or has his principal place of business for the enforcement of the order, and shall file the record in such proceedings, as provided in section 2112 of title 28, United States Code. Upon such filing of the application the court shall cause notice thereof to be served upon the person against whom the order was issued. The evidence to be considered, the procedure to be followed, and the jurisdiction of the court shall be the same as provided in section 410 for applications to set aside or modify orders.

[The proceedings in such cases shall be made a preferred cause and shall be expedited in every way.]

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SECTION 816 OF THE DEPARTMENT OF DEFENSE APPROPRIATION AUTHORIZATION ACT, 1976

SEC. 816. (a) * * *

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(c)(1) * * *

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(4) In any proceeding brought in any district court of the United States pursuant to this section, the Attorney General may file with the clerk of such court a certificate of the Secretary of Defense that, in his opinion, the proceeding is of critical importance to the effective operation of the Armed Forces of the United States and that immediate relief from the discrimination is necessary, a copy of which shall be immediately furnished by such clerk to the chief judge of the circuit (or, in his absence, the presiding circuit judge) in which the proceeding is pending. Upon receipt of the copy of such certificate, it shall be the duty of the chief judge of the circuit or the presiding circuit judge, as the case may be, to designate immediately three judges in such circuit, of whom at least one shall be a circuit judge, to hear and determine such proceeding. [Except as to causes which the court considers to be of greater urgency, proceedings before any district court under this section shall take precedence over all other causes and shall be assigned for hearing and trail at the earliest practicable date and expedited in every way.]

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SECTION 5 OF THE HOME OWNERS' LOAN ACT OF 1933

FEDERAL SAVINGS AND LOAN ASSOCIATIONS

SEC. 5. (a) * * *

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(d)(1) * * *

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(6)(A) The grounds for the appointment of a conservator or receiver for an association shall be one or more of the following: (i) insolvency in that the assets of the association are less than its obligations to its creditors and others, including its members; (ii) substantial dissipation of assets or earnings due to any violation or violations of law, rules, or regulations, or to any unsafe or unsound practice or practices; (iii) an unsafe or unsound condition to transact business; (iv) willful violation of a cease-and-desist order which has become final; (v) concealment of books, papers, records, or assets of the association or refusal to submit books, papers, records, or affairs of the association for inspection to any examiner or to any lawful agent of the Board. The Board shall have exclusive power and jurisdiction to appoint a conservator or receiver. If, the opinion of the Board, a ground for the appointment of a conservator or receiver as herein provided exists, the Board is authorized to appoint ex parte and without notice a conservator or receiver for the association. In the event of such appointment, the association may, within thirty days thereafter, bring an action in the United States district court for the judicial district in which the home office of such association is located, or in the United States District Court for the District of Columbia, for an order requiring the Board to remove such conservator or receiver, and the court shall upon the merits dismiss such action or direct the Board to remove such conservator or receiver. [Such proceedings shall be given precedence over other cases pending in such courts, and shall be in every way expedited.] Upon the commencement of such an action, the court having jurisdiction of any other action or proceeding authorized under this subsection to which the association is a party shall stay such action or proceeding during the pendency of the action for removal of the conservator or receiver.

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CLAYTON ACT

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SEC. 7A. (a) * * *

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(f) If a proceeding is instituted or an action is filed by the Federal Trade Commission, alleging that a proposed acquisition violates section 7 of this Act of section 5 of the Federal Trade Commission Act, or an action is filed by the United States, alleging that a pro-

posed acquisition violates such section 7 or section 1 or 2 of the Sherman Act, and the Federal Trade Commission or the Assistant Attorney General (1) files a motion for a preliminary injunction against consummation of such acquisition pendente lite, and [(2) certifies to the United States district court for the judicial district within which the respondent resides or carries on business, or in which the action is brought, that it or he believes that the public interest requires relief pendente lite pursuant to this subsection—

[(A) upon the filing of such motion and certification, the chief judge of such district court shall immediately notify the chief judge of the United States court of appeals for the circuit in which such district court is located, who shall designate a United States district judge to whom such action shall be assigned for all purposes; and

[(B) the motion for a preliminary injunction shall be set down for hearing by the district judge so designated at the earliest practicable time, shall take precedence over all matters except old matters of the same character and trials pursuant to section 3161 of title 18, United States Code, and shall in be every way expedited.] *(2) certifies to the United States district court for the judicial district within which the respondent resides or carries on business, or in which the action is brought, that it or he believe that the public interest requires relief pendente lite pursuant to this subsection, then upon the filing of such motion and certification, the chief judge of such district court shall immediately notify the chief judge of the United States court of appeals for the circuit in which such district court is located, who shall designate a United States district judge to whom such action shall be assigned for all purposes.*

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SEC. 11. (a) * * *

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(e) [Such proceeding in the court of appeals shall be given precedence over other cases pending therein, and shall be in every way expedited.] No order of the commission or board or judgment of the court to enforce the same shall in anywise relieve or absolve any person from any liability under the antitrust laws.

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SECTION 1 OF THE ACT OF FEBRUARY 11, 1903

AN ACT To expedite the hearing and determination of suits in equity pending or hereafter brought under the Act of July second, eighteen hundred and ninety, entitled "An Act to protect trade and commerce against unlawful restraints and monopolies," "An Act to regulate commerce," approved February fourth, eighteen hundred and eighty-seven, or any other Acts having a like purpose that may be hereafter enacted

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[SECTION 1. In any civil action brought in any district court of the United States under the Act entitled "An Act to protect trade and commerce against unlawful restraints and monopolies", approved July 2, 1890, or any other Acts having like purpose that

have been or hereafter may be enacted, wherein the United States is plaintiff and equitable relief is sought, the Attorney General may file with the court, prior to the entry of final judgment, a certificate that, in his opinion, the case is of a general public importance. Upon filing of such certificate, it shall be the duty of the judge designated to hear and determine the case, or the chief judge of the district court if no judge has as yet been designated, to assign the case for hearing at the earliest practicable date and to cause the case to be in every way expedited.]

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SECTION 5 OF THE FEDERAL TRADE COMMISSION ACT

SEC. 5. (a)(1) * * *

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(e) [Such proceedings in the circuit court of appeals shall be given precedence over other cases pending therein, and shall be in every way expedited.] No order of the commission or judgment of court to enforce the same shall in anywise relieve or absolve any person, partnership, or corporation from any liability under the Antitrust Acts.

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SECTION 21 OF THE FEDERAL TRADE COMMISSION IMPROVEMENTS ACT OF 1980

CONGRESSIONAL REVIEW OF RULES

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(f)(1) Any interested party may institute such actions in the appropriate district court of the United States, including actions for declaratory judgment, as may be appropriate to construe the constitutionality of any provision of this section. The district court immediately shall certify all questions of the constitutionality of this section to the United States court of appeals for the circuit involved, which shall hear the matter sitting en banc.

(2) Notwithstanding any other provision of law, any decision on a matter certified under paragraph (1) shall be reviewable by appeal directly to the Supreme Court of the United States. Such appeal shall be brought not later than 20 days after the decision of the court of appeals.

[(3) It shall be the duty of the court of appeals and of the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of any matter certified under paragraph (1).]

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SECTION 11A OF THE SECURITIES EXCHANGE ACT OF 1934

NATIONAL MARKET SYSTEM FOR SECURITIES; SECURITIES INFORMATION PROCESSORS

SEC. 11A. (a) * * *

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(c)(1) * * *

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(4) [(A)] The Commission is directed to review any and all rules of national securities exchanges which limit or condition the ability of members to effect transactions in securities otherwise than on such exchanges. On or before the ninetieth day following the day of enactment of the Securities Acts Amendments of 1975, the Commission shall (i) report to the Congress the results of its review, including the effects on competition of such rules, and (ii) commence a proceeding in accordance with the provisions of section 19(c) of this title to amend any such rule imposing a burden on competition which does not appear to the Commission to be necessary or appropriate in furtherance of the purposes of this title. The Commission shall conclude any such proceeding within ninety days of the date of publication of notice of its commencement.

[(B) Review pursuant to section 25(b) of this title of any rule promulgated by the Commission in accordance with any proceeding commenced pursuant to subparagraph (A) of this paragraph shall, except as to causes the court considers of greater importance, take precedence on the docket over all causes and shall be assigned for consideration at the earliest practicable date and expedited in every way.]

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SMALL BUSINESS INVESTMENT ACT OF 1958

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TITLE III—SMALL BUSINESS INVESTMENT COMPANIES

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REVOCATION AND SUSPENSION OF LICENSES; CEASE AND DESIST ORDERS

SEC. 309. (a) * * *

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(e) An order issued by the Administration under this section shall be final and conclusive unless within thirty days after the service thereof the licensee, or other person against whom an order is issued, appeals to the United States court of appeals for the cir-

cuit in which such licensee has its principal place of business by filing with the clerk of such court a petition praying that the Administration's order be set aside or modified in the manner stated in the petition. After the expiration of such thirty days, a petition may be filed only by leave of court on a showing of reasonable grounds for failure to file the petition theretofore. The clerk of the court shall immediately cause a copy of the petition to be delivered to the Administration, and the Administration shall thereupon certify and file in the court a transcript of the record upon which the order complained of was entered. If before such record is filed the Administration amends or sets aside its order, in whole or in part, the petitioner may amend the petition within such time as the court may determine, on notice to the Administration. The filing for review shall not of itself stay or suspend the operation of the order of the Administration, but the court of appeals in its discretion may restrain or suspend, in whole or in part, the operation of the order pending the final hearing and determination of the petition. [The proceedings in such cases in the court of appeals shall be made a preferred cause and shall be expedited in every way.] The court may affirm, modify, or set aside the order of the Administration. If the court determines that the just and proper disposition of the case requires the taking of additional evidence, the court shall order the Administration to reopen the hearing for the taking of such evidence, in such manner and upon such terms and conditions as the court may deem proper. The Administration may modify its findings as to the facts, or make new findings, by reason of the additional evidence so taken, and it shall file its modified or new findings and the amendments, if any, of its order, with the record of such additional evidence. No objection to an order of the Administration shall be considered by the court unless such objection was urged before the Administration or, if it was not so urged, unless there were reasonable grounds for failure to do so. The judgment and decree of the court affirming, modifying, or setting aside any such order of the Administration shall be subject only to review by the Supreme Court of the United States upon certification or certiorari as provided in section 1254 of title 28, United States Code.

(f) If any licensee or other person against which or against whom an order is issued under this section fails to obey the order, the Administration may apply to the United States court of appeals, within the circuit where the licensee has its principal place of business, for the enforcement of the order and shall file a transcript of the record upon which the order complained of was entered. Upon the filing of the application the court shall cause notice thereof to be served on the licensee or other person. The evidence to be considered, the procedure to be followed, and the jurisdiction of the court shall be the same as is provided in subsection (e) for applications to set aside or modify orders. [The proceedings in such cases shall be made a preferred cause and shall be expedited in every way.]

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INJUNCTIONS AND OTHER ORDERS

SEC. 311. (a) Whenever, in the judgment of the Administration, a licensee or any other person has engaged or is about to engage in any acts or practices which constitute or will constitute a violation of any provision of this Act, or of any rule or regulation under this Act, or of any order issued under this Act, the Administration may make application to the proper district court of the United States or a United States court of any place subject to the jurisdiction of the United States for an order enjoining such acts or practices, or for an order enforcing compliance with such provision, rule, regulation, or order, and such courts shall have jurisdiction of such actions and, upon a showing by the Administration that such licensee or other person has engaged or is about to engage in any such acts or practices, a permanent or temporary injunction, restraining order, or other order, shall be granted without bond. [The proceedings in such a case shall be made a preferred cause and shall be expedited in every way.]

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SECTION 10 OF THE ALASKA NATURAL GAS TRANSPORTATION ACT OF 1976

JUDICIAL REVIEW

SEC. 10. (a) Notwithstanding any other provision of law, the actions of Federal officers or agencies taken pursuant to section 9 of this Act, shall not be subject to judicial review except as provided in this section.

(b)(1) Claims alleging the invalidity of this Act may be brought not later than the 60th day following the date a decision takes effect pursuant to section 8 of this Act.

(2) Claims alleging that an action will deny rights under the Constitution of the United States, or that an action is in excess of statutory jurisdiction, authority, or limitations, or short of statutory right may be brought not later than the 60th day following the date of such action, except that if a party shows that he did not know of the action complained of, and a reasonable person acting in the circumstances would not have known, he may bring a claim alleging the invalidity of such action on the grounds stated above not later than the 60th day following the date of his acquiring actual or constructive knowledge of such action.

(c)(1) A claim under subsection (b) shall be barred unless a complaint is filed prior to the expiration of such time limits in the United States Court of Appeals for the District of Columbia acting as a Special Court. Such court shall have exclusive jurisdiction to determine such proceeding in accordance with the procedures hereinafter provided, and no other court of the United States, of any State, territory, or possession of the United States, or of the Dis-

trict of Columbia, shall have jurisdiction of any such claim in any proceeding instituted prior to or on after the date of enactment of this Act.

[(2) Any such proceeding shall be assigned for hearing and completed at the earliest possible date, shall, to the greatest extent practicable, take precedence over all other matters pending on the docket of the court at that time, and shall be expedited in every way by such court and such court shall render its decision relative to any claim within 90 days from the date such claim is brought unless such court determines that a longer period of time is required to satisfy requirements of the United States Constitution.]

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SECTION 155 OF THE NATIONAL TRAFFIC AND MOTOR VEHICLE SAFETY ACT OF 1966

ENFORCEMENT OF NOTIFICATION AND REMEDY ORDERS

SEC. 155. (a)[(1)] An action under section 110(a) to restrain a violation of an order issued under section 152(b), or under section 109 to collect a civil penalty with respect to a violation of such an order, or any other civil action with respect to such an order, may be brought only in the United States district court for the District of Columbia or the United States district court for a judicial district in the State of incorporation (if any) of the manufacturer to which the order applies; unless on motion of any party the court orders a change of venue to any other district court for good cause shown. All actions (including enforcement actions) brought with respect to the same order under section 152(b) shall be consolidated in an action in a single judicial district, in accordance with an order of the court in which the first such action is brought (or if such first action is transferred to another court, by order of such other court).

[(2) The court shall expedite the disposition of any civil action to which this subsection applies.]

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SECTION 503 OF THE MOTOR VEHICLE INFORMATION AND COST SAVINGS ACT

DETERMINATION OF AVERAGE FUEL ECONOMY

SEC. 503. (a) * * *
(b)(1) * * *

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(3)(A) * * *

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(E)(i) Any person adversely affected by a decision of the Secretary denying or granting an exemption pursuant to this paragraph may, not later than 30 days after publication of the notice of such decision, file a petition of review of such decision in the United States Court of Appeals for the District of Columbia. Such court shall have exclusive jurisdiction to review such decision, in accordance with section 706(2) (A) through (D) of title 5, of the United States Code, and to affirm, remand, or set aside the decision of the Secretary.

[(ii) Any such proceeding shall be assigned for a hearing and completed at the earliest possible date and shall be expedited in every possible way by such court. The court shall render its decision in any such proceeding within 60 days after the date of filing the petition for review unless the court determines that a longer period of time is necessary to satisfy the requirements of the Constitution of the United States.]

[(iii)] *(ii)* The judgment of the court affirming, remanding, or setting aside, in whole or in part, any such decision shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28 of the United States Code. Application therefor shall be made within 30 days after entry of such judgment.

[(iv)] *(iii)* Notwithstanding any other provision of law, a decision of the Secretary on an exemption pursuant to this paragraph shall not be subject to judicial or administrative review except as provided in this paragraph.

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SECTION 23 OF THE TOXIC SUBSTANCES CONTROL ACT

SEC. 23. EMPLOYEE PROTECTION.

(a) IN GENERAL.—* * *

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(d) ENFORCEMENT.—Whenever a person has failed to comply with an order issued under subsection (b)(2), the Secretary shall file a civil action in the United States district court for the district in which the violation was found to occur to enforce such order. In actions brought under this subsection, the district courts shall have jurisdiction to grant all appropriate relief, including injunctive relief and compensatory and exemplary damages. [Civil actions brought under this subsection shall be heard and decided expeditiously.]

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SECTION 12 OF THE COASTAL ZONE MANAGEMENT IMPROVEMENT ACT OF 1980

SEC. 12. CONGRESSIONAL DISAPPROVAL PROCEDURE.

(a) * * *

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(e)(1) * * *

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[(3) It shall be the duty of the court of appeals and of the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of any matter certified under paragraph (1).]

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SECTION 11 OF THE ACT OF SEPTEMBER 28, 1976

AN ACT To provide for the regulation of mining activity within, and to repeal the application of mining laws to, areas of the National Park System, and for other purposes

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SEC. 11. The holder of any patented or unpatented mining claim subject to this act who believes he has suffered a loss by operation of this Act, or by orders or regulations issued pursuant thereto, may bring an action in a United States district court to recover just compensation, which shall be awarded if the court finds that such loss constitutes a taking of property compensable under the Constitution. [The court shall expedite its consideration of any claim brought pursuant to this section.]

ALASKA NATIONAL INTEREST LANDS CONSERVATION ACT

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TITLE VIII—SUBSISTENCE MANAGEMENT AND USE

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JUDICIAL ENFORCEMENT

SEC. 807. (a) * * *

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[(b) A civil action filed pursuant to this section shall be assigned for hearing at the earliest possible date, shall take precedence over other matters pending on the docket of the United States district court at that time, and shall be expedited in every way by such court and any appellate court.]

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TITLE XI—TRANSPORTATION AND UTILITY SYSTEMS IN AND ACROSS, AND ACCESS INTO, CONSERVATION SYSTEM UNITS

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[EXPEDITED JUDICIAL REVIEW

[SEC. 1108. (a) It is the intent of Congress that any judicial review of any administrative actions, including compliance with the National Environmental Policy Act of 1969, pursuant to this title shall be expedited to the maximum extent possible.

[(b) Any proceeding before a Federal court in which an administrative action, including compliance with the National Environmental Policy Act of 1969, pursuant to this title is challenged shall be assigned for hearing and completed at the earliest possible date, and shall be expedited in every way by such court, and such court shall render its final decision relative to any challenge within one hundred and twenty days from the date such challenge is brought unless such court determines that a longer period of time is required to satisy the requirements of the United States Constitution.

[(c) No court shall have jurisdiction to grant any injunctive relief lasting longer than ninety days against any action pursuant to this title except in conjunction with a final judgment entered in a case involving an action pursuant to this title.]

INJUNCTIVE RELIEF

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

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SECTION 10 OF THE CENTRAL IDAHO WILDERNESS ACT OF 1980

SEC. 10. (a) * * *

(b)(1) Any petition for review of the decision of the Secretary with regard to any of the plans and environmental statements referenced in this section, shall be filed in the United States District Court for the District of Idaho (hereinafter referred to as "the court") within thirty days after the final administrative decision of the Secretary required by this section, or the petition shall be barred. Such court shall have exclusive jurisdiction to determine such proceeding in accordance with standard procedures as supplemented by procedures hereinafter provided and no other district court of the United States shall have jurisdiction over any such challenge in any proceeding instituted prior to, on, or after the date of enactment of this Act.

(2) Notwithstanding any other provision of law, the court may set rules governing the procedures of any such proceeding which set page limits on briefs and time limits for filing briefs and motions and other actions which are shorter than the limits specified in the Federal Rules of Civil or Appellate Procedure.

[(3) Any such proceeding before the court shall be assigned for hearing and completed at the earliest possible date, and shall be expedited in every way. The court shall render its final decision relative to any challenge within one hundred and eighty days from the date such challenge is brought unless the court determines that a longer period of time is required to satisfy the requirements of the United States Constitution.

[(c) Any review of any decision of the United States District Court for the District of Idaho shall be made by the Ninth Circuit Court of Appeals of the United States and shall be assigned for hearing and completed at the earliest possible date, and shall be expedited in every possible way.]

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

TITLE 18, UNITED STATES CODE

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PART I—CRIMES

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CHAPTER 96—RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS

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§ 1964. Civil remedies

(a) * * *

(b) The Attorney General may institute proceedings under this section. [In any action brought by the United States under this section, the court shall proceed as soon as practicable to the hearing and determination thereof.] Pending final determination thereof, the court may at any time enter such restraining orders or prohibitions, or take such other actions, including the acceptance of satisfactory performance bonds, as it shall deem proper.

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§ 1966. Expedition of actions

In any civil action instituted under this chapter by the United States in any district court of the United States, the Attorney General may file with the clerk of such court a certificate stating that in his opinion the case is of general public importance. A copy of that certificate shall be furnished immediately by such clerk to the chief judge or in his absence to the presiding district judge of the district in which such action is pending. Upon receipt of such copy, such judge shall designate immediately a judge of that district to hear and determine action. [The judge so designated shall assign such action for hearing as soon as practicable, participate in the

hearings and determination thereof, and cause action to be expedited in every way.]

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FEDERAL FOOD, DRUG, AND COSMETIC ACT

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CHAPTER IV—FOOD

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TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

SEC. 408. (a) * * *

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(i)(1) In a case of actual controversy as to the validity of any order under subsection (d)(5), (e), or (1) any person who will be adversely affected by such order may obtain judicial review by filing in the United States Court of Appeals for the circuit wherein such person resides or has his principal place of business, or in the United States Court of Appeals for the District of Columbia Circuit, within 60 days after entry of such order, a petition praying that the order be set aside in whole or in part.

* * * * * * *

(5) The judgment of the court affirming or setting aside, in whole or in part, any order under this section shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28 of the United States Code. The commencement of proceedings under this section shall not, unless specifically ordered by the court to the contrary, operate as a stay of an order. [The court shall advance on the docket and expedite the disposition of all causes filed therein pursuant to this section.]

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FOOD ADDITIVES

Unsafe Food Additives

SEC. 409. (a) * * *

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Judicial Review

(g)(1) * * *

(2) A copy of such petition shall be forthwith transmitted by the clerk of the court to the Secretary, or any officer designated by him for that purpose, and thereupon the Secretary shall file in the court the record of the proceedings on which he based his order, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition the court shall have jurisdiction, which upon

the filing of the record with it shall be exclusive, to affirm or set aside the order complained of in whole or in part. Until the filing of the record the Secretary may modify or set aside his order. The findings of the Secretary with respect to questions of fact shall be sustained if based upon a fair evaluation of the entire record at such hearing. [The court shall advance on the docket and expedite the disposition of all causes filed therein pursuant to this section.]

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SECTION 8 OF THE FOREIGN AGENTS REGISTRATION ACT OF 1983

ENFORCEMENT AND PENALTIES

SEC. 8. (a) Any person who—

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(f) Whenever in the judgment of the Attorney General any person is engaged in or about to engage in any acts which constitute or will constitute a violation of any provision of this Act, or regulations issued thereunder, or whenever any agent of a foreign principal fails to comply with any of the provisions of this Act or the regulations issued thereunder, or otherwise is in violation of the Act, the Attorney General may make application to the appropriate United States district court for an order enjoining such acts or enjoining such person from continuing to act as an agent of such foreign principal, or for an order requiring compliance with any appropriate provision of the Act or regulation thereunder. The district court shall have jurisdiction and authority to issue a temporary or permanent injunction, restraining order or such other which it may deem proper. [The proceedings shall be made a preferred cause and shall be expedited in every way.]

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SECTION 4 OF THE ACT OF DECEMBER 22, 1974

AN ACT To authorize the Secretary of the Interior to purchase property located within the San Carlos Mineral Strip

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SEC. 4. [(a)] If the negotiating teams fail to reach full agreement within the time period allowed in subsection (a) of section 3 or if one or both of the tribes are in default under the provisions of subsections (b) or (d) of section 2, the Mediator, within ninety days thereafter, shall prepare and submit to the District Court a report containing his recommendations for the settlement of the interests and rights set out in subsection (a) of section 1 which shall be most reasonable and equitable in light of the law and circumstances and consistent with the provisions of this Act. Following the District Court's review of the report and recommendations (which are not binding thereon) and any further proceedings which the District Court may schedule, the District Court is authorized to make a final adjudication, including partition of the joint use area, and

enter the judgments in the supplemental proceedings in the Healing case.

[(b) Any proceedings as authorized in subsection (a) hereof shall be assigned for hearing at the earliest possible date, shall take precedence over all other matters pending on the docket of the District Court at that time, and shall be expedited in every way by the Court.]

INTERNAL REVENUE CODE OF 1954

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Subtitle C—Employment Taxes

* * * * * * *

CHAPTER 23—FEDERAL UNEMPLOYMENT TAX ACT

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SEC. 3310. JUDICIAL REVIEW.

(a) IN GENERAL.—* * *

* * * * * * *

[(e) PREFERENCE.—Any judicial proceedings under this section shall be entitled to, and, upon request of the Secretary of Labor or the State, shall receive a preference and shall be heard and determined as expeditiously as possible.]

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Subtitle F—Procedure and Administration

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CHAPTER 61—INFORMATION AND RETURNS

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Subchapter B—Miscellaneous Provisions

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SEC. 6110. PUBLIC INSPECTION OF WRITTEN DETERMINATIONS.

(a) GENERAL RULE.—* * *

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(f) RESOLUTION OF DISPUTES RELATING TO DISCLOSURE.—

(1) * * *

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(5) EXPEDITION OF DETERMINATION.—The Tax Court shall make a decision with respect to any petition described in paragraph (3) at the earliest practicable date [and the Court of Ap-

peals shall expedite any review of such decision in every way possible].

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CHAPTER 64—COLLECTION

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Subchapter E—Collection of State Individual Income Taxes

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SEC. 6363. STATE AGREEMENTS; OTHER PROCEDURES.

(a) STATE AGREEMENTS.—* * *

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(d) JUDICIAL REVIEW.—

(1) IN GENERAL.—

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[(4) PREFERENCE.—Any judicial proceedings under this section shall be entitled to and, upon request of the Secretary of the State, shall receive a preference and shall be heard and determined as expeditiously as possible.]

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CHAPTER 78—DISCOVERY OF LIABILITY AND ENFORCEMENT OF TITLE

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Subchapter A—Examination and Inspection

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SEC. 7609. SPECIAL PROCEDURES FOR THIRD-PARTY SUMMONSES.

(a) NOTICE.—* * *

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(h) JURISDICTION OF DISTRICT COURT; ETC.—

(1) JURISDICTION.—The United States district court for the district within which the person to be summoned resides or is found shall have jurisdiction to hear and determine any proceeding brought under subsection (b)(2), (f), or (g). An order denying the petition shall be deemed a final order which may be appealed.

(2) SPECIAL RULE FOR PROCEEDINGS UNDER SUBSECTIONS (f) AND (g).—The determinations required to be made under subsections (f) and (g) shall be made ex parte and shall be made solely on the petition and supporting affidavits.

[(3) PRIORITY.—Except as to cases the court considers of greater importance, a proceeding brought for the enforcement of any summons, or a proceeding under this section, and appeals, takes precedence on the docket over all other cases and shall be assigned for hearing and decided at the earliest practicable date.]

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Subtitle H—Financing of Presidential Election Campaigns

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CHAPTER 95—PRESIDENTIAL ELECTION CAMPAIGN FUND

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SEC. 9010. PARTICIPATION BY COMMISSION IN JUDICIAL PROCEEDINGS.

(a) APPEARANCE BY COUNSEL.—* * *

* * * * * * *

(c) DECLARATORY AND INJUNCTIVE RELIEF.—The Commission is authorized through attorneys and counsel described in subsection (a) to petition the courts of the United States for declaratory or injunctive relief concerning any civil matter covered by the provisions of this subtitle or section 6096. Upon application of the Commission, an action brought pursuant to this subsection shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28, United States Code, and any appeal shall lie to the Supreme Court. [It shall be the duty of the judges designated to hear the case to assign the case for hearing at the earliest practicable date, to participate in the hearing and determination thereof, and to cause the case to be in every way expedited.]

* * * * * * *

SEC. 9011. JUDICIAL REVIEW.

(a) REVIEW OF CERTIFICATION, DETERMINATION, OR OTHER ACTION BY THE COMMISSION.—Any certification, determination, or other action by the Commission made or taken pursuant to the provisions of this chapter shall be subject to review by the United States Court of Appeals for the District of Columbia upon petition filed in such Court by any interested person. Any petition filed pursuant to this section shall be filed within thirty days after the certification, determination, or other action by the Commission for which review is sought.

(b) SUITS TO IMPLEMENT CHAPTER.—

(1) The Commission, the national committee of any political party, and individuals eligible to vote for President are authorized to institute such actions, including actions for declaratory judgment or injunctive relief, as may be appropriate to implement or construe any provision of this chapter.

(2) The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this subsection and shall exercise the same without regard to whether a person asserting rights under provisions of this subsection shall have exhausted any administrative or other remedies that may be provided at law. Such proceedings shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28, United States Code, and any appeal shall lie to the Supreme Court. [It shall be the duty of the judges designated to hear the case to assign the

case for hearing at the earliest practicable date, to participate in the hearing and determination thereof, and to cause the case to be in every way expedited.]

* * * * * * *

SECTION 10 OF THE ACT OF MARCH 23, 1932

AN ACT To amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes

* * * * * * *

SEC. 10. Whenever any court of the United States shall issue or deny any temporary injunction in a case involving or growing out of a labor dispute, the court shall, upon the request of any party to the proceedings and on his filing the usual bond for costs, forthwith certify as in ordinary cases the record of the case to the circuit court of appeals for its review. Upon the filing of such record in the circuit court of appeals, the appeal shall be heard and the temporary injunctive order affirmed, modified, or set aside [with the greatest possible expedition, giving the proceedings precedence over all other matters except older matters of the same character] *expeditiously.*

SECTION 10 OF THE NATIONAL LABOR RELATIONS ACT

PREVENTION OF UNFAIR LABOR PRACTICES

SEC. 10. (a) * * *

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[(i) Petitions filed under this Act shall be heard expeditiously, and if possible within ten days after they have been docketed.]

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SECTION 11 OF THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970

SEC. 11. (a) Any person adversely affected or aggrieved by an order of the Commission issued under subsection (c) of section 10 may obtain a review of such order in any United States court of appeals for the circuit in which the violation is alleged to have occurred or where the employer has its principal office, or in the Court of Appeals for the District of Columbia circuit, by filing in such court within sixty days following the issuance of such order a written petition praying that the order be modified or set aside. A copy of such petition shall be forthwith transmitted by the clerk of the court to the Commission and to the other parties, and thereupon the Commission shall file in the court the record in the proceeding as provided in section 2112 of title 28 of title 28, United States Code. Upon such filing, the court shall have jurisdiction of the proceeding and of the question determined therein, and shall

have power to grant such temporary relief or restraining order as it deems just and proper, and to make and enter upon the pleadings, testimony, and proceedings set forth in such record a decree affirming, modifying, or setting aside in whole or in part, the order of the Commission and enforcing the same to the extent that such order is affirmed or modified. The commencement of proceedings under this subsection shall not, unless ordered by the court, operate as a stay of the order of the Commission. No objection that has not been urged before the Commission shall be considered by the court, unless the failure or neglect to urge such objecton shall be excused because of extraordinary circumstances. The findings of the Commission with respect to questions of fact, if supported by substantial evidence on the record considered as a whole, shall be conclusive. If any party shall apply to the court for leave to adduce additional evidence and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the hearing before the Commission, the court may order such additional evidence to be taken before the Commission and to be made a part of the record. The Commission may modify its findings as to the facts, or make new findings, by reason of additional evidence so taken and filed, and it shall file such modified or new findings, which findings with respect to questions of fact, if supported by substantial evidence on the record considered as a whole, shall be conclusive, and its recommendations, if any, for the modification or setting aside of its original order. Upon the filing of the record with it, the jurisdiction of the court shal be exclusive and its judgment and decree shall be final, except that the same shall be subject to review by the Supreme Court of the United States, as provided in section 1254 of title 28, United States Code. [Petitions filed under this subsection shall be heard expeditiously.]

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SECTION 4003 OF THE EMPLOYER RETIREMENT INCOME SECURITY ACT OF 1974

INVESTIGATION AUTHORITY; COOPERATION WITH OTHER AGENCIES; CIVIL ACTIONS

SEC. 4003. (a) * * *

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(e)(1) * * *

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[(4) Upon application by the corporation to a court of the United States for expedited handling of any case in which the corporation is a party, it is the duty of that court to assign such case for hearing at the earliest practical date and to cause such case to be in every way expedited.]

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SECTION 106 OF THE FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969

JUDICIAL REVIEW

SEC. 106. (a)(1) Any person adversely affected or aggrieved by an order of the Commission issued under the Act may obtain a review of such order in any United States Court of Appeals for the circuit in which the violation is alleged to have occurred or in the United States Court of Appeals for the District of Columbia Circuit, by filing in such court within 30 days following the issuance of such order a written petition praying that the the order be modified or set aside. A copy of such petition shall be forthwith transmitted by the clerk of the court to the Commission and to the other parties, and thereupon the Commission shall file in the court the record in the proceeding as provided in section 2112 of title 28, United States Code. Upon such filing, the court shall have exclusive jurisdiction of the proceeding and of the questions determined therein, and shall have the power to make and enter upon the pleadings, testimony, and proceedings set forth in such record a decree affirming, modifying, or setting aside in whole or in part, the order of the Commission and enforcing the same to the extent that such order is affirmed or modified. No objection that has been urged before the Commission shall be considered by the court, unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances. The findings of the Commission with respect to questions of fact, if supported by substantial evidence on the record considered as a whole, shall be conclusive. If any party shall apply to the court for leave to adduce additional evidence and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the hearing before the Commission, the court may order such additional evidence to be taken before the Commission and to be made a part of the record. The Commission may modify its findings as to the facts, or make new findings, by reason of additional evidence so taken and filed, and it shall file such modified or new findings, which findings with respect to questions of fact, if supported by substantial evidence on the record considered as a whole, shall be conclusive. The Commission may modify or set aside its original order by reason of such modified or new findings of fact. Upon the filing of the record after such remand proceedings, the jurisdiction of the court shall be exclusive and its judgment and degree shall be final, except that the same shall be subject to review by the Supreme Court of the United States, as provided in section 1254 of title 28, United States Code. [Petitions filed under this subsection shall be heard expeditiously.]

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SECTION 1016 OF THE IMPOUNDMENT CONTROL ACT OF 1974

SUITS BY COMPTROLLER GENERAL

SEC. 1016. If, under section 1012(b) or 1013(b), budget authority is required to be made available for obligation and such budget authority is not made available for obligation, the Comptroller General is hereby expressly empowered, through attorneys of his own selection, to bring a civil action in the United States District Court for the District of Columbia to require such budget authority to be made available for obligation, and such court is hereby expressly empowered to enter in such civil action, against any department, agency, officer, or employee of the United States, any decree, judgment, or order which may be necessary or appropriate to make such budget authority available for obligation. [The courts shall give precedence to civil actions brought under this section, and to appeals and writs from decisions in such actions, over all other civil actions, appeals, and writs.] No civil action shall be brought by the Comptroller General under this section until the expiration of 25 calendar days of continuous session of the Congress following the date on which an explanatory statement by the Comptroller General of the circumstances giving rise to the action contemplated has been filed with the Speaker of the House of Representatives and the President of the Senate.

SECTION 2022 OF TITLE 38, UNITED STATES CODE

§ 2022. Enforcement procedures

If any employer, who is a private employer of a State or political subdivision thereof, fails or refuses to comply with the provisions of section 2021 (a), (b)(1), or (b)(3), or section 2024, the district court of the United States for any district in which such private employer maintains a place of business, or in which such State or political subdivision thereof exercises authority or carries out its functions, shall have the power, upon the filing of a motion, petition, or other appropriate pleading by the person entitled to the benefits of such provisions, specifically to require such employer to comply with such provisions and to compensate such person for any loss of wages or benefits suffered by reason of such employer's unlawful action. Any such compensation shall be in addition to and shall not be deemed to diminish any of the benefits provided for in such provisions. [The court shall order speedy hearing in any such case and shall advance it on the calendar.] Upon application to the United States attorney or comparable official for any district in which such private employer maintains a place of business, or in which such State or political subdivision thereof exercises authority or carries out its functions, by any person claiming to be entitled to the benefits provided for in such provisions, such United States attorney or official, if reasonably satisfied that the person so applying is entitled to such benefits, shall appear and act as attorney for such person in the amicable adjustment of the claim or in the filing of any motion, petition, or other appropriate pleading and the prosecution thereof specifically to require such employer to comply with such provisions. No fees or court costs shall be taxed

against any person who may apply for such benefits. In any such action only the employer shall be deemed a necessary party respondent. No State statute of limitations shall apply to any proceedings under this chapter.

SECTION 3628 OF TITLE 39, UNITED STATES CODE

§ 3628. Appellate review

A decision of the Governors to approve, allow under protest, or modify the recommended decision of the Postal Rate Commission may be appealed to any court of appeals of the United States, within 15 days after its publication by the Public Printer, by an aggrieved party who appeared in the proceedings under section 3624(a) of this title. The court shall review the decision, in accordance with section 706 of title 5, and chapter 158 and section 2112 of title 28, except as otherwise provided in this section, on the basis of the record before the Commission and the Governors. The court may affirm the decision or order that the entire matter be returned for further consideration, but the court may not modify the decision. [The court shall make the matter a preferred cause and shall expedite judgment in every way.] The court may not suspend the effectiveness of the changes, or otherwise prevent them from taking effect until final disposition of the suit by the court. No court shall have jurisdiction to review a decision made by the Commission or Governors under this chapter except as provided in this section.

SECTION 1450 OF THE PUBLIC HEALTH SERVICE ACT

GENERAL PROVISIONS

SEC. 1450. (a) * * *

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(i)(1) * * *

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(4) Whenever a person has failed to comply with an order issued under paragraph (2)(B), the Secretary shall file a civil action in the United States District Court for the district in which the violation was found to occur to enforce such order. In actions brought under this paragraph, the district courts shall have jurisdiction to grant all appropriate relief including, but not limited to, injunctive relief, compensatory, and exemplary damages. [Civil actions filed under this paragraph shall be heard and decided expeditiously.]

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SECTION 304 OF THE SOCIAL SECURITY ACT

JUDICIAL REVIEW

SEC. 304. (a) * * *

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[(e) Any judicial proceedings under this section shall be entitled to, and, upon request of the Secretary or the State, shall receive a preference and shall be heard and determined as expeditiously as possible.]

SECTION 2004 OF THE REVISED STATUTES

VOTING RIGHTS

SEC. 2004. (a)* * *

* * * * * * *

(e) In any proceeding instituted pursuant to subsection (c) in the event the court finds that any person has been deprived on account of race or color of any right or privilege secured by subsection (a), the court shall upon request of the Attorney General and after each party has been given notice and the opportunity to be heard make a finding whether such deprivation was or is pursuant to a pattern or practice. If the court finds such pattern or practice, any person of such race or color resident within the affected area shall for one year and thereafter until the court subsequently finds that such pattern or practice has ceased, be entitled, upon his application therefor, to an order declaring him qualified to vote, upon proof that at any election or elections (1) he is qualified under State law to vote, and (2) he has since such finding by the court been (a) deprived of or denied under color of law the opportunity to register to vote or otherwise to qualify to vote, or (b) found not qualified to vote by any person acting under color of law. Such order shall be effective as to any election held within the longest period for whch such applicant could have been registered or otherwise qualified under State law at which the application's qualifications would under State law entitle him to vote.

Notwithstanding any inconsistent provision of State law or the action of any State officer or court, an applicant so declared qualified to vote shall be permitted to vote in any such election. The Attorney General shall cause to be transmitted certified copies of such order to the appropriate election officers. The refusal by any such officer with notice of such order to permit any person so declared qualified to vote to vote at an appropriate election shall constitute contempt of court.

[An application for an order pursuant to this subsection shall be heard within ten days, and the execution of any order disposing of such application] *The execution of an order disposing of an application pursuant to this subsection* shall not be stayed if the effect of such stay would be to delay the effectiveness of the order beyond the date of any election at which the applicant would otherwise be enabled to vote.

The court may appoint one or more persons who are qualified voters in the judicial district, to be known as voting referees, who shall subscribe to the oath of office required by Revised Statutes, section 1757; (5 U.S.C. 16) to serve for such period as the court shall determine, to receive such applications and to take evidence and report to the court findings as to whether or not at any election or elections (1) any such applicant is qualified under State law to vote, and (2) he has since the finding by the court heretofore specified been (a) deprived of or denied under color of law the opportunity to register to vote or otherwise to qualify to vote, or (b) found not qualified to vote by any person acting under color of law. In a proceeding before a voting referee, the applicant shall be heard ex parte at such times and places as the court shall direct. His statement under oath shall be prima facie evidence as to his age, residence, and his prior efforts to register or otherwise qualify to vote. Where proof of literacy or an understanding of other subjects is required by valid provisions of State law, the answer of the applicant if written, shall be included in such report to the court; if oral, it shall be taken down stenographically and a transcription included in such report to the court.

Upon receipt of such report, the court shall cause the Attorney General to transmit a copy thereof to the State attorney general and to each party to such proceeding together with an order to show cause within ten days, or such shorter time as the court may fix, why an order of the court should not be entered in accordance with such report. Upon the expiration of such period, such order shall be entered unless prior to that time there has been filed with the court and served upon all parties a statement of exceptions to such report. Exceptions as to matters of fact shall be considered only if supported by a duly verified copy of a public record or by affidavit of persons having personal knowledge of such facts or by statements or matters contained in such report; those relating to matters of law shall be supported by an appropriate memorandum of law. The issues of fact and law raised by such exceptions shall be determined by the court or, if the due and speedy administration of justice requires, they may be referred to the voting referee to determine in accordance with procedures prescribed by the court. A hearing as to an issue of fact shall be held only in the event that the proof in support of the exception disclose the existence of a genuine issue of material fact. The applicant's literacy and understanding of other subjects shall be determined solely on the basis of answers included in the report of the voting referee.

The court, or at its direction the voting referee, shall issue to each applicant so declared qualified a certificate identifying the holder thereof as a person so qualified.

Any voting referee appointed by the court pursuant to this subsection shall to the extent not inconsistent herewith have all the powers conferred upon a master by rule 53(c) of the Federal Rules of Civil Procedure. The compensation to be allowed to any persons appointed by the court pursuant to this subsection shall be fixed by the court and shall be payable by the United States.

[Applications pursuant to this subsection shall be determined expeditiously.] In the case of any application filed twenty or more days prior to an election which is undetermined by the time of

such election, the court shall issue an order authorizing the applicant to vote provisionally: *Provided, however,* That such applicant shall be qualified to vote under State law. In the case of an application filed within twenty days prior to an election, the court, in its discretion, may make such an order. In either case the order shall make appropriate provision for the impounding of the applicant's ballot pending determination of the application. The court may take any other action, and may authorize such referee or such other person as it may designate to take any other action, appropriate or necessary to carry out the provisions of this subsection and to enforce its decrees. This subsection shall in no way be construed as a limitation upon the existing powers of the court.

When used in the subsection, the word "vote" includes all action necessary to make a vote effective including, but not limited to, registration or other action required by State law prerequisite to voting, casting a ballot, and having such ballot counted and included in the appropriate totals of votes cast with respect to candidates for public office and propositions for which votes are received in an election; the words "affected area" shall mean any subdivision of the State in which the laws of the State relating to voting are or have been to any extent administered by a person found in the proceeding to have violated subsection (a); and the words "qualified under State law" shall mean qualified according to the laws, customs, or usages of the State, and shall not, in any event, imply qualifications more stringent than those used by the persons found in the proceeding to have violated subsection (a) in qualifying persons other than those of the race or color against which the pattern or practice of discrimination was found to exist.

* * * * * * *

(g) In any proceeding instituted by the United States in any district court of the United States under this section in which the Attorney General requests a finding of a pattern or practice of discrimination pursuant to subsection (e) of this section the Attorney General, at the time he files the complaint, or any defendant in the proceeding, within twenty days after service upon him of the complaint, may file with the clerk of such court a request that a court of three judges be convened to hear and determine the entire case. A copy of the request for a three-judge court shall be immediately furnished by such clerk to the chief judge of the circuit (or in his absence, the presiding circuit judge of the circuit) in which the case is pending. Upon receipt of the copy of such request it shall be the duty of the chief judge of the circuit or the presiding circuit judge, as the case may be, to designate immediately three judges in such circuit, of whom at least one shall be a circuit judge and another of whom shall be a district judge of the court in which the proceeding was instituted to hear and determine such case, and it shall be the duty of the judges so designated [to assign the case for hearing at the earliest practicable date,] to participate in the hearing and determination thereof[, and to cause the case to be in every way expedited]. An appeal from the final judgment of such court will lie to the Supreme Court.

In any proceeding brought under subsection (c) of this section to enforce subsection (b) of this section, or in the event neither the At-

torney General nor any defendant files a request for a three-judge court in any proceeding authorized by this subsection, it shall be the duty of the chief judge of the district (or in his absence, the acting chief judge) in which the case is pending immediately to designate a judge in such district to hear and determine the case. In the event that no judge in the district is available to hear and determine the case, the chief judge of the district, or the acting chief judge, as the case may be, shall certify this fact to the chief judge of the circuit (or, in his absence, the acting chief judge) who shall then designate a district or circuit judge of the circuit to hear and determine the case.

[It shall be the duty of the judge designated pursuant to this section to assign the case for hearing at the earliest practicable date and to cause the case to be in every way expedited.]

VOTING RIGHTS ACT OF 1965

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TITLE I—VOTING RIGHTS

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SEC. 10. (a) * * *

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(c) The district courts of the United States shall have jurisdiction of such actions which shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28 of the United States Code and any appeal shall lie to the Supreme Court. It shall be the duty of the judges designated to hear the case [to assign the case for hearing at the earliest practicable date,] and to participate in the hearing and determination thereof [, and to cause the case to be in every way expedited].

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TITLE III—EIGHTEEN-YEAR-OLD VOTING AGE

ENFORCEMENT OF TWENTY-SIXTH AMEDMENT

SEC. 301. (a)(1) The Attorney General is directed to institute, in the name of the United States, such actions against States or political subdivisions, including actions for injunctive relief, as he may determine to be necessary to implement the twenty-sixth article of amendment to the Constitution of the United States.

(2) The district courts of the United States shall have jurisdiction of proceedings instituted under the title, which shall be heard and determined by a court of three judges in accordance with section 2284 of title 28 of the United States Code, and any appeal shall lie to the Supreme Court. It shall be the duty of the judges designated

to hear the case to assign the case for hearing and determination thereof[, and to cause the case to be in every way expedited].

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CIVIL RIGHTS ACT OF 1964

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TITLE II—INJUNCTIVE BELIEF AGAINST DISCRIMINATION IN PLACES OF PUBLIC ACCOMMODATION

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SEC. 206. (a)***

(b) In any such proceeding the Attorney General may file with the clerk of such court a request that a court of three judges be convened to hear and determine the case. Such request by the Attorney General shall be accompanied by a certificate that, in his opinion, the case is of general public importance. A copy of the certificate and request for a three-judge court shall be immediately furnished by such clerk to the chief judge of the circuit (or in his absence, the presiding circuit judge of the circuit) in which the case is pending. Upon receipt of the copy of such request it shall be the duty of the chief judge of the circuit or the presiding circuit judge, as the case may be, to designate immediately three judges in such circuit, of whom at least one shall be a circuit judge and another of whom shall be a district judge of the court in which the proceeding was instituted to hear and determine such case, and it shall be the duty of the judges so designated [to assign the case for hearing at the earliest practicable date,] to participate in the hearing and determination thereof[, and to cause the case to be in every way expedited]. An appeal from the final judgment of such court will lie to the Supreme Court.

In the event the Attorney General fails to file such a request in any such proceeding, it shall be the duty of the chief judge of the district (or in his absence, the acting chief judge) in which the case is pending immediately to dsignate a judge in such district to hear and determine the case. In the event that no judge in the district is available to hear and determine the case, the chief judge or the district, or the acting chief judge, as the case may be, shall certify this fact to the chief judge of the circuit (or in his absence, the acting chief judge) who shall then designate a district or circuit judge of the circuit to hear and determine the case.

[It shall be the duty of the judge designated pursuant to this section to assign the case for hearing at the earliest practicable date and to cause the case to be in every way expedited.]

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TITLE VII—EQUAL EMPLOYMENT OPPORTUNITY

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PREVENTION OF UNLAWFUL EMPLOYMENT PRACTICES

SEC. 706. (a) * * *

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(f)(1) * * *

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(2) Whenever a charge is filed with the Commission and the Commission concludes on the basis of a preliminary investigation that prompt judicial action is necessary to carry out the purposes of this Act, the Commission, or the Attorney General in a case involving a government, governmental agency, or political subdivision, may bring an action for appropriate temporary or preliminary relief pending final disposition of such charge. Any temporary restraining order or other order granting preliminary or temporary relief shall be issued in accordance with rule 65 of the Federal Rules of Civil Procedure. [It shall be the duty of a court having jurisdiction over proceedings under this section to assign cases for hearing at the earliest practicable date and to cause such cases to be in every way expedited.]

* * * * * * *

[(5) It shall be the duty of the judge designated pursuant to this subsection to assign the case for hearing at the earliest practicable date and to cause the case to be in every way expedited. If such judge has not scheduled the case for trial within one hundred and twenty days after issue has been joined, that judge may appoint a master pursuant to rule 53 of the Federal Rules of Civil Procedures.]

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

* * * * * * *

SEC. 707. (a) * * *

(b) The district courts of the United States shall have and shall exercise jurisdiction of proceedings instituted pursuant to this section, and in any such proceeding the Attorney General may file with the clerk of such court a request that a court of three judges be convened to hear and determine the case. Such request by the Attorney General shall be accompained by a certificate that, in his opinion, the cast is of general public importance. A copy of the certificate and request for a three-judge court shall be immediately furnished by such clerk to the chief judge of the circuit (or in his absence, the presiding circuit judge of the circuit) in which the case is pending. Upon receipt of such request it shall be the duty of the chief judge of the circuit or the presiding circuit judge, as the case may be, to designate immediately three judges in such circuit, of whom at least one shall be a circuit judge and another of whom shall be a district judge of the court in which the proceeding was instituted, to hear and determine such case, and it shall be the duty of the judges so designated [to assign the case for hearing at the earliest practicable date,] to participate in the hearing and determination thereof [, and to cause the case to be in every way expedited]. An appeal from the final judgment of such court will lie to the Supreme Court.

In the event the Attorney General fails to file such a request in any such proceeding, it shall be the duty of the chief judge of the district (or in his absence, the acting chief judge) in which the case is pending immediately to designate a judge in such district to hear and determine the case. In the event that no judge in the district is available to hear and determine the case, the chief judge of the district, or the acting chief judge, as the case may be, shall certify this fact to the chief judge of the circuit (or in his absence, the acting chief judge) who shall then designate a district or circuit judge of the circuit to hear and determine the case.

[It shall be the duty of the judge designated pursuant to this section to assign the case for hearing at the earliest practicable date and to cause the case to be in every way expedited.]

* * * * * * *

SECTION 814 OF THE ACT OF APRIL 11, 1968

AN ACT To prescribe penalties for certain acts of violence or intimidation, and for other purposes

* * * * * * *

[EXPEDITION OF PROCEEDINGS

[SEC. 814. Any court in which a proceeding is instituted under section 812 or 813 of this title shall assign the case for hearing at the earliest practicable date and cause the case to be in every way expedited.]

* * * * * * *

ACT OF DECEMBER 12, 1980

AN ACT Making appropriations for the Department of the Interior and related agencies for the fiscal year endidng September 30, 1981, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior and related agencies for the fiscal year ending September 30, 1981, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE INTERIOR LAND AND WATER RESOURCES

* * * * * * *

ENERGY AND MINERALS

GEOLOGICAL SURVEY

* * * * * * *

EXPLORATION OF NATIONAL PETROLEUM RESERVE IN ALASKA

For necessary expenses of carrying out the provisions of section 104 of Public Law 94-258, and for conducting hereafter and with

funds appropriated by this Act and by subsequent appropriation Acts, notwithstanding any other provision of law and pursuant to such rules and regulations as the Secretary may prescribe, an expeditious program of competitive leasing of oil and gas in the National Petroleum Reserve in Alaska, $107,001,000, to remain available until expended: *Provided,* That (1) activities undertaken pursuant to this Act shall include or provide for such conditions, restrictions, and prohibitions as the Secretary deems necessary or appropriate to mitigate reasonably forseeable and significantly adverse effects on the surface resources of the National Petroleum Reserve in Alaska (the Reserve); (2) the provisions of section 202 and section 603 of the Federal Lands Policy and Management Act of 1976 (90 Stat. 2743) shall not be applicable to the Reserve; (3) the first lease sale shall be conducted within twenty months of the date of enactment of this Act: *Provided,* That the first lease sale be conducted only after publication of a final environmental impact statement if such is deemed necessary under the provisions of the National Environmental Policy Act of 1969 (42 U.S.C. 4332); (4) the withdrawals established by section 102 of Public Law 94-258 are rescinded for the purposes of the oil and gas leasing program authorized herein; (5) bidding systems used in lease sales shall be based on bidding systems included in section 205(a)(1)(A) through (H) of the Outer Continental Shelf Lands Act Amendments of 1978 (92 Stat. 629); (6) lease tracts may encompass identified geological structures; (7) the size of lease tracts may be up to sixty thousand acres, as determined by the Secretary; (8) each lease shall be issued for an initial period of up to ten years, and shall be extended for so long thereafter as oil or gas is produced from the lease in paying quantities, or as drilling or reworking operations, as approved by the Secretary, are conducted thereon; and (9) all receipts from sales, rentals, bonuses, and royalties on leases issued pursuant to this Act shall be paid into the Treasury of the United States: *Provided,* That 50 per centum thereof shall be paid by the Secretary of the Treasury semiannually, as soon as practicable after March 30 and September 30 each year, to the State of Alaska for (a) planning, (b) construction, maintenance, and operation of essential public facilities, and (c) other necessary provisions of public service: *Provided further,* That in the allocation of such funds, the State shall give priority to use by subdivisions of the State most directly or severely impacted by development of oil and gas leased under this Act.

Any agency of the United States and any person authorized by the Secretary may conduct geological and geophysical explorations in the National Petroleum Reserve in Alaska which do not interfere with operations under any contract maintained or granted previously. Any information acquired in such explorations shall be subject to the conditions of 43 U.S.C. 1352(a)(1)(A).

Any action seeking judicial review of the adequacy of any program or site-specific environmental impact statement under section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332) concerning oil and gas leasing in the National Petroleum Reserve-Alaska shall be barred unless brought in the appropriate District Court within 60 days after notice of the availability of such statement is published in the Federal Register. [Any proceeding

on such action be assigned for hearing at the earliest possible date and shall be expedited by such Court.]

The detailed environmental studies and assessments that have been conducted on the exploration program and the comprehensive land-use studies carried out in response to sections 105 (b) and (c) of Public Law 94-258 shall be deemed to have fulfilled the requirements of section 102(2)(c) of the National Environmental Policy Act (Public Law 91-190), with regard to the first two oil and gas lease sales in the National Petroleum Reserve-Alaska: *Provided,* That not more than a total of 2,000,000 acres may be leased in these two sales: *Provided further,* That any exploration or production undertaken pursuant to this section shall be in accordance with section 104(b) of the Naval Petroleum Reserves Production Act of 1976 (90 Stat. 304; 42 U.S.C. 7504).

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SECTION 214 OF THE EMERGENCY ENERGY CONSERVATION ACT OF 1979

SEC. 214. JUDICIAL REVIEW.

(a) STATE ACTIONS.—* * *

[(b) (COURT OF APPEALS DOCKET.—It shall be the duty of the court of appeals to advance on the docket and to expedite to the greatest possible extent the disposition of any matter certified under subsection (a)(2).]

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SECTION 2 OF THE ACT OF FEBRUARY 25, 1885

AN ACT To prevent unlawful occupancy of the public lands

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SEC. 2. That it shall be the duty of the district attorney of the United States for the proper district, on affidavit filed with him by any citizen of the United States that section one of this act is being violated showing a description of the land inclosed with reasonable certainty, not necessarily by metes and bounds nor by Governmental sub-divisions of surveyed lands, but only so that the inclosure may be identified, and the persons guilty of the violation as nearly as may be, and by description, if the name cannot on reasonable inquiry be ascertained, to institute a civil suit in the proper United States district or circuit court, or territorial district court, in the name of the United States, and against the parties named or described who shall be in charge of or controlling the inclosure complained of as defendants; and jurisdiction is also hereby conferred on any United States district or circuit court or territorial district court having jurisdiction over the locality where the land inclosed, or any part thereof, shall be situated, to hear and determine proceedings in equity, by writ of injunction, to restrain violations of the provisions of this act; and it shall be sufficient to give the court jurisdiction if service of original process be had in any civil proceeding on any agent or employee having charge or control of the

inclosure [; and any suit brought under the provisions of this section shall have precedence for hearing and trial over other cases on the civil docket of the court, and shall be tried and determined at the earliest practicable day]. In any case if the inclosure shall be found to be unlawful, the court shall make the proper order, judgment, or decree for the destruction of the inclosure, in a summary way, unless the inclosure shall be removed by the defendant within five days after the order of the court.

SECTION 23 OF THE OUTER CONTINENTAL SHELF LANDS ACT

SEC. 23. CITIZEN SUITS, COURT JURISDICTION, AND JUDICIAL REVIEW.—(a) * * *

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[(d) Except as to causes of action which the court considers of greater importance, any action under this section shall take precedence on the docket over all other causes of action and shall be set for hearing at the earliest practical date and expedited in every way.]

SECTION 511 OF THE PUBLIC UTILITIES REGULATORY POLICIES ACT OF 1978

SEC. 511. JUDICIAL REVIEW.

(a) NOTICE.—The President or any other Federal officer shall cause notice to be published in the Federal Register and in newspapers of general circulation in the areas affected whenever he makes any decision described in subsection (b).

(b) REVIEW OF CERTAIN FEDERAL ACTIONS.—Any action seeking judicial review of an action or decision of the President or any other Federal officer taken or made after the date of the enactment of this Act concerning the approval or disapproval of a crude oil transportation system or the issuance of necessary rights-of-way, permits, leases and other authorizations for the construction, operation and maintenance of the Long Beach-Midland project or a crude oil transportation system approved under section 507(a) may only be brought within 60 days after the date on which notification of the action or decision of such officer is published in the Federal Register, or in newspapers of general circulation in the areas affected whichever is later.

(c) JURISDICTION OF COURTS.—An action under subsection (b) shall be barred unless a petition is filed within the time specified. Any such petition shall be filed in the appropriate United States district court. A copy of such petition shall be transmitted by the clerk of such court to the secretary. Notwithstanding the amount in controversy such court shall have jurisdiction to determine such proceeding in accordance with the procedures hereinafter provided and to provide appropriate relief. No State or local court shall have jurisdiction of any such claim whether in a proceeding instituted before, on or after the date this title becomes effective. [Any such proceeding shall be assigned for hearing at the earliest possible date and shall be expedited by such court.] No court shall have jurisdic-

tion to grant any injunctive relief against the issuance of any right-of-way, permit, lease, or other authorization in connection with a crude oil transportation system approved under section 507(a) or the Long Beach-Midland project, except as part of a final judgment entered in a case involving a claim filed pursuant to this section.

SECTION 203 OF THE TRANS-ALASKA PIPELINE AUTHORIZATION ACT

TITLE II

* * * * * * *

CONGRESSIONAL AUTHORIZATION

SEC. 203. (a) * * *

* * * * * * *

(d) The actions taken pursuant to this title which relate to the construction and completion of the pipeline system, and to the applications filed in connection therewith necessary to the pipeline's operation at full capacity, as described in the Final Environmental Impact Statement of the Department of the Interior, shall be taken without further action under the National Environmental Policy Act of 1969; and the actions of the Federal officers concerning the issuance of the necessary rights-of-way, permits, leases, and other authorizations for construction and initial operation at full capacity of said pipeline system shall not be subject to judicial review under any law except that claims alleging the invalidity of this section may be brought within sixty days following its enactment, and claims alleging that an action will deny rights under the Constitution of the United States, or that the action is beyond the scope of authority conferred by this title, may be brought within sixty days following the date of such action. A claim shall be barred unless a complaint is filed within the time specified. Any such complaint shall be filed in a United States district court, and such court shall have exclusive jurisdiction to determine such proceeding in accordance with the procedures hereinafter provided, and no other court of the United States, of any State, territory, or possession of the United States, or of the District of Columbia, shall have jurisdiction of any such claim whether in a proceeding instituted prior to or on or after the date of the enactment of this Act. [Any such proceeding shall be assigned for hearing at the earliest possible date, shall take precedence over all other matters pending on the docket of the district court at that time, and shall be expedited in every way by such court.] Such court shall not have jurisdiction to grant any injunctive relief against the issuance of any right-of-way, permit, lease, or other authorization pursuant to this section except in conjunction with a final judgment entered in a case involving a claim filed pursuant to this section. Any review of an interlocutory or final judgment, decree, or order of such district court may be had only upon direct appeal to the Supreme Court of the United States.

SECTION 5 OF THE RAILROAD UNEMPLOYMENT INSURANCE ACT

CLAIMS FOR BENEFITS

SEC. 5. (a) * * *

* * * * * * *

(f) Any claimant, or any railway labor organization organized in accordance with the provisions of the Railway Labor Act, of which claimant is a member, or any other party aggrieved by a final decision under subsection (c) of this section, may, only after all administrative remedies within the Board will have been availed of and exhausted, obtain a review of any final decision of the Board by filing a petition for review within ninety days after the mailing of notice of such decision to the claimant or other party, or within such further time as the Board may allow, in the United States court of appeals for the circuit in which the claimant or other party resides or will have had his principal place of business or principal executive office, or in the United States Court of Appeals for the Seventh Circuit or in the United States Court of Appeals for the District of Columbia. A copy of such petition, together with initial process, shall forthwith be served upon the Board or any officer designated by it for such purpose. Service may be made upon the Board by registered mail addressed to the Chairman. Within thirty days after receipt of service, or within such additional time as the court may allow, the Board shall file with the court in which such petition has been filed the record upon which the findings and decision complained of are based, as provided in section 212 of title 28, United States Code. Upon the filing of such petition the court shall have exclusive jurisdiction of the proceeding and of the question determined therein [, and shall give precedence in the adjudication thereof over all other civil cases not otherwise entitled by a law to precedence]. It shall have power to enter a decree affirming, modifying, or reversing the decision of the Board, with or without remanding the cause for rehearing. The findings of the Board as to the facts if supported by evidence and in the absence of fraud, shall be conclusive. No additional evidence shall be received by the court, but the court may order additional evidence to be taken before the Board, and the Board may, after hearing such additional evidence, modify its findings of fact and conclusions and file such additional or modified findings and conclusions with the court, and the Board shall file with the court the additional record. The judgement and decree of the court shall be final, subject to review as in equity cases.

An applicant for review of a final decision of the Board concerning a claim for benefits shall not be liable for costs, including costs of service, or costs of printing records, except the costs may be assessed by the court against such applicant if the court determines that the proceedings for such review have been instituted or continued without reasonable ground.

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SECTION 305 OF THE REGIONAL RAIL REORGANIZATION ACT OF 1973

CONTINUING REORGANIZATION; SUPPLEMENTAL TRANSACTIONS

SEC. 305. (a) PROPOSALS.—* * *

* * * * * * *

(d) SPECIAL COURT PROCEEDINGS.—(1) * * *

(2) [Within 180 days after] *After* the filing of a petition under paragraph (1) of this subsection, the special court shall decide, after a hearing, whether the proposed supplemental transactions contained in such petition, considered in their entirety, are in the public interest and consistent with the purposes of this Act and the goals of the final system plan and are fair and equitable. If the special court determines that such proposed supplemental transactions, considered in their entirety are in the public interest and consistent with the purposes of this Act and the goals of the final system plan and are fair and equitable, it shall, upon making such determination, issue such orders as may be necessary to direct the Corporation to consummate the transactions. If the special court determines that such proposed supplemental transactions, considered in their entirety, are not in the public interest or not consistent with the purposes of this Act and the goals of the final system plan, or are not fair and equitable, it shall file an opinion stating its conclusion and the reasons therefor. In such event the Association (in the case of a proposal developed by the Association) or the Secretary (in the case of a proposal developed by the Secretary) may, within 120 days after the filing of such opinion, certify to the special court that the terms and conditions of the proposal have been modified consistent with the opinion of the court and are acceptable to each proposed transferor (other than the Corporation) or transferee, and may petition the special court for reconsideration of the proposal as so modified. [Within 90 days after] *After* the filing of such petition, the special court shall decide, after a hearing, whether the proposal as modified by the certification is in the public interest and consistent with the purposes of this Act and the goals of the final system plan and is fair and equitable, and shall enter such further orders as are consistent with its determination.

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SECTION 124 OF THE ROCK ISLAND TRANSITION AND EMPLOYEE ASSISTANCE ACT

JUDICIAL REVIEW

SEC. 124. (a) Notwithstanding any other provision of law, any appeal from—

(1) any decision of the bankruptcy court with respect to the constitutionality of any provision of this Act; and

(2) any decision of the court having jurisdiction over the reorganization of the Milwaukee Railroad with respect to the constitutionality of the Milwaukee Railroad Restructuring Act (45 U.S.C. 901 et seq.),

shall be taken to the United States Court of Appeals for the Seventh Circuit.

(b) If appeals are taken from decisions described in subsection (a) of this section involving section 106 or 110 of this title or section 9 or 15 of the Milwaukee Railroad Restructuring Act, the court of appeals shall determine such appeals in a consolidated proceeding, sitting en banc[, and shall render a final decision no later than sixty days after the date the last such appeal is filed.].

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SECTION 402 OF THE COMMUNICATIONS ACT OF 1934

TITLE IV—PROCEDURAL AND ADMINISTRATIVE PROVISIONS

* * * * * * *

PROCEEDINGS TO ENJOIN, SET ASIDE, ANNUL, OR SUSPEND ORDERS OF THE COMMISSION

SEC. 402. (a) * * *

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(g) [At the earliest convenient time the] *The* court shall hear and determine the appeal upon the record before it in the manner prescribed by section [10(e) of the Administrative Procedure Act.] *706 of title 5, United States Code.*

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SECTION 405 OF THE SURFACE TRANSPORTATION ASSISTANCE ACT OF 1982

PROTECTION OF EMPLOYEES

SEC. 405. (a) * * *

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(e) Whenever a person has failed to comply with an order issued under subsection (c)(2) of this section, the Secretary of Labor shall file a civil action in the United States district court for the district in which the violation was found to occur in order to enforce such order. In actions brought under this subsection, the district courts shall have jurisdiction to grant all appropriate relief, including injunctive relief, reinstatement, and compensatory damages. [Civil actions brought under this subsection shall be heard and decided expeditiously.]

SECTION 606 OF THE RAIL SAFETY AND SERVICE IMPROVEMENT ACT OF 1982

LANDS TO BE TRANSFERRED

SEC. 606. (a) * * *

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(c)(1) The final administrative adjudication pursuant to subsection (b) of this section shall be final agency action and subject to judicial review only by an action brought in the United States District Court for the District of Alaska. [Review of agency action pursuant to this title shall be expedited to the same extent as the expedited review provided by section 1108 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3168).]

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SECTION 13A OF THE SUBVERSIVE ACTIVITIES CONTROL ACT OF 1950

PROCEEDINGS WITH RESPECT TO COMMUNIST-INFILTRATED ORGANIZATIONS

SEC. 13A. (a) Whenever the Attorney General has reason to believe that any organization is a Communist-infiltrated organization, he may file with the Board and serve upon such organization a petition for a determination that such organization is a Communist-infiltrated organization. In any proceeding so instituted, two or more affiliated organizations may be named as joint respondents. Whenever any such petition is accompanied by a certificate of the Attorney General to the effect that the proceeding so instituted is one of exceptional public importance, such proceeding shall be set for hearing at the earliest possible time and all proceedings therein before the Board [or any court] shall be expedited to the greatest practicable extent. A dissolution of such organization subsequent to the date of the filing of any petition for a determination that it is Communist-infiltrated, shall not moot or abate the proceedings, but the Board shall receive evidence and proceed to a determination of the issues: *Provided, however,* That if the Board shall determine such organization to be a Communist-infiltrated organization as of the time of the filing of such petition and prior to its alleged dissolution, and shall find that a dissolution of the organization has in fact occurred, the Board shall enter an order determining such organization to be a Communist-infiltrated organization and the Board shall include it as such in the appropriate records maintained pursuant to section 9 of this title, together with a notation of its dissolution.

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SECTION 12 OF THE MILITARY SELECTIVE SERVICE ACT OF 1967

PENALTIES

SEC. 12. (a) Any member of the Selective Service System or any other person charged as herein provided with the duty of carrying out any of the provisions of this title, or the rules or regulations made or directions given thereunder, who shall knowingly fail or neglect to perform such duty, and any person charged with such duty, or having and exercising any authority under said title, rules, regulations, or directions who shall knowingly make, or be a party to the making of any false, improper, or incorrect registration, classification, physical or mental examination, deferment, induction, enrollment, or muster, and any person who shall knowingly, make, or be a party to the making of, any false statement or certificate regarding or bearing upon a classification or in support of any request for a particular classification, for service under the provisions of this title, or rules, regulations, or directions made pursuant thereto, or who otherwise evades or refuses registration or service in the armed forces or any of the requirements of this title, or who knowingly counsels, aids, or abets another to refuse or evade registration or service in the armed forces or any of the requirements of this title, or of said rules, regulations, or directions, or who in any manner shall knowingly fail or neglect to refuse to perform any duty required of him under or in the execution of this title, or rules, regulations, or directions made pursuant to this title, or any person or persons who shall knowingly hinder or interfere to attempt to do so in any way, by force or violence or otherwise, with the administration of this title or the rules or regulations made pursuant thereto, or who conspires to commit any one or more of such offenses, shall, upon conviction in any district court of the United States of competent jurisdiction be punished by imprisonment for not more than five years or a fine of not more than $10,000, or by both such fine and imprisonment, or if subject to military or naval law may be tried by court martial, and, on conviction, shall suffer such punishment as a court martial may direct. No person shall be tried by court martial, and, on conviction, shall suffer such punishment as a court martial may direct. No person shall be tried by court martial in any case arising under this title unless such person has been actually inducted for the training and service prescribed under this title or unless he is subject to trial by court martial under laws in force prior to the enactment of this title. [Precedence shall be given by courts to the trial of cases arising under this title, and such cases shall be advanced on the docket for immediate hearing, and an appeal from the decision or decree of any United States district court or United States court of appeals shall take precedence over all other cases pending before the court to which the case has been referred.]

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SECTION 4 OF THE ACT OF JULY 2, 1948

AN ACT To authorize the Attorney General to adjudicate certain claims resulting from evacuation of certain persons of Japanese ancestry under military orders

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SEC. 4. (a) * * *

(b) The Court of Claims shall have jurisdiction to determine any claim timely filed under this Act. A petition for the determination of a claim by the Court of Claims shall be filed with the clerk of the said court and a copy of the petition shall be served upon the Attorney General by registered mail. Such a petition may be filed at any time after enactment of this subsection except that it must be filed within ninety days after the date of a notice by the Attorney General served on the claimant by registered mail that no further consideration will be given to the compromise of the claim. Upon the timely filing and serving of such petition, the Court of Claims shall have jurisdiction to hear and determine said claim in the same manner and under the same rules as any other cause properly before it and applying rules of equity and justice. Upon being served with a copy of such petition, the Attorney General shall forthwith certify and transmit to the clerk of the Court of Claims the original statement of the claim and any requested amendments thereto for filing with the said clerk as a preliminary record in the case. [Such petition shall, to the fullest practicable extent, be treated for docketing, hearing, and determination as if the petition had been filed with the Court of Claims on the date the original claim was received by the Attorney General: *Provided, however,* That no such petition shall have precedence by reason hereof over petitions involving interest-bearing obligations of the United States.]

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