

To look up a section, use this format: **28 USC Sec. #**

-CITE-

28 USC CHAPTER 41 - ADMINISTRATIVE OFFICE OF UNITED STATES COURTS

01/03/05

-EXPCITE-

TITLE 28 - JUDICIARY AND JUDICIAL PROCEDURE
PART III - COURT OFFICERS AND EMPLOYEES
CHAPTER 41 - ADMINISTRATIVE OFFICE OF UNITED STATES COURTS

-HEAD-

CHAPTER 41 - ADMINISTRATIVE OFFICE OF UNITED STATES COURTS

-MISC1-

- Sec.
601. Creation; Director and Deputy Director.
 602. Employees.
 603. Salaries.
 604. Duties of Director generally.
 605. Budget estimates.
 606. Duties of Deputy Director.
 607. Practice of law prohibited.
 608. Seal.
 609. Courts' appointive power unaffected.
 610. Courts defined.
 611. Retirement of Director.
 612. Judiciary Automation Fund.(1)
 613. Disbursing and certifying officers.

AMENDMENTS

2000 - Pub. L. 106-518, title III, Sec. 304(b), Nov. 13, 2000, 114 Stat. 2418, added item 613.

1989 - Pub. L. 101-162, title IV, Sec. 404(b)(2), Nov. 21, 1989, 103 Stat. 1015, added item 612.

1967 - Pub. L. 90-219, title II, Sec. 201(b), Dec. 20, 1967, 81 Stat. 668, added item 611.

1959 - Pub. L. 86-370, Sec. 5(a)(2), Sept. 23, 1959, 73 Stat. 652, substituted "Deputy Director" for "Assistant Director" in items 601 and 606.

1949 - Act May 24, 1949, ch. 139, Sec. 72a, 63 Stat. 100, inserted an apostrophe after "Courts" and struck out comma after "Courts" in item 609.

-FOOTNOTE-

(1) Section catchline amended by Pub. L. 104-106 without corresponding amendment of chapter analysis.

-End-

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28 USC Sec. 601

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TITLE 28 - JUDICIARY AND JUDICIAL PROCEDURE
PART III - COURT OFFICERS AND EMPLOYEES
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-HEAD-

Sec. 601. Creation; Director and Deputy Director

-STATUTE-

The Administrative Office of the United States Courts shall be maintained at the seat of government. It shall be supervised by a Director and a Deputy Director appointed and subject to removal by the Chief Justice of the United States, after consulting with the Judicial Conference. The Director and Deputy Director shall be deemed to be officers for purposes of title 5, United States Code.

-SOURCE-

(June 25, 1948, ch. 646, 62 Stat. 913; Pub. L. 86-370, Sec. 5(a)(1), Sept. 23, 1959, 73 Stat. 652; Pub. L. 101-650, title III, Sec. 307, Dec. 1, 1990, 104 Stat. 5112; Pub. L. 104-317, title VI, Sec. 602, Oct. 19, 1996, 110 Stat. 3857.)

-MISC1-

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C. 1940 ed., Sec. 444 (Mar. 3, 1911, ch. 231, Sec. 302 as added Aug. 7, 1939, ch. 501, Sec. 1, 53 Stat. 1223).

This section contains part of section 444 of title 28, U.S.C., 1940 ed. The remainder of said section 444 is incorporated in sections 603, 606 and 608 of this title.

Changes were made in phraseology.

AMENDMENTS

1996 - Pub. L. 104-317 inserted at end "The Director and Deputy Director shall be deemed to be officers for purposes of title 5, United States Code."

1990 - Pub. L. 101-650 substituted "Chief Justice of the United States, after consulting with the Judicial Conference" for "Supreme Court".

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1959 - Pub. L. 86-370 substituted "Deputy Director" for "Assistant Director".

EFFECTIVE DATE OF 1959 AMENDMENT

Amendment by Pub. L. 86-370 effective Sept. 23, 1959, see section 7(a) of Pub. L. 86-370.

VETERANS' PREFERENCE IN JUDICIAL BRANCH APPOINTMENTS

Pub. L. 105-339, Sec. 4(d), Oct. 31, 1998, 112 Stat. 3186, provided that:

"(1) In general. - Subject to paragraphs (2) and (3), the Judicial Conference of the United States shall prescribe procedures to provide for -

"(A) veterans' preference in the consideration of applicants for employment, and in the conduct of any reductions in force, within the judicial branch; and

"(B) redress for alleged violations of any rights provided for under subparagraph (A).

"(2) Procedures. - Under the procedures, a preference eligible (as defined by section 2108 of title 5, United States Code) shall be afforded preferences in a manner and to the extent consistent with preferences afforded to preference eligibles in the executive branch.

"(3) Exclusions. - Nothing in the procedures shall apply with respect to an applicant or employee -

"(A) whose appointment is made by the President with the advice and consent of the Senate;

"(B) whose appointment is as a judicial officer;

"(C) whose appointment is required by statute to be made by or with the approval of a court or judicial officer; or

"(D) whose appointment is to a position, the duties of which are equivalent to those of a Senior Executive Service position (within the meaning of section 3132(a)(2) of title 5, United States Code).

"(4) Definitions. - For purposes of this subsection, the term 'judicial officer' means a justice, judge, or magistrate judge listed in subparagraph (A), (B), (F), or (G) of section 376(a)(1) of title 28, United States Code.

"(5) Submission to congress; effective date. -

"(A) Submission to congress. - Not later than 12 months after the date of enactment of this Act [Oct. 31, 1998], the Judicial Conference of the United States shall submit a copy of the procedures prescribed under this subsection to the Committee on Government Reform and Oversight [now Committee on Government Reform] and the Committee on the Judiciary of the House of Representatives and the Committee on Governmental Affairs [now

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Committee on Homeland Security and Governmental Affairs] and the Committee on the Judiciary of the Senate.

"(B) Effective date. - The procedures prescribed under this subsection shall take effect 13 months after the date of enactment of this Act."

REFERENCE TO ASSISTANT DIRECTOR DEEMED REFERENCE TO DEPUTY DIRECTOR

Section 5(a)(4) of Pub. L. 86-370 provided that: "Whenever the Assistant Director of the Administrative Office of the United States Courts is referred to in any other law, such reference shall be deemed to be to the Deputy Director of the Administrative Office of the United States Courts."

CONTINUATION OF LAW EXISTING ON SEPT. 1, 1948

Section 2(b) of act June 25, 1948, provided that: "The provisions of title 28, Judiciary and Judicial Procedure, of the United States Code, set out in section 1 of this Act, with respect to the organization of each of the several courts therein provided for and of the Administrative Office of the United States Courts, shall be construed as continuations of existing law, and the tenure of the judges, officers, and employees thereof and of the United States attorneys and marshals and their deputies and assistants, in office on the effective date of this Act [Sept. 1, 1948], shall not be affected by its enactment, but each of them shall continue to serve in the same capacity under the appropriate provisions of title 28, as set out in section 1 of this Act, pursuant to his prior appointment: Provided, however, That each circuit court of appeals shall, as in said title 28 set out, hereafter be known as a United States court of appeals. No loss of rights, interruption of jurisdiction, or prejudice to matters pending in any of such courts on the effective date of this Act shall result from its enactment."

-End-

-CITE-

28 USC Sec. 602

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TITLE 28 - JUDICIARY AND JUDICIAL PROCEDURE
PART III - COURT OFFICERS AND EMPLOYEES
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Sec. 602. Employees

-STATUTE-

(a) The Director shall appoint and fix the compensation of necessary employees of the Administrative Office in accordance with the Administrative Office of the United States Courts Personnel Act of 1990.

(b) Notwithstanding any other law, the Director may appoint certified interpreters in accordance with section 604(a)(16)(B) of this title without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, relating to classification and General Schedule pay rates, but the compensation of any person appointed under this subsection shall not exceed the appropriate equivalent of the highest rate of pay payable for the highest grade established in the General Schedule, section 5332 of title 5.

(c) The Director may obtain personal services as authorized by section 3109 of title 5, at rates not to exceed the appropriate equivalent of the highest rate of pay payable for the highest grade established in the General Schedule, section 5332 of title 5.

(d) All functions of other officers and employees of the Administrative Office and all functions of organizational units of the Administrative Office are vested in the Director. The Director may delegate any of the Director's functions, powers, duties, and authority (except the authority to promulgate rules and regulations) to such officers and employees of the judicial branch of Government as the Director may designate, and subject to such terms and conditions as the Director may consider appropriate; and may authorize the successive redelegation of such functions, powers, duties, and authority as the Director may deem desirable. All official acts performed by such officers and employees shall have the same force and effect as though performed by the Director in person.

-SOURCE-

(June 25, 1948, ch. 646, 62 Stat. 913; Pub. L. 95-539, Sec. 5, Oct. 28, 1978, 92 Stat. 2044; Pub. L. 101-474, Sec. 5(a), (q), Oct. 30, 1990, 104 Stat. 1099, 1101; Pub. L. 101-650, title III, Sec. 325(b)(4), Dec. 1, 1990, 104 Stat. 5121.)

-MISC1-

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., Sec. 445 (Mar. 3, 1911, ch. 231, Sec. 303, as added Aug. 7, 1939, ch. 501, Sec. 1, 53 Stat. 1223).

This section contains provisions in section 445 of title 28,

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U.S.C., 1940 ed., for appointment of employees.

Words "with the approval of the Supreme Court" were omitted to relieve the court of the burden of approving appointments which in practice should properly be made by the Director under the supervision of the Judicial Conference of the United States.

The remainder of section 445 of title 28, U.S.C., 1940 ed., is incorporated in sections 603 and 607 of this title.

Changes were made in phraseology.

-REFTEXT-

REFERENCES IN TEXT

The Administrative Office of the United States Courts Personnel Act of 1990, referred to in subsec. (a), is Pub. L. 101-474, Oct. 30, 1990, 104 Stat. 1097, which amended this section and sections 603 and 604 of this title and sections 2301, 2302, 4301, 4501, 4701, 5102, 5108, 5349, 5595, 5596, 8331, 8347, 8401, and 8402 of Title 5, Government Organization and Employees, and enacted provisions set out below. For complete classification of this Act to the Code, see Tables.

-MISC2-

AMENDMENTS

1990 - Subsec. (a). Pub. L. 101-474, Sec. 5(a), amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: "The Director shall appoint and fix the compensation of necessary employees of the Administrative Office in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of title 5, relating to classification and General Schedule pay rates."

Subsec. (b). Pub. L. 101-474, Sec. 5(q), and Pub. L. 101-650 amended subsec. (b) identically, substituting "604(a)(16)(B)" for "604(a)(15)(B)".

1978 - Pub. L. 95-539, among other changes, substituted provision authorizing the Director to appoint and fix the compensation of necessary employees in accordance with chapter 51 and subchapter III of chapter 53 of title 5 for provision authorizing the Director, subject to the provisions of the civil service laws, to appoint necessary employees for the Administrative Office and inserted provisions relating to appointing and fixing the compensation of certified interpreters, to obtaining personal services as authorized by section 3109 of title 5, and to transferring to the Director all of the functions of the officers and employees of the Administrative Office and all the functions of the organizational units of the Administrative Office with power in the Director to delegate his authority.

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EFFECTIVE DATE OF 1978 AMENDMENT

Section 10 of Pub. L. 95-539 provided that:

"(a) Except as provided in subsection (b), this Act [enacting section 1827 and 1828 of this title, amending this section and sections 603, 604, and 1920 of this title, enacting provisions set out as notes under this section and section 1 of this title, and repealing provisions set out as a note under this section] shall take effect on the date of the enactment of this Act [Oct. 28, 1978].

"(b) Section 2 of this Act [enacting sections 1827 and 1828 of this title] shall take effect ninety days after the date of the enactment of this Act [Oct. 28, 1978]."

REFERENCES IN OTHER LAWS TO GS-16, 17, OR 18 PAY RATES

References in laws to the rates of pay for GS-16, 17, or 18, or to maximum rates of pay under the General Schedule, to be considered references to rates payable under specified sections of Title 5, Government Organization and Employees, see section 529 [title I, Sec. 101(c)(1)] of Pub. L. 101-509, set out in a note under section 5376 of Title 5.

ADMINISTRATIVE OFFICE OF UNITED STATES COURTS PERSONNEL

Sections 1 to 4 and 6 of Pub. L. 101-474 provided that:

"SECTION 1. SHORT TITLE.

"This Act [see References in Text note above and Tables for classification] may be cited as the 'Administrative Office of the United States Courts Personnel Act of 1990'.

"SEC. 2. GENERAL PERSONNEL AUTHORITY.

"The Director of the Administrative Office of the United States Courts (hereinafter in this Act referred to as the 'Director') may appoint, fix the compensation of, assign, and direct such personnel as the Director determines necessary to discharge the duties and functions of the Administrative Office.

"SEC. 3. ESTABLISHMENT OF PERSONNEL MANAGEMENT SYSTEM.

"(a) The Director shall, by regulation, establish a personnel management system for the Administrative Office which provides for the appointment, pay, promotion, and assignment of all employees on the basis of merit, but without regard to the provisions of title 5, United States Code, governing appointments and other personnel actions in the competitive service, or the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates. The system shall apply to all Administrative Office employees except those referred

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to in section 603 of title 28, United States Code, and shall, at a minimum -

"(1) provide for a schedule of pay rates applicable to all employees; except as provided in paragraph (10), the basic pay of any person appointed under this section shall not exceed the rate of basic pay for level V of the Executive Schedule;

"(2) incorporate pay comparability principles as set forth in section 5301(a) of title 5, United States Code;

"(3) provide for the adjustment of the pay of employees at the same time and in the same percentage amount as rates of basic pay are adjusted for General Schedule and prevailing rate employees, as appropriate;

"(4) establish procedures for employee evaluations, the granting of periodic pay adjustments, incentive awards, and resolution of employee grievances;

"(5) establish procedures for disciplinary actions, including reduction in grade or pay, suspension, and removal, based on unacceptable performance or misconduct, except that -

"(A) such procedures shall be consistent with -

"(i) section 4303 of title 5, United States Code, to the extent that they relate to adverse actions based on unacceptable performance; and

"(ii) chapter 75 of title 5, United States Code, to the extent that they relate to adverse actions covered by such chapter; and

"(B) the Director may exempt from these procedures positions of a confidential or policy-determining character, not to exceed 4 percent of the authorized positions of the Administrative Office;

"(6) establish procedures for premium pay (including overtime), except that the Director may at his discretion implement flexible and compressed work schedules and may exempt the hours constituting such schedules from premium pay to the extent he deems necessary to implement such schedules;

"(7) include the principles set forth in section 2301(b) of title 5, United States Code;

"(8) prohibit personnel practices prohibited under section 2302(b) of title 5, United States Code;

"(9) prohibit discrimination on the basis of race, color, religion, age, sex, national origin, political affiliation, marital status, or handicapping condition; the Director must promulgate regulations providing procedures for resolving complaints of discrimination by employees and applicants for employment;

"(10) provide for the basic pay of not more than 5 percent of the authorized positions of the Administrative Office (excluding

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the positions referred to in section 603 of title 28, United States Code) to be set at rates not to exceed the rate of basic pay for positions at level IV of the Executive Schedule; the aggregate pay (including basic pay and incentive awards) of any individual whose basic pay is set under this subsection may not exceed the salary of the Director; and

"(11) in the case of any individual who would be a preference eligible in the executive branch, provide preference for that individual in a manner and to an extent consistent with preference accorded to preference eligibles in the executive branch.

"(b) The Director may apply the provisions of sections 5723 and 6304(f) of title 5, United States Code, to the positions referred to in subsection (a)(10) and in section 603 of title 28, United States Code, including the Deputy Director.

"(c) The Director may provide for incentive awards for the positions referred to in section 603 of title 28, United States Code, including the Deputy Director, subject to the aggregate pay limitation in subsection (a)(10).

"(d) The Chief Justice of the United States or the Judicial Conference of the United States may grant incentive awards to the Director, except that the Director's aggregate pay for any fiscal year, including salary and incentive awards, may not exceed the salary of a United States circuit judge. The Chief Justice or the Judicial Conference may authorize application of section 5723 of title 5, United States Code, to the Director.

"(e) The Director may develop and conduct programs to meet the short- and long-range training needs of the agency.

"(f) Notwithstanding any other provision of law, an individual who is an employee of the Administrative Office on the day before the effective date of this section and who, as of that day, was entitled to -

"(1) appeal a reduction in grade or removal to the Merit Systems Protection Board under chapter 43 of title 5, United States Code,

"(2) appeal an adverse action to the Merit Systems Protection Board under chapter 75 of title 5, United States Code, or

"(3) file an appeal with the Equal Employment Opportunity Commission under part 1613 of title 29 of the Code of Federal Regulations,

shall continue to be entitled to file such appeal so long as the individual remains an employee of the Administrative Office, except that this provision shall not apply to employees in positions referred to in section 603 of title 28, United States Code, or in positions of a confidential or policy-determining character referred to in subsection (a)(10).

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"(g) Nothing in this Act shall be construed to abolish or diminish any right or remedy granted to employees of or applicants for employment in the Administrative Office by any law prohibiting discrimination in Federal employment on the basis of race, color, religion, age, sex, national origin, political affiliation, marital status, or handicapping condition, except that, with respect to any such employees and applicants for employment, any authority granted under any such law to the Equal Employment Opportunity Commission, the Office of Personnel Management, the Merit Systems Protection Board, or any other agency in the executive branch, shall be exercised by the Administrative Office.

"SEC. 4. NONCOMPETITIVE APPOINTMENTS.

"(a) Notwithstanding any other provision of law, any employee of the Administrative Office who has completed at least 1 year of continuous service under a nontemporary appointment under the personnel system established pursuant to section 3 acquires a competitive status for appointment to any position in the competitive service for which the employee possesses the required qualifications.

"(b) A period of continuous service performed as a nontemporary employee of the Administrative Office immediately before the personnel system under section 3 takes effect shall, for purposes of subsection (a), be treated as if it had been performed under such system.

"SEC. 6. AUTHORIZATION.

"There are authorized to be appropriated for fiscal year 1990 and for each fiscal year thereafter such sums as may be necessary to carry out the provisions of this Act."

CONTRACT LIMITATIONS

Section 11 of Pub. L. 95-539 provided that: "Any contracts entered into under this Act or any of the amendments made by this Act [enacting sections 1827 and 1828 of this title, amending this section and sections 603, 604, and 1920 of this title, enacting provisions set out as notes under this section and section 1 of this title, and repealing provisions set out as a note under this section] shall be limited to such extent or in such amounts as are provided in advance in appropriation Acts."

EMPLOYMENT OF EXPERTS OR CONSULTANTS; RATES

Pub. L. 86-370, Sec. 5(b), Sept. 23, 1959, 73 Stat. 652, authorized the Director of the Administrative Office of the United States Courts to procure the temporary or intermittent services of experts or consultants, prior to repeal by Pub. L. 95-539, Sec. 8,

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Oct. 28, 1978, 92 Stat. 2044.

-End-

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28 USC Sec. 603

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TITLE 28 - JUDICIARY AND JUDICIAL PROCEDURE
PART III - COURT OFFICERS AND EMPLOYEES
CHAPTER 41 - ADMINISTRATIVE OFFICE OF UNITED STATES COURTS

-HEAD-

Sec. 603. Salaries

-STATUTE-

The salary of the Director shall be the same as the salary of a district judge. Notwithstanding any other provision of law, the Director shall not be deemed to be an "employee" for the purpose of subchapter I of chapter 63 of title 5. The salary of the Deputy Director shall be 92 percent of the salary of the Director. The salaries of six additional positions shall be fixed by the Director at rates not to exceed the annual rate of basic pay for positions at level IV of the Executive Schedule under section 5315 of title 5.

-SOURCE-

(June 25, 1948, ch. 646, 62 Stat. 913; Oct. 15, 1949, ch. 695, Secs. 5(b), 6(b), 63 Stat. 881; Oct. 31, 1951, ch. 655, Sec. 43(b), 65 Stat. 725; Pub. L. 86-370, Sec. 5(a)(1), Sept. 23, 1959, 73 Stat. 652; Pub. L. 88-426, title IV, Sec. 403(g), Aug. 14, 1964, 78 Stat. 434; Pub. L. 90-206, title II, Sec. 213(d), Dec. 16, 1967, 81 Stat. 635; Pub. L. 95-539, Sec. 6, Oct. 28, 1978, 92 Stat. 2044; Pub. L. 100-202, Sec. 101(a) [title IV, Sec. 409], Dec. 22, 1987, 101 Stat. 1329, 1329-27; Pub. L. 100-459, title IV, Sec. 406, Oct. 1, 1988, 102 Stat. 2213; Pub. L. 101-474, Sec. 5(b), Oct. 30, 1990, 104 Stat. 1099.)

-MISC1-

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., Secs. 444, 445 (Mar. 3, 1911, ch. 231, Secs. 302, 303, as added Aug. 7, 1939, ch. 501, Sec. 1, 53 Stat. 1223).

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This section consolidates parts of title 28, U.S.C., 1940 ed., Secs. 444, 445. The remainder of said sections are incorporated in sections 601, 602, 606, 607, and 608 of this title.

The figure "\$9,376.50" was substituted for "\$7,500" as the salary of the Assistant Director in conformity with section 934 of title 5, U.S.C., 1940 ed., Executive Departments and Government Officers and Employees.

Changes were made in phraseology.

SENATE REVISION AMENDMENT

The [former] figure, "\$7,500," with respect to salary of the Assistant Director, was restored by Senate amendment. See 80th Congress Senate Report No. 1559, amendments Nos. 15 and 65.

AMENDMENTS

1990 - Pub. L. 101-474 inserted after first sentence

"Notwithstanding any other provision of law, the Director shall not be deemed to be an 'employee' for the purpose of subchapter I of chapter 63 of title 5. The salary of the Deputy Director shall be 92 percent of the salary of the Director." and struck out "of the Deputy Director and" after "The salaries".

1988 - Pub. L. 100-459 substituted "six" for "three".

1987 - Pub. L. 100-202 substituted "The salaries of the Deputy Director and of three additional positions shall be fixed by the Director at rates not to exceed the annual rate of basic pay for positions at level IV of the Executive Schedule under section 5315 of title 5" for "The salary of the Deputy Director shall be in the same amount as the annual rate of basic pay for positions at level V of the Executive Schedule under section 5316 of title 5".

1978 - Pub. L. 95-539 struck out provision authorizing the Director to fix the compensation of Administrative Office employees in accordance with the Classification Act of 1949.

1967 - Pub. L. 90-206 increased salaries of Director and Deputy Director from \$27,000 and \$26,000 per year to a salary equivalent to a United States district judge and the same amount of basic pay for positions at level V of the Executive Schedule under section 5316 of title 5, respectively.

1964 - Pub. L. 88-426 substituted "\$27,000 for "\$15,000 and "\$26,000" for "\$12,500".

1959 - Pub. L. 86-370 substituted "Deputy Director" for "Assistant Director".

1951 - Act Oct. 31, 1951, substituted reference in second paragraph to the Classification Act of 1949 for reference to former Classification Act of 1923.

1949 - Act Oct. 15, 1949, increased salaries of Director from \$10,000 to \$15,000 per annum and Assistant Director from \$7,500 to

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\$12,500 per annum.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-539 effective Oct. 28, 1978, see section 10(a) of Pub. L. 95-539, set out as a note under section 602 of this title.

EFFECTIVE DATE OF 1967 AMENDMENT

Section 220(a)(3) of title II of Pub. L. 90-206 provided, except as otherwise expressly provided, that: "Sections 213(d) and (e) [amending this section and section 792 of this title], 214(j), (k), (l), (n), and (o) [amending sections 60j and 61-1 of Title 2, The Congress, and section 5533 of Title 5, Government Organization and Employees], 215 [amending sections 5314 to 5316 of Title 5], 217 [amending section 5545 of Title 5], 219 [amending sections 136a and 136a-1 of Title 2, sections 42a and 51a of former Title 31, Money and Finance, sections 162a, 166b, and 166b-1 of former Title 40, Public Buildings, Property, and Works, and section 39a of former Title 44, Public Printing and Documents], and 224(c) [amending material set out as a note under section 102 of Title 2] shall become effective at the beginning of the first pay period which begins on or after the date of enactment of this title [Dec. 16, 1967]."

EFFECTIVE DATE OF 1964 AMENDMENT

Amendment by Pub. L. 88-426 effective on first day of first pay period which begins on or after July 1, 1964, except to the extent provided in section 501(c) of Pub. L. 88-426, see section 501(a) of Pub. L. 88-426.

EFFECTIVE DATE OF 1959 AMENDMENT

Amendment by Pub. L. 86-370 effective Sept. 23, 1959, see section 7(a) of Pub. L. 86-370.

EFFECTIVE DATE OF 1949 AMENDMENT

The increased compensation provided for by act Oct. 15, 1949, took effect on first day of first pay period which began after Oct. 15, 1949, see section 9 of act Oct. 15, 1949.

SALARY INCREASES

1987 - Salaries of Director and Deputy Director increased respectively to \$89,500 and \$72,500 per annum, on recommendation of the President of the United States, see note set out under section 358 of Title 2, The Congress.

1977 - Salaries of Director and Deputy Director increased respectively to \$54,500 and \$48,500 per annum, on recommendation of

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the President of the United States, see note set out under section 358 of Title 2.

1969 - Salaries of Director and Deputy Director increased respectively from \$30,000 and \$28,000 to \$40,000 and \$36,000 per annum, commencing February 14, 1969, on recommendation of the President of the United States, see note set out under section 358 of Title 2.

1967 - Pub. L. 90-206, title II, Sec. 213(a), Dec. 16, 1967, 81 Stat. 635, provided that: "The rates of basic compensation of officers and employees in or under the judicial branch of the Government whose rates of compensation are fixed by or pursuant to paragraph (2) of subdivision of a section 62 of the Bankruptcy Act (11 U.S.C. 102(a)(2)), section 3656 of Title 18, United States Code, the third sentence of section 603, sections 671 to 675, inclusive, or section 604(a)(5), of Title 28, United States Code, insofar as the latter section applies to graded positions, are hereby increased by amounts reflecting the respective applicable increases provided by section 202(a) of this title [amending section 5332(a) of Title 5, Government Organization and Employees] in corresponding rates of compensation for officers and employees subject to section 5332 of Title 5, United States Code. The rates of basic compensation of officers and employees holding ungraded positions and whose salaries are fixed pursuant to such section 604(a)(5) may be increased by the amounts reflecting the respective applicable increases provided by section 202(a) of this title [amending section 5332(a) of Title 5] in corresponding rates of compensation for officers and employees subject to section 5332 of Title 5, United States Code."

Section 213(a) of Pub. L. 90-206 effective as of beginning of first pay period which begins on or after Oct. 1, 1967, see section 220(a)(2) of Pub. L. 90-206, set out as a note under section 5332 of Title 5.

1966 - Pub. L. 89-504, title II, Sec. 202(a), July 18, 1966, 80 Stat. 293, provided that: "The rates of basic compensation of officers and employees in or under the judicial branch of the Government whose rates of compensation are fixed by or pursuant to paragraph (2) of subdivision a of section 62 of the Bankruptcy Act (11 U.S.C. 102(a)(2)), section 3656 of title 18, United States Code, the third sentence of section 603, sections 671 to 675, inclusive, or section 604(a)(5), of title 28, United States Code, insofar as the latter section applies to graded positions, are hereby increased by amounts reflecting the respective applicable increases provided by section 102(a) of title I of this Act [amending section 1113(b) of former Title 5, Executive Departments and Government Officers and Employees] in corresponding rates of compensation for officers and employees subject to the

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Classification Act of 1949, as amended. The rates of basic compensation of officers and employees holding ungraded positions and whose salaries are fixed pursuant to such section 604(a)(5) may be increased by the amounts reflecting the respective applicable increases provided by section 102(a) of title I of this Act in corresponding rates of compensation for officers and employees subject to the Classification Act of 1949, as amended [chapter 51 and subchapter III of chapter 53 of Title 5, Government Organization and Employees]."

Section 203 of title II of Pub. L. 89-504 provided that: "This title shall become effective as follows:

"(1) This section and section 201 [enacting provisions set out as a note under section 1 of this title] shall become effective on the date of enactment of this Act [July 18, 1966],

"(2) Section 202 [enacting provisions set out as note above and under sections 604 and 753 of this title] shall become effective on the first day of the first pay period which begins on or after July 1, 1966."

1965 - Pub. L. 89-301, Sec. 12(a), Oct. 29, 1965, 79 Stat. 1121, provided that: "The rates of basic compensation of officers and employees in or under the judicial branch of the Government whose rates of compensation are fixed by or pursuant to paragraph (2) of subdivision a of section 62 of the Bankruptcy Act (11 U.S.C. 102(a)(2)) section 3656 of Title 18, United States Code, the third sentence of section 603, sections 671 to 675, inclusive, or section 604(a)(5), of Title 28, United States Code, insofar as the latter section applies to graded positions, are hereby increased by amounts reflecting the respective applicable increases provided by section 2(a) of this Act [amending section 1113(b) of former Title 5, Executive Departments and Government Officers and Employees] in corresponding rates of compensation for officers and employees subject to the Classification Act of 1949, as amended [chapter 51 and subchapter III of chapter 53 of Title 5, Government Organization and Employees]. The rates of basic compensation of officers and employees holding ungraded positions and whose salaries are fixed pursuant to such section 604(a)(5) [section 604(a)(5) of this title] may be increased by the amounts reflecting the respective applicable increases provided by section 2(a) of this Act in corresponding rates of compensation for officers and employees subject to the Classification Act of 1949, as amended [chapter 51 and subchapter III of chapter 53 of Title 5]."

1964 - Pub. L. 88-426, title IV, Sec. 402(a), Aug. 14, 1964, 78 Stat. 433, provided that: "The rates of basic compensation of officers and employees in or under the judicial branch of the Government whose rates of compensation are fixed by or pursuant to paragraph (2) of subdivision a of section 62 of the Bankruptcy Act

To look up a section, use this format: **28 USC Sec. #**

(11 U.S.C. 102(a)(2)), section 3656 of title 18, United States Code, the third sentence of section 603, sections 672 to 675, inclusive, or section 604(a)(5), of title 28, United States Code, insofar as the latter section applies to graded positions, are hereby increased by amounts reflecting the respective applicable increases provided by title I of this Act in corresponding rates of compensation for officers and employees subject to the Classification Act of 1949, as amended [chapter 51 and subchapter III of chapter 53 of Title 5, Government Organization and Employees]. The rates of basic compensation of officers and employees holding ungraded positions and whose salaries are fixed pursuant to section 604(a)(5) [section 604(a)(5) of this title] may be increased by the amounts reflecting the respective applicable increases provided by title I of this Act in corresponding rates of compensation for officers and employees subject to the Classification Act of 1949, as amended [chapter 51 and subchapter III of chapter 53 of Title 5]."

1962 - Pub. L. 87-793, title VI, Sec. 1004(a), Oct. 11, 1962, 76 Stat. 866, provided that: "The rates of basic compensation of officers and employees in or under the judicial branch of the Government whose rates of compensation are fixed by or pursuant to paragraph (2) of subdivision a of section 62 of the Bankruptcy Act (11 U.S.C. 102(a)(2)), section 3656 of title 18 of the United States Code, the third sentence of section 603, section 604(a)(5), or section 672 to 675 inclusive, of title 28 of the United States Code, or section 107(a)(6) of the Act of July 31, 1956, as amended (5 U.S.C. 2206(a)(6)) [section 2206(a)(b) of former Title 5, Executive Departments and Government Officers and Employees], are hereby increased by two amounts, the first amount to be effective for the period beginning as of the first day of the first pay period which begins on or after the date of enactment of this Act [Oct 11, 1962], and ending immediately prior to the first day of the first pay period which begins on or after January 1, 1964, and the second amount to be effective on the first day of the first pay period which begins on or after January 1, 1964, and thereafter, which reflect the respective applicable increases provided by title II of this part in corresponding rates of compensation for officers and employees subject to the Classification Act of 1949, as amended [chapter 51 and subchapter III of chapter 53 of Title 5, Government Organization and Employees]."

1960 - Pub. L. 86-568, title I, Sec. 116(a), July 1, 1960, 74 Stat. 303, provided that: "The rates of basic compensation of officers and employees in or under the judicial branch of the Government whose rates of compensation are fixed by or pursuant to paragraph (2) of subdivision a of section 62 of the Bankruptcy Act (11 U.S.C. 102(a)(2)), section 3656 of title 18 of the United

To look up a section, use this format: **28 USC Sec. #**

States Code, the third sentence of section 603, section 604(a)(5), or sections 672 to 675, inclusive, of title 28 of the United States Code, or section 107(a)(6) of the Act of July 31, 1956, as amended (5 U.S.C. 2206(a)(6)), are hereby increased by amounts equal to the increases provided by section 612 [112] of this part [amending former section 1113(b) of Title 5] in corresponding rates of compensation paid to officers and employees subject to the Classification Act of 1949, as amended [chapter 51 and subchapter III of chapter 53 of Title 5, Government Organization and Employees]."

Pub. L. 87-367, title III, Sec. 302(d), Oct. 4, 1961, 75 Stat. 793, provided that: "On and after the effective date of this subsection, section 116(a) of the Federal Employees Salary Increase Act of 1960 (Part B of the Act of July 1, 1960; 74 Stat. 303; Public Law 86-568) [set out as a note above] shall not be applicable with respect to the Deputy Director of the Administrative Office of the United States Courts."

1958 - Pub. L. 85-462, Sec. 3(a), June 20, 1958, 72 Stat. 207, provided that: "The rates of basic compensation of officers and employees in or under the judicial branch of the Government whose rates of compensation are fixed pursuant to paragraph (2) of subdivision a of section 62 of the Bankruptcy Act (11 U.S.C. (a)(2)), section 3656 of title 18 of the United States Code, the third sentence of section 603, section 604(a)(5), or sections 672 to 675 inclusive, of title 28 of the United States Code are hereby increased by amounts equal to the increases provided by section 2 of this Act in corresponding rates of compensation paid to officers and employees subject to the Classification Act of 1949, as amended [chapter 51 and subchapter III of chapter 53 of Title 5, Government Organization and Employees]."

Section 2 of this Act, referred to above, amended section 1113(b) of former Title 5, Executive Departments and Government Officers and Employees, to increase compensation rates.

1955 - Act June 28, 1955, ch. 189, Sec. 3(a), 69 Stat. 175, provided that: "The rates of basic compensation of officers and employees in or under the judicial branch of the Government whose rates of compensation are fixed pursuant to paragraph (2) of subdivision a of section 62 of the Bankruptcy Act (11 U.S.C., sec. 102(a)(2)), section 3656 of title 18 of the United States Code, the second and third sentences of section 603, section 604(a)(5), or sections 672 to 675, inclusive, of title 28 of the United States Code are hereby increased by amounts equal to the increases provided by section 2 of this Act in corresponding rates of compensation paid to officers and employees subject to the Classification Act of 1949, as amended [chapter 51 and subchapter III of chapter 53 of Title 5, Government Organization and

To look up a section, use this format: **28 USC Sec. #**

Employees]."

1951 - Act Oct. 24, 1951, ch. 554, Sec. 1(c), 65 Stat. 613, provided that: "The rates of basic compensation of officers and employees in or under the judicial branch of the Government whose rates of compensation are fixed pursuant to section 62(2) of the Bankruptcy Act (11 U.S.C. Sec. 102(a)(2)), section 3656 of title 18 of the United States Code the second and third sentences of section 603, section 604(5), or sections 672 to 675, inclusive, of title 28 of the United States Code, or who are appointed pursuant to section 792(b) of title 28 of the United States Code, are hereby increased by amounts equal to the increases provided by subsections (a) and (b) in corresponding rates of compensation paid to officers and employees subject to the Classification Act of 1949 [chapter 51 and subchapter III of chapter 53 of Title 5, Government Organization and Employees]."

REFERENCE TO ASSISTANT DIRECTOR DEEMED REFERENCE TO DEPUTY DIRECTOR

References in any other law to Assistant Director of the Administrative Office of the United States Courts deemed to be reference to the Deputy Director of the Administrative Office of the United States Courts, see note set out under section 601 of this title.

-End-

-CITE-

28 USC Sec. 604

01/03/05

-EXPCITE-

TITLE 28 - JUDICIARY AND JUDICIAL PROCEDURE
PART III - COURT OFFICERS AND EMPLOYEES
CHAPTER 41 - ADMINISTRATIVE OFFICE OF UNITED STATES COURTS

-HEAD-

Sec. 604. Duties of Director generally

-STATUTE-

(a) The Director shall be the administrative officer of the courts, and under the supervision and direction of the Judicial Conference of the United States, shall:

(1) Supervise all administrative matters relating to the offices of clerks and other clerical and administrative personnel

To look up a section, use this format: **28 USC Sec. #**

of the courts;

(2) Examine the state of the dockets of the courts; secure information as to the courts' need of assistance; prepare and transmit semiannually to the chief judges of the circuits, statistical data and reports as to the business of the courts;

(3) Submit to the annual meeting of the Judicial Conference of the United States, at least two weeks prior thereto, a report of the activities of the Administrative Office and the state of the business of the courts, together with the statistical data submitted to the chief judges of the circuits under paragraph (a)(2) of this section, and the Director's recommendations, which report, data and recommendations shall be public documents.

(4) Submit to Congress and the Attorney General copies of the report, data and recommendations required by paragraph (a)(3) of this section;

(5) Fix the compensation of clerks of court, deputies, librarians, criers, messengers, law clerks, secretaries, stenographers, clerical assistants, and other employees of the courts whose compensation is not otherwise fixed by law, and, notwithstanding any other provision of law, pay on behalf of Justices and judges of the United States appointed to hold office during good behavior, aged 65 or over, any increases in the cost of Federal Employees' Group Life Insurance imposed after April 24, 1999, including any expenses generated by such payments, as authorized by the Judicial Conference of the United States;

(6) Determine and pay necessary office expenses of courts, judges, and those court officials whose expenses are by law allowable, and the lawful fees of United States magistrate judges;

(7) Regulate and pay annuities to widows and surviving dependent children of justices and judges of the United States, judges of the United States Court of Federal Claims, bankruptcy judges, United States magistrate judges, Directors of the Federal Judicial Center, and Directors of the Administrative Office, and necessary travel and subsistence expenses incurred by judges, court officers and employees, and officers and employees of the Administrative Office, and the Federal Judicial Center, while absent from their official stations on official business, without regard to the per diem allowances and amounts for reimbursement of actual and necessary expenses established by the Administrator of General Services under section 5702 of title 5, except that the reimbursement of subsistence expenses may not exceed that authorized by the Director for judges of the United States under section 456 of this title;

(8) Disburse appropriations and other funds for the maintenance and operation of the courts;

To look up a section, use this format: **28 USC Sec. #**

(9) Establish pretrial services pursuant to section 3152 of title 18, United States Code;

(10)(A) Purchase, exchange, transfer, distribute, and assign the custody of lawbooks, equipment, supplies, and other personal property for the judicial branch of Government (except the Supreme Court unless otherwise provided pursuant to paragraph (17)); (B) provide or make available readily to each court appropriate equipment for the interpretation of proceedings in accordance with section 1828 of this title; and (C) enter into and perform contracts and other transactions upon such terms as the Director may deem appropriate as may be necessary to the conduct of the work of the judicial branch of Government (except the Supreme Court unless otherwise provided pursuant to paragraph (17)), and contracts for nonpersonal services providing pretrial services, agencies, for the interpretation of proceedings, and for the provision of special interpretation services pursuant to section 1828 of this title may be awarded without regard to section 3709 of the Revised Statutes of the United States (41 U.S.C. 5);

(11) Audit vouchers and accounts of the courts, the Federal Judicial Center, the offices providing pretrial services, and their clerical and administrative personnel;

(12) Provide accommodations for the courts, the Federal Judicial Center, the offices providing pretrial services and their clerical and administrative personnel;

(13) Lay before Congress, annually, statistical tables that will accurately reflect the business transacted by the several bankruptcy courts, and all other pertinent data relating to such courts;

(14) Pursuant to section 1827 of this title, establish a program for the certification and utilization of interpreters in courts of the United States;

(15) Pursuant to section 1828 of this title, establish a program for the provision of special interpretation services in courts of the United States;

(16)(A) In those districts where the Director considers it advisable based on the need for interpreters, authorize the full-time or part-time employment by the court of certified interpreters; (B) where the Director considers it advisable based on the need for interpreters, appoint certified interpreters on a full-time or part-time basis, for services in various courts when he determines that such appointments will result in the economical provision of interpretation services; and (C) pay out of moneys appropriated for the judiciary interpreters' salaries, fees, and expenses, and other costs which may accrue in accordance with the provisions of sections 1827 and 1828 of this

To look up a section, use this format: **28 USC Sec. #**

title;

(17) In the Director's discretion, (A) accept and utilize voluntary and uncompensated (gratuitous) services, including services as authorized by section 3102(b) of title 5, United States Code; and (B) accept, hold, administer, and utilize gifts and bequests of personal property for the purpose of aiding or facilitating the work of the judicial branch of Government, but gifts or bequests of money shall be covered into the Treasury;

(18) Establish procedures and mechanisms within the judicial branch for processing fines, restitution, forfeitures of bail bonds or collateral, and assessments;

(19) Regulate and pay annuities to bankruptcy judges and United States magistrate judges in accordance with section 377 of this title and paragraphs (1)(B) and (2) of section 2(c) of the Retirement and Survivors' Annuities for Bankruptcy Judges and Magistrates Act of 1988;

(20) Periodically compile -

(A) the rules which are prescribed under section 2071 of this title by courts other than the Supreme Court;

(B) the rules which are prescribed under section 358 of this title; and

(C) the orders which are required to be publicly available under section 360(b) of this title;

so as to provide a current record of such rules and orders;

(21) Establish a program of incentive awards for employees of the judicial branch of the United States Government, other than any judge who is entitled to hold office during good behavior;

(22) Receive and expend, either directly or by transfer to the United States Marshals Service or other Government agency, funds appropriated for the procurement, installation, and maintenance of security equipment and protective services for the United States Courts in courtrooms and adjacent areas, including building ingress/egress control, inspection of packages, directed security patrols, and other similar activities;

(23) Regulate and pay annuities to judges of the United States Court of Federal Claims in accordance with section 178 of this title; and

(24) Perform such other duties as may be assigned to him by the Supreme Court or the Judicial Conference of the United States.

(b) The clerical and administrative personnel of the courts shall comply with all requests by the Director for information or statistical data as to the state of court dockets.

(c) Inspection of court dockets outside the continental United States may be made through United States officials residing within

To look up a section, use this format: **28 USC Sec. #**

the jurisdiction where the inspection is made.

(d) The Director, under the supervision and direction of the conference, shall:

- (1) supervise all administrative matters relating to the offices of the United States magistrate judges;
- (2) gather, compile, and evaluate all statistical and other information required for the performance of his duties and the duties of the conference with respect to such officers;
- (3) lay before Congress annually statistical tables and other information which will accurately reflect the business which has come before the various United States magistrate judges, including (A) the number of matters in which the parties consented to the exercise of jurisdiction by a magistrate judge, (B) the number of appeals taken pursuant to the decisions of magistrate judges and the disposition of such appeals, and (C) the professional background and qualifications of individuals appointed under section 631 of this title to serve as magistrate judge;
- (4) prepare and distribute a manual, with annual supplements and periodic revisions, for the use of such officers, which shall set forth their powers and duties, describe all categories of proceedings that may arise before them, and contain such other information as may be required to enable them to discharge their powers and duties promptly, effectively, and impartially.

(e) The Director may promulgate appropriate rules and regulations approved by the conference and not inconsistent with any provision of law, to assist him in the performance of the duties conferred upon him by subsection (d) of this section. Magistrate judges shall keep such records and make such reports as are specified in such rules and regulations.

(f) The Director may make, promulgate, issue, rescind, and amend rules and regulations (including regulations prescribing standards of conduct for Administrative Office employees) as may be necessary to carry out the Director's functions, powers, duties, and authority. The Director may publish in the Federal Register such rules, regulations, and notices for the judicial branch of Government as the Director determines to be of public interest; and the Director of the Federal Register hereby is authorized to accept and shall publish such materials.

(g)(1) When authorized to exchange personal property, the Director may exchange or sell similar items and may apply the exchange allowance or proceeds of sale in such cases in whole or in part payment for the property acquired, but any transaction carried out under the authority of this subsection shall be evidenced in writing.

To look up a section, use this format: **28 USC Sec. #**

(2) The Director hereby is authorized to enter into contracts for public utility services and related terminal equipment for periods not exceeding ten years.

(3)(A) In order to promote the recycling and reuse of recyclable materials, the Director may provide for the sale or disposal of recyclable scrap materials from paper products and other consumable office supplies held by an entity within the judicial branch.

(B) The sale or disposal of recyclable materials under subparagraph (A) shall be consistent with the procedures provided in sections 541-555 of title 40 for the sale of surplus property.

(C) Proceeds from the sale of recyclable materials under subparagraph (A) shall be deposited as offsetting collections to the fund established under section 1931 of this title and shall remain available until expended to reimburse any appropriations for the operation and maintenance of the judicial branch.

(h)(1) The Director shall, out of funds appropriated for the operation and maintenance of the courts, provide facilities and pay necessary expenses incurred by the judicial councils of the circuits and the Judicial Conference under chapter 16 of this title, including mileage allowance and witness fees, at the same rate as provided in section 1821 of this title. Administrative and professional assistance from the Administrative Office of the United States Courts may be requested by each judicial council and the Judicial Conference for purposes of discharging their duties under chapter 16 of this title.

(2) The Director of the Administrative Office of the United States Courts shall include in his annual report filed with the Congress under this section a summary of the number of complaints filed with each judicial council under chapter 16 of this title, indicating the general nature of such complaints and the disposition of those complaints in which action has been taken.

-SOURCE-

(June 25, 1948, ch. 646, 62 Stat. 914; Aug. 3, 1956, ch. 944, Sec. 3, 70 Stat. 1026; Pub. L. 90-219, title II, Sec. 203(a)-(c), Dec. 20, 1967, 81 Stat. 669; Pub. L. 90-578, title II, Sec. 201, title IV, Sec. 402(b)(2), Oct. 17, 1968, 82 Stat. 1114, 1118; Pub. L. 92-397, Sec. 4, Aug. 22, 1972, 86 Stat. 580; Pub. L. 93-619, title II, Sec. 204, Jan. 3, 1975, 88 Stat. 2089; Pub. L. 95-539, Secs. 3, 4, Oct. 28, 1978, 92 Stat. 2043; Pub. L. 95-598, title II, Sec. 225, Nov. 6, 1978, 92 Stat. 2664; Pub. L. 96-82, Sec. 5, Oct. 10, 1979, 93 Stat. 645; Pub. L. 96-458, Sec. 5, Oct. 15, 1980, 94 Stat. 2040; Pub. L. 96-523, Sec. 1(c)(1), Dec. 12, 1980, 94 Stat. 3040; Pub. L. 97-267, Sec. 7, Sept. 27, 1982, 96 Stat. 1139; Pub. L. 99-554, title I, Sec. 116, Oct. 27, 1986, 100 Stat. 3095; Pub. L. 100-185, Sec. 2, Dec. 11, 1987, 101 Stat. 1279; Pub. L. 100-659, Sec.

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6(a), Nov. 15, 1988, 102 Stat. 3918; Pub. L. 100-702, title IV, Sec. 402(a), title X, Secs. 1008, 1010, 1011, 1020(a)(2), Nov. 19, 1988, 102 Stat. 4650, 4667, 4668, 4671; Pub. L. 101-474, Sec. 5(r), Oct. 30, 1990, 104 Stat. 1101; Pub. L. 101-647, title XXV, Sec. 2548, Nov. 29, 1990, 104 Stat. 4888; Pub. L. 101-650, title III, Secs. 306(e)(1), 321, 325(c)(1), Dec. 1, 1990, 104 Stat. 5111, 5117, 5121; Pub. L. 102-572, title V, Sec. 503, title IX, Sec. 902(b)(1), Oct. 29, 1992, 106 Stat. 4513, 4516; Pub. L. 106-113, div. B, Sec. 1000(a)(1) [title III, Sec. 305], Nov. 29, 1999, 113 Stat. 1535, 1501A-37; Pub. L. 106-518, title II, Sec. 204, title III, Sec. 304(d), Nov. 13, 2000, 114 Stat. 2414, 2418; Pub. L. 107-217, Sec. 3(g)(1), Aug. 21, 2002, 116 Stat. 1299; Pub. L. 107-273, div. C, title I, Sec. 11043(e), Nov. 2, 2002, 116 Stat. 1855.)

-MISC1-

HISTORICAL AND REVISION NOTES

Based on sections 726-1 and 726a of title 18, U.S.C., 1940 ed., Criminal Code and Criminal Procedure, and sections 1130(a)(b) and 1131 of title 26, U.S.C., 1940 ed., Internal Revenue Code, title 28, U.S.C., 1940 ed., Secs. 9, 128, 222a, 245, 268a, 278a, 302-306, 374b, 446, 447, 450, 544, 545, 547, 557, 558, 560, 561, 561a, 562, 563, 565, 566, 595, and 596 and sections 11-204 and 11-403, District of Columbia Code, 1940 ed. (R.S. Secs. 1075, 1085; Mar. 3, 1891, ch. 517, Secs. 2, 9, 26 Stat. 826, 829; Feb. 9, 1893, ch. 74, Sec. 4, 27 Stat. 435; July 30, 1894, ch. 172, Sec. 1, 28 Stat. 160; Mar. 3, 1901, ch. 854, Sec. 224, 31 Stat. 1224; June 30, 1902, ch. 1329, 32 Stat. 528; Mar. 3, 1905, ch. 1487, 33 Stat. 1259; Mar. 3, 1911, ch. 231, Sec. 5, 36 Stat. 1088; Mar. 3, 1911, ch. 231, Sec. 118a, as added June 17, 1930, ch. 509, 46 Stat. 774; Mar. 3, 1911, ch. 231, Sec. 118b, as added Feb. 17, 1936, ch. 75, 49 Stat. 1140; Mar. 3, 1911, ch. 231, Secs. 140, 163, 171, 189-193, 291, 36 Stat. 1136, 1140, 1141, 1143, 1167; Mar. 3, 1911, ch. 231, Secs. 304, 305, 308, as added Aug. 7, 1939, ch. 501, Sec. 1, 53 Stat. 1223; Aug. 23, 1912, ch. 350, 37 Stat. 412; Feb. 26, 1919, ch. 49, Secs. 1, 2, 3, 4, 5, 7, 8, 40 Stat. 1182; July 19, 1919, ch. 24, Sec. 1, 41 Stat. 210; Nov. 4, 1919, ch. 93, Sec. 1, 41 Stat. 338; Feb. 11, 1921, ch. 46, 41 Stat. 1099; Feb. 22, 1921, ch. 70, Sec. 7, 41 Stat. 1144; Mar. 4, 1921, ch. 161, 41 Stat. 1412; June 1, 1922, ch. 204, title II, 42 Stat. 616; Jan. 3, 1923, ch. 21, title II, 42 Stat. 1084; Mar. 4, 1923, ch. 265, 42 Stat. 1488; May 28, 1924, ch. 204, title II, 43 Stat. 221; Feb. 27, 1925, ch. 364, title II, 43 Stat. 1030; Apr. 29, 1926, ch. 195, title II, 44 Stat. 346, 347; May 21, 1928, ch. 659, 45 Stat. 645; Mar. 2, 1929, ch. 488, Sec. 1, 45 Stat. 1475; June 16, 1930, ch. 494, 46 Stat. 589; May 17, 1932, ch. 190, 47 Stat. 158; June 25, 1936, ch. 804, 49 Stat. 1921; Apr.

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27, 1938, ch. 180, title II, Sec. 1, 52 Stat. 264; Feb. 10, 1939, ch. 2, Secs. 1130(a)(b), 1131, 53 Stat. 162, 163; June 29, 1939, ch. 248, title II, 53 Stat. 902; May 14, 1940, ch. 189, titles III, IV, 54 Stat. 204, 209, 210; June 28, 1941, ch. 258, title IV, 55 Stat. 300-302; July 2, 1942, ch. 472, title IV, 56 Stat. 503, 504; June 28, 1943, ch. 173, title II, Sec. 201, 57 Stat. 242, 243; June 26, 1944, ch. 277, title II, Sec. 201, 58 Stat. 357; Dec. 7, 1944, ch. 522, Sec. 1, 58 Stat. 796; May 21, 1945, ch. 129, titles II, IV, 59 Stat. 184, 199; July 5, 1946, ch. 541, title IV, 60 Stat. 478, 479).

For purposes of uniformity, all provisions of law governing the regulation and allowance of office, travel, and subsistence expenses of all officers and employees of the courts, except those provisions relating to Supreme Court officers and employees, are incorporated in subsection (a)(6)(7) of this section. Likewise the provisions respecting the compensation of court officers and employees, except those of the Supreme Court, are incorporated in subsection (a)(5). In each instance the power to fix and determine such salaries and expenses is transferred to the Director of the Administrative Office of the United States Courts. This change is in conformity with the Administrative Office Act 1939 included in this chapter.

Compensation of bailiffs however is provided by sections 713 and 755 of this title and that of court reporters by section 753 of this title.

Salaries and travel expenses of Court of Claims Commissioners are covered by section 792 of this title.

The language "and the lawful fees of United States Commissioners" in subsection (a)(6) and "the offices of the United States Commissioners" in subsection (a)(9) is new. It conforms with sections 633, 636 and 639 of this title.

Subsection (a)(5)(7) covers the provisions of section 726-1 and 726a of title 18, U.S.C., 1940 ed., which provided that probation officers' salaries should not be less than \$1,800 nor more than \$3,600 per annum and their traveling expenses should not exceed more than 4 cents per mile.

Words "and officers and employees of the Administrative Office" were added in subsection (a)(7) to expressly authorize travel and subsistence expenses of such officers and employees.

The power to fix such pay and allowances is transferred to the Director as above indicated, and conforms with the Administrative Office Act of 1939. For further explanation of the general supervision of probation officers, see reviser's note under section 3654, H. Rept. to accompany H.R. 3190 for revision of title 18, U.S.C.

Subsection (a)(8) covers the provisions of section 1131 of title

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26, U.S.C. 1940 ed. Such section 1131 authorized the Tax Court, successor to the Board of Tax Appeals, to make expenditures for personal services, rent, law books, reference books, periodicals, and provided that all expenditures should be paid out of appropriations for the Tax Court, on itemized vouchers approved by the court.

Two references to "officials and employees covered by this chapter" were changed to "clerical and administrative personnel," following the language of paragraph (a)(1), conferring general power to supervise such personnel as respects administrative matters.

Similar language was used in paragraph (b) instead of "The clerks of the district courts, their deputies and assistants, and all other employees of said courts."

The provisions of section 374b of title 28, U.S.C., 1940 ed., based on successive acts relating to classification and compensation of secretaries and law clerks were omitted as temporary and unnecessary in revision, in view of subsection (a)(5) of this section under which the salaries of all personnel are necessarily limited by current appropriation acts.

For increases in basic rates of compensation for other judicial officers and employees see, also, section 521 of Act June 30, 1945, ch. 212.

The designation "senior circuit judges" was changed to "chief judges of the circuits" in conformity with section 45 of this title.

Provisions of section 11-204 of District of Columbia Code, 1940 ed., relating to appointment of clerk of the United States Court of Appeals for the District of Columbia, and deputy clerk, crier, and messenger thereof, and the provisions relating to accounting for fees, are incorporated in sections 711 and 713 of this title.

Provisions of said section, requiring the clerk of such court to give bond, were omitted as covered by section 952 of this title. Provisions of said section, relating to regulation of clerk's fees by such court were omitted so as to render uniform the method of such regulation as prescribed by section 1913 of this title, and the provisions of said section, placing a maximum of five hundred dollars per year on the office expenditures of the clerk of such court, were omitted as inconsistent with this consolidated section.

For distribution of other provisions of sections on which this section is based, see Distribution Table.

Changes were made in phraseology and arrangement.

SENATE REVISION AMENDMENTS

By Senate amendment, all provisions relating to the Tax Court were eliminated, therefore, as finally enacted, sections 1130(a)(b)

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and 1131 of Title 26, U.S.C., Internal Revenue Code [1940 ed.], did not constitute part of the source of this section. However, no change in the text of the section was necessary. See 80th Congress Senate Report No. 1559.

As finally enacted, part of act July 9, 1947, ch. 211, title IV, 61 Stat. 304, 305, which was classified to title 28, U.S.C., 1946 ed., Sec. 374b, became one of the sources of this section and was accordingly included in the schedule of repeals by Senate amendment. See 80th Congress Senate Report No. 1559.

-REFTEXT-

REFERENCES IN TEXT

Section 2(c) of the Retirement and Survivors' Annuities for Bankruptcy Judges and Magistrates Act of 1988, referred to in subsec. (a)(19), is section 2(c) of Pub. L. 100-659, Nov. 15, 1988, 102 Stat. 3916, which is set out as a note under section 377 of this title.

-MISC2-

AMENDMENTS

2002 - Subsec. (a)(20)(B). Pub. L. 107-273, Sec. 11043(e)(1)(A), substituted "358" for "372(c)(11)".

Subsec. (a)(20)(C). Pub. L. 107-273, Sec. 11043(e)(1)(B), substituted "360(b)" for "372(c)(15)".

Subsec. (g)(3)(B). Pub. L. 107-217 substituted "sections 541-555 of title 40" for "section 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484)".

Subsec. (h)(1). Pub. L. 107-273, Sec. 11043(e)(2)(A), substituted "chapter 16" for "section 372" in two places.

Subsec. (h)(2). Pub. L. 107-273, Sec. 11043(e)(2)(B), substituted "chapter 16" for "section 372(c)".

2000 - Subsec. (a)(8). Pub. L. 106-518, Sec. 304(d), amended par. (8) generally. Prior to amendment, par. (8) read as follows: "Disburse, directly or through the several United States marshals, moneys appropriated for the maintenance and operation of the courts;"

Subsec. (a)(24). Pub. L. 106-518, Sec. 204, struck out the second par. (24) which read as follows: "Lay before Congress, annually, statistical tables that will accurately reflect the business imposed on the Federal courts by the savings and loan crisis."

1999 - Subsec. (a)(5). Pub. L. 106-113 inserted before semicolon at end ", and, notwithstanding any other provision of law, pay on behalf of Justices and judges of the United States appointed to hold office during good behavior, aged 65 or over, any increases in the cost of Federal Employees' Group Life Insurance imposed after

To look up a section, use this format: **28 USC Sec. #**

April 24, 1999, including any expenses generated by such payments, as authorized by the Judicial Conference of the United States".

1992 - Subsec. (a)(7), (23). Pub. L. 102-572, Sec. 902(b)(1), substituted "United States Court of Federal Claims" for "United States Claims Court".

Subsec. (g)(3). Pub. L. 102-572, Sec. 503, added par. (3).

1990 - Subsec. (a)(7). Pub. L. 101-650, Sec. 325(c)(1), amended Pub. L. 100-702, Sec. 1011. See 1988 Amendment note below.

Pub. L. 101-650, Sec. 306(e)(1)(B)(i), inserted "judges of the United States Claims Court," before "bankruptcy judges".

Subsec. (a)(19). Pub. L. 101-474, Sec. 5(r), and Pub. L. 101-650, Sec. 306(e)(1)(A), made identical technical amendment to directory language of Pub. L. 100-702, Sec. 402(a)(1). See 1988 Amendment note below.

Subsec. (a)(23). Pub. L. 101-650, Sec. 306(e)(1)(B)(iii), added par. (23). Former par. (23) redesignated (24).

Pub. L. 101-474, Sec. 5(r), and Pub. L. 101-650, Sec. 306(e)(1)(A), made identical technical amendments to directory language of Pub. L. 100-702, Sec. 402(a)(1). See 1988 Amendment note below.

Subsec. (a)(24). Pub. L. 101-650, Sec. 306(e)(1)(B)(ii), redesignated par. (23), relating to performance of other duties, as (24).

Pub. L. 101-647 added par. (24) relating to statistical tables.

1988 - Subsec. (a)(2). Pub. L. 100-702, Sec. 1020(a)(2), substituted "semiannually" for "quarterly".

Subsec. (a)(7). Pub. L. 100-702, Sec. 1011, as amended by Pub. L. 101-650, Sec. 325(c)(1), which directed amendment of par. (7) "by [sic] at the end the following: 'without regard to the per diem allowances and amounts for reimbursement of actual and necessary expenses established by the Administrator of General Services under section 5702 of title 5, except that the reimbursement of subsistence expenses may not exceed that authorized by the Director for judges of the United States under section 456 of this title;' " was executed by inserting the new language after the comma at the end to reflect the probable intent of Congress.

Pub. L. 100-659, Sec. 6(a)(1), inserted "bankruptcy judges, United States magistrates," after "United States,".

Subsec. (a)(14), (15). Pub. L. 100-702, Sec. 1008(1), redesignated par. (14), relating to provision of special interpretation services in courts of United States, as (15). Former par. (15) redesignated (16).

Subsec. (a)(16), (17). Pub. L. 100-702, Sec. 1008(1), redesignated pars. (15) and (16) as (16) and (17), respectively. Former par. (17) redesignated (18).

Subsec. (a)(18). Pub. L. 100-702, Sec. 1008(1), redesignated par.

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(17) as (18). Former par. (18), as added by Pub. L. 100-659, redesignated (19).

Pub. L. 100-659, Sec. 6(a)(3), added par. (18). Former par. (18) redesignated (19).

Subsec. (a)(19). Pub. L. 100-702, Sec. 1008(2), redesignated par. (19), as added by Pub. L. 100-702, Sec. 402(a)(2), as (20).

Pub. L. 100-702, Sec. 402(a), as amended by Pub. L. 101-474, Sec. 5(r), and Pub. L. 101-650, Sec. 306(e)(1)(A), redesignated par. (19), relating to performance of other duties, as (23) and added par. (19) relating to compilation of rules and orders.

Pub. L. 100-659, Sec. 6(a)(2), redesignated par. (18), relating to performance of other duties, as (19).

Subsec. (a)(20). Pub. L. 100-702, Sec. 1008(2), redesignated par. (19), as added by Pub. L. 100-702, Sec. 402(a)(2), as (20).

Subsec. (a)(21). Pub. L. 100-702, Sec. 1008(2), added par. (21).

Subsec. (a)(22). Pub. L. 100-702, Sec. 1010, added par. (22).

Subsec. (a)(23). Pub. L. 100-702, Sec. 402(a)(1), as amended by Pub. L. 101-474, Sec. 5(r), and Pub. L. 101-650, Sec. 306(e)(1)(A), redesignated par. (19), relating to performance of other duties, as (23).

1987 - Subsec. (a)(17), (18). Pub. L. 100-185 added par. (17) and redesignated former par. (17) as (18).

1986 - Subsec. (f). Pub. L. 99-554 struck out subsec. (f) as added by Pub. L. 99-598, Sec. 225(b), which related to the Director naming qualified persons to membership on the panel of trustees, their number, qualifications, removal, etc.

1982 - Subsec. (a)(9). Pub. L. 97-267, Sec. 7(1), struck out "agencies" after "pretrial services".

Subsec. (a)(10). Pub. L. 97-267, Sec. 7(2), substituted "providing pretrial services" for "for pretrial services agencies".

Subsec. (a)(11). Pub. L. 97-267, Sec. 7(3), substituted "offices providing pretrial services" for "pretrial service agencies".

Subsec. (a)(12). Pub. L. 97-267, Sec. 7(4), substituted "offices providing pretrial services" for "pretrial services agencies".

1980 - Subsec. (a)(16)(A). Pub. L. 96-523 inserted "(b)" after "3102".

Subsec. (h). Pub. L. 96-458 added subsec. (h).

1979 - Subsec. (d)(3). Pub. L. 96-82 added cls. (A), (B), and (C).

1978 - Subsec. (a)(10). Pub. L. 95-539, Sec. 3(a), expanded the duties of the Director to include providing or making available equipment for interpretation of proceedings in accordance with section 1828 of this title and to include entering into and performing contracts necessary to the conduct of the work of the judicial branch and exempted from the provisions of section 5 of title 41 contracts for nonpersonal services for pretrial agencies,

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for interpretation of proceedings, and for special interpretation services pursuant to section 1828 of this title.

Subsec. (a)(13), (14). Pub. L. 95-598, Sec. 225(a), added par. (13) relating to annual statistical tables reflecting the business of the several bankruptcy courts, and redesignated former par. (13), relating to provision of special interpretation services in courts of the United States, as (14).

Subsec. (a)(13) to (16). Pub. L. 95-539, Sec. 3(b), (c), added pars. (13) to (16). Former par. (13) redesignated (17).

Subsec. (a)(17). Pub. L. 95-539, Sec. 3(b), redesignated former par. (13) as (17).

Subsec. (f). Pub. L. 95-598, Sec. 225(b), added subsec. (f) relating to the naming of qualified persons to membership on the panel of trustees.

Subsecs. (f), (g). Pub. L. 95-539, Sec. 4, added subsecs. (f) and (g).

1975 - Subsec. (a)(9). Pub. L. 93-619 added par. (9). Former par. (9) redesignated (10).

Subsec. (a)(10). Pub. L. 93-619 redesignated former par. (9) as (10) and substituted "the offices of the United States magistrates and commissioners, and the offices of pretrial services agencies" for "and the Administrative Office and the offices of the United States magistrates". Former par. (10) redesignated (11).

Subsec. (a)(11). Pub. L. 93-619 redesignated former par. (10) as (11) and inserted reference to pretrial service agencies. Former par. (11) redesignated (12).

Subsec. (a)(12). Pub. L. 93-619 redesignated former par. (11) as (12) and inserted reference to pretrial service agencies. Former par. (12) redesignated (13).

Subsec. (a)(13). Pub. L. 93-619 redesignated former (12) as (13).

1972 - Subsec. (a)(7). Pub. L. 92-397 substituted "children of justices and judges of the United States" for "children of judges".

1968 - Subsec. (a)(9). Pub. L. 90-578, Sec. 201(a), substituted "United States magistrates" for "United States Commissioners".

Subsecs. (d), (e). Pub. L. 90-578 Sec. 201(b), added subsecs. (d) and (e).

1967 - Subsec. (a)(7). Pub. L. 90-219, Sec. 203(a), amended par. (7) generally, inserting ", Directors of the Federal Judicial Center, and Directors of the Administrative Office," after "judges" and "and the Federal Judicial Center," after "Administrative Office".

Subsec. (a)(9). Pub. L. 90-219, Sec. 203(b), inserted ", the Federal Judicial Center," after "courts".

Subsec. (a)(10), (11). Pub. L. 90-219, Sec. 203(c), inserted ", the Federal Judicial Center," after "courts".

1956 - Subsec. (a)(7). Act Aug. 3, 1956, inserted "annuities to

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widows and surviving dependent children of judges and" after "Regulate and pay".

-CHANGE-

CHANGE OF NAME

"United States magistrate judges", "magistrate judge", "magistrate judges", and "Magistrate judges" substituted for "United States magistrates", "magistrate", "magistrates", and "Magistrates", respectively, wherever appearing in text pursuant to section 321 of Pub. L. 101-650, set out as a note under section 631 of this title. Previously, "United States magistrates" substituted for "United States Commissioners" pursuant to section 402(b)(2) of Pub. L. 90-578. See chapter 43 (Sec. 631 et seq.) of this title.

-MISC3-

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by section 503 of Pub. L. 102-572 effective Jan. 1, 1993, see section 1101(a) of Pub. L. 102-572, set out as a note under section 905 of Title 2, The Congress.

Amendment by section 902(b)(1) of Pub. L. 102-572 effective Oct. 29, 1992, see section 911 of Pub. L. 102-572, set out as a note under section 171 of this title.

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by section 306(e)(1) of Pub. L. 101-650 applicable to judges of, and senior judges in active service with, the United States Court of Federal Claims on or after Dec. 1, 1990, see section 306(f) of Pub. L. 101-650, as amended, set out as a note under section 8331 of Title 5, Government Organization and Employees.

EFFECTIVE DATE OF 1988 AMENDMENTS

Amendment by section 402(a) of Pub. L. 100-702 effective Dec. 1, 1988, see section 407 of Pub. L. 100-702, set out as a note under section 2071 of this title.

Amendment by Pub. L. 100-659 effective Nov. 15, 1988, and applicable to bankruptcy judges and magistrate judges who retire on or after Nov. 15, 1988, with exception for judges and magistrate judges retiring on or after July 31, 1987, see section 9 of Pub. L. 100-659, as amended, set out as an Effective Date note under section 377 of this title.

EFFECTIVE DATE OF 1986 AMENDMENT

Amendment by Pub. L. 99-554 effective 30 days after Oct. 27, 1986, see section 302(a) of Pub. L. 99-554, set out as a note under

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section 581 of this title.

EFFECTIVE DATE OF 1980 AMENDMENTS

Amendment by Pub. L. 96-523 effective sixty days after Dec. 12, 1980, see section 3 of Pub. L. 96-523, set out as a note under section 3102 of Title 5, Government Organization and Employees.

Amendment by Pub. L. 96-458 effective Oct. 1, 1981, see section 7 of Pub. L. 96-458, set out as a note under section 331 of this title.

EFFECTIVE DATE OF 1978 AMENDMENTS

Amendment by Pub. L. 95-598 effective Oct. 1, 1979, see section 402(c) of Pub. L. 95-598, set out as an Effective Date note preceding section 101 of Title 11, Bankruptcy.

Amendment by Pub. L. 95-539 effective Oct. 28, 1978, see section 10(a) of Pub. L. 95-539, set out as a note under section 602 of this title.

EFFECTIVE DATE OF 1968 AMENDMENT

Amendment by Pub. L. 90-578 effective Oct. 17, 1968, except when a later effective date is applicable, which is the earlier of date when implementation of amendment by appointment by magistrates [now United States magistrate judges] and assumption of office takes place or third anniversary of enactment of Pub. L. 90-578 on Oct. 17, 1968, see section 403 of Pub. L. 90-578, set out as a note under section 631 of this title.

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions in subsecs. (a)(4), (d)(3), and (h)(2) of this section relating to reporting certain information annually to Congress, see section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance, and page 12 of House Document No. 103-7.

REPORTS BY DIRECTOR OF ADMINISTRATIVE OFFICE OF UNITED STATES COURTS

For requirement that Director of Administrative Office of the United States Courts include statistical information about implementation of chapter 44 of this title in annual report under section 604(a)(3) of this title, see section 903(a) of Pub. L. 100-702, set out as a note under section 651 of this title.

1970 INCREASE IN PAY RATES OF JUDICIAL BRANCH EMPLOYEES WHOSE RATES OF PAY ARE FIXED BY ADMINISTRATIVE ACTION

To look up a section, use this format: **28 USC Sec. #**

Adjustment of rates of pay of judicial branch employees whose rates of pay are fixed by administrative action by not to exceed the amounts of the adjustment for corresponding rates for employees subject to the section 2(a) of Pub. L. 91-231, which raised such corresponding rates by 6 percent, effective on the first day of the first pay period which begins on or after Dec. 27, 1969, see Pub. L. 91-231, set out as a note under section 5332 of Title 5, Government Organization and Employees.

COMPENSATION AND APPOINTMENT OF SECRETARIES AND LAW CLERKS

Provisions authorizing the appointment and compensation of secretaries and law clerks to circuit and district judges in such number and at such rates of compensation as may be determined by the Judicial Conference of the United States were contained in the following appropriation acts:

- Dec. 12, 1985, Pub. L. 99-180, title IV, 99 Stat. 1154.
- Aug. 30, 1984, Pub. L. 98-411, title IV, 98 Stat. 1571.
- Nov. 28, 1983, Pub. L. 98-166, title IV, 97 Stat. 1099.
- Dec. 21, 1982, Pub. L. 97-377, Sec. 101(d) [S. 2956, title IV], 96 Stat. 1866.
- Dec. 15, 1981, Pub. L. 97-92, Sec. 101(h) [incorporating Pub. L. 96-536, Sec. 101(o); H.R. 7584, title IV], 95 Stat. 1190.
- Dec. 16, 1980, Pub. L. 96-536, Sec. 101(o) [H.R. 7584, title IV], 94 Stat. 3169.
- Sept. 24, 1979, Pub. L. 96-68, title IV, 93 Stat. 428.
- Oct. 10, 1978, Pub. L. 95-431, title IV, 92 Stat. 1037.
- Aug. 2, 1977, Pub. L. 95-86, title IV, 91 Stat. 435.
- July 14, 1976, Pub. L. 94-362, title IV, 90 Stat. 953.
- Oct. 21, 1975, Pub. L. 94-121, title IV, 89 Stat. 630.
- Oct. 5, 1974, Pub. L. 93-433, title IV, 88 Stat. 1202.
- Nov. 27, 1973, Pub. L. 93-162, title IV, 87 Stat. 651.
- Oct. 25, 1972, Pub. L. 92-544, title IV, 86 Stat. 1126.
- Aug. 10, 1971, Pub. L. 92-77, title IV, 85 Stat. 262.
- Oct. 21, 1970, Pub. L. 91-472, title IV, 84 Stat. 1056.
- Dec. 24, 1969, Pub. L. 91-153, title IV, 83 Stat. 419.
- Aug. 9, 1968, Pub. L. 90-470, title IV, 82 Stat. 685.
- Nov. 8, 1967, Pub. L. 90-133, title IV, 81 Stat. 427.
- Nov. 8, 1966, Pub. L. 89-797, title IV, 80 Stat. 1499.
- Sept. 2, 1965, Pub. L. 89-164, title IV, 79 Stat. 638.
- Aug. 31, 1964, Pub. L. 88-527, title IV, 78 Stat. 729.
- Dec. 30, 1963, Pub. L. 88-245, title IV, 77 Stat. 795.
- Oct. 18, 1962, Pub. L. 87-843, title IV, 76 Stat. 1099.
- Sept. 21, 1961, Pub. L. 87-264, title III, 75 Stat. 555.
- Aug. 31, 1960, Pub. L. 86-678, title III, 74 Stat. 566.
- July 13, 1959, Pub. L. 86-84, title III, 73 Stat. 192.
- June 30, 1958, Pub. L. 85-474, title III, 72 Stat. 254.

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June 11, 1957, Pub. L. 85-40, title III, 70 Stat. 65.
June 20, 1956, ch. 414, title III, 70 Stat. 310.
July 7, 1955, ch. 279, title III, 69 Stat. 276.
July 2, 1954, ch. 455, title II, 68 Stat. 410.
Aug. 1, 1953, ch. 304, title II, 67 Stat. 334.
July 10, 1952, ch. 651, title IV, 66 Stat. 569.
Oct. 22, 1951, ch. 533, title IV, 65 Stat. 596.
Sept. 6, 1950, ch. 896, Ch. III, title IV, 64 Stat. 631.

LIMITATION ON AGGREGATE SALARIES OF SECRETARIES AND LAW CLERKS

1967 - Pub. L. 90-206, title II, Sec. 213(b), Dec. 16, 1967, 81 Stat. 635, provided that: "The limitations provided by applicable law on the effective date of this section [see Effective Date of 1967 Amendment Note set out under section 5332 of Title 5, Government Organization and Employees] with respect to the aggregate salaries payable to secretaries and law clerks of circuit and district judges are hereby increased by amounts which reflect the respective applicable increases provided by section 202(a) of this title [amending section 5332(a) of Title 5] in corresponding rates of compensation for officers and employees subject to section 5332 of Title 5, United States Code".

Section 213(b) of Pub. L. 90-206 effective as of the beginning of the first pay period which begins on or after Oct. 1, 1967, see section 220(a)(2) of Pub. L. 90-206, set out as a note under section 5332 of Title 5.

1966 - Pub. L. 89-504, title II, Sec. 202(b), July 18, 1966, 80 Stat. 294, provided that: "The limitations provided by applicable law on the effective date of this section with respect to the aggregate salaries payable to secretaries and law clerks of circuit and district judges are hereby increased by amounts which reflect the respective applicable increases provided by section 102(a) of title I of this Act [amending section 1113(b) of former Title 5, Executive Departments and Government Officers and Employees] in corresponding rates of compensation for officers and employees subject to the Classification Act of 1949, as amended [chapter 51 and subchapter III of chapter 53 of Title 5, Government Organization and Employees]."

Provision effective first day of first pay period which begins on or after July 1, 1966, see section 203 of Pub. L. 89-504, set out as a note under section 603 of this title.

1965 - Pub. L. 89-301, Sec. 12(b), Oct. 29, 1965, 79 Stat. 1122, provided that: "The limitations provided by applicable law on the effective date of this section with respect to the aggregate salaries payable to secretaries and law clerks of circuit and district judges are hereby increased by amounts which reflect the respective applicable increases provided by section 2(a) of this

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Act [amending section 1113(b) of former Title 5, Executive Departments and Government Officers and Employees] in corresponding rates of compensation for officers and employees subject to the Classification Act of 1949, as amended [chapter 51 and subchapter III of chapter 53 of Title 5, Government Organization and Employees]."

1964 - Pub. L. 88-426, title IV, Sec. 402(b), Aug. 14, 1964, 78 Stat. 433, provided that: "The limitation provided by applicable law on the effective date of this section with respect to the aggregate salaries payable to secretaries and law clerks of circuit and district judges are hereby increased by amounts which reflect the respective applicable increases provided by the title I of this Act in corresponding rates of compensation for officers and employees subject to the Classification Act of 1949, as amended [chapter 51 and subchapter III of chapter 53 of Title 5, Government Organization and Employees]."

1962 - Pub. L. 87-793, title VI, Sec. 1004(b), Oct. 11, 1962, 76 Stat. 866, provided that: "The limitations provided by applicable law on the effective date of this section with respect to the aggregate salaries payable to secretaries and law clerks of circuit and district judges are hereby increased by two amounts, the first amount to be effective for the period beginning as of the first day of the first pay period which begins on or after the date of enactment of this Act [Oct. 11, 1962], and ending immediately prior to the first day of the first pay period which begins on or after January 1, 1964, and the second amount to be effective on the first day of the first pay period which begins on or after January 1, 1964, and thereafter, which reflect the respective applicable increases provided by title II of this part in corresponding rates of compensation for officers and employees subject to the Classification Act of 1949, as amended [chapter 51 and subchapter III of chapter 53 of Title 5, Government Organization and Employees]."

1960 - Pub. L. 86-568, title I, Sec. 116(b), July 1, 1960, 74 Stat. 303, provided that: "The limitations provided by applicable law on the effective date of this section with respect to the aggregate salaries payable to secretaries and law clerks of circuit and district judges are hereby increased by the amounts necessary to pay the additional basic compensation provided by this part."

Words "this part", referred to above, means Part B of Pub. L. 86-568, which enacted section 932e of former Title 5, Executive Departments and Government Officers and Employees, amended section 753 of this title, sections 1113, 2091, 2252 and 3002 of former Title 5, sections 867 and 870 of Title 22, Foreign Relations and Intercourse, and former sections 4103, 4107 and 4108 of Title 38, Veterans' Benefits, and enacted notes set out under sections 603

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and 604 of this title, sections 60a and 60f of Title 2, The Congress, sections 1113, and 2252 of former Title 5, section 590h of Title 16, Conservation, and section 867 of Title 22,

1958 - Pub. L. 85-462, Sec. 3(b), June 20, 1958, 72 Stat. 207, provided that: "The limitations of \$13,485 and \$18,010 with respect to the aggregate salaries payable to secretaries and law clerks of circuit and district judges, contained in the paragraph designated "Salaries of supporting personnel" in the Judiciary Appropriation Act, 1958 (71 Stat. 65; Public Law 85-49), or any subsequent appropriation Act, shall be increased by the amounts necessary to pay the additional basic compensation provided by this Act."

1955 - Act June 28, 1955, ch. 189, Sec. 3(b), 69 Stat. 175, provided that: "The limitations of \$10,560 and \$14,355 with respect to the aggregate salaries payable to secretaries and law clerks of circuit and district judges, contained in the paragraph under the heading 'salaries of supporting personnel' in the Judiciary Appropriation Act, 1955 (Public Law 470, Eighty-third Congress), or in any subsequent appropriation Act, shall be increased by the amounts necessary to pay the additional basic compensation provided by this Act."

1951 - Act Oct. 24, 1951, ch. 554, Sec. 1(d), 65 Stat. 613, provided that: "The limitations of \$9,600 and \$13,050 with respect to the aggregate salaries payable to secretaries and law clerks of circuit and district judges, contained in the sixteenth paragraph under the head 'Miscellaneous salaries' in the Judiciary Appropriation Act, 1951 (Public Law 759, Eighty-first Congress), or in any subsequent appropriation Act, shall be increased by the amounts necessary to pay the additional basic compensation provided by this Act."

The particular paragraph of the "Judiciary Appropriation Act, 1951 (Public Law 759, Eighty-first Congress)", referred to above, is act Sept. 6, 1950, ch. 896, ch. III, title IV, Sec. 401 (part), 64 Stat. 631. The salary limitations therein, also referred to above, were identical with those in the Judiciary Appropriation Act, 1952 (act Oct. 22, 1951, ch. 533, title IV, Sec. 401 (part), 65 Stat. 596).

INCREASES IN COMPENSATION RATES

Increases in rates of basic compensation fixed pursuant to subsec. (a)(5) of this section, see notes under section 603 of this title.

TRAVEL AND SUBSISTENCE EXPENSES

Pub. L. 87-139, Sec. 6, Aug. 14, 1961, 75 Stat. 340, provided that: "The Director of the Administrative Office of the United States Courts shall promulgate, in accordance with section

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604(a)(7) and section 456 of title 28 of the United States Code, such regulations as he may deem necessary to effectuate the increases provided by this Act [amending section 553 of this title, former Title 5, Executive Departments and Government Officers and Employees, and sections 237o, 287q, and 1471 of Title 22, Foreign Relations and Intercourse]."

-End-

-CITE-

28 USC Sec. 605

01/03/05

-EXPCITE-

TITLE 28 - JUDICIARY AND JUDICIAL PROCEDURE
PART III - COURT OFFICERS AND EMPLOYEES
CHAPTER 41 - ADMINISTRATIVE OFFICE OF UNITED STATES COURTS

-HEAD-

Sec. 605. Budget estimates

-STATUTE-

The Director, under the supervision of the Judicial Conference of the United States, shall submit to the Office of Management and Budget annual estimates of the expenditures and appropriations necessary for the maintenance and operation of the courts and the Administrative Office and the operation of the judicial survivors annuity fund, and such supplemental and deficiency estimates as may be required from time to time for the same purposes, according to law. The Director shall cause periodic examinations of the judicial survivors annuity fund to be made by an actuary, who may be an actuary employed by another department of the Government temporarily assigned for the purpose, and whose findings and recommendations shall be transmitted by the Director to the Judicial Conference.

Such estimates shall be approved, before presentation to the Office of Management and Budget, by the Judicial Conference of the United States, except that the estimate with respect to the Court of International Trade shall be approved by such court and the estimate with respect to the United States Court of Appeals for the Federal Circuit shall be approved by such court.

-SOURCE-

(June 25, 1948, ch. 646, 62 Stat. 915; July 9, 1956, ch. 517, Sec.

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1(e), 70 Stat. 497; Aug. 3, 1956, ch. 944, Sec. 4, 70 Stat. 1026; Pub. L. 87-253, Sec. 3, Sept. 19, 1961, 75 Stat. 521; Pub. L. 96-417, title V, Sec. 501(14), Oct. 10, 1980, 94 Stat. 1742; Pub. L. 97-164, title I, Sec. 119(a), Apr. 2, 1982, 96 Stat. 33; Pub. L. 97-258, Sec. 5(b), Sept. 13, 1982, 96 Stat. 1068, 1085.)

-MISC1-

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., Sec. 447 (Mar. 3, 1911, ch. 231, Sec. 305, as added Aug. 7, 1939, ch. 501, Sec. 1, 53 Stat. 1223).

This section contains provisions of section 447 of title 28, U.S.C., 1940 ed., relating to budget estimates. The remainder of said section 447 is incorporated in section 604 of this title.

The designation "senior circuit judges" was changed to "chief judges of the circuits" in conformity with section 45 of this title.

Changes were made in phraseology.

SENATE REVISION AMENDMENT

Those provisions of this section which related to the Tax Court were eliminated by Senate amendment. See 80th Congress Senate Report No. 1559.

AMENDMENTS

1982 - Pub. L. 97-258 struck out paragraph which had provided that budget estimates be included in the budget without revision, but subject to the recommendations of the Bureau of the Budget, as provided by section 11 of Title 31 for the estimates of the Supreme Court. See section 1105(b) of Title 31, Money and Finance.

Pub. L. 97-164 substituted "Office of Management and Budget" for "Bureau of the Budget" wherever appearing and inserted requirement that the estimate of the expenditures and appropriations necessary for the maintenance and operation of the United States Court of Appeals for the Federal Circuit be approved by such court.

1980 - Pub. L. 96-417 redesignated the Customs Court as the Court of International Trade.

1961 - Pub. L. 87-253 struck out from second paragraph the requirement that the estimate with respect to the Court of Customs and Patent Appeals be approved by such court.

1956 - Act Aug. 3, 1956, inserted provision to authorize the Director to include in the budget estimates of the courts the expenditures and appropriations necessary for the operation of the judicial survivors annuity fund, and inserted provision that Director shall cause periodic actuarial examinations to be made of

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the judicial survivors annuity fund and shall report the actuary's findings and recommendations to the Judicial Conference.

Act July 9, 1956, struck out "and the Court of Claims" after "the Customs Court" and substituted "and" for the comma after "the Court of Customs and Patents Appeals" in second par.

EFFECTIVE DATE OF 1982 AMENDMENT

Amendment by Pub. L. 97-164 effective Oct. 1, 1982, see section 402 of Pub. L. 97-164, set out as a note under section 171 of this title.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-417 effective Nov. 1, 1980, and applicable with respect to civil actions pending on or commenced on or after such date, see section 701(a) of Pub. L. 96-417, set out as a note under section 251 of this title.

-End-

-CITE-

28 USC Sec. 606

01/03/05

-EXPCITE-

TITLE 28 - JUDICIARY AND JUDICIAL PROCEDURE
PART III - COURT OFFICERS AND EMPLOYEES
CHAPTER 41 - ADMINISTRATIVE OFFICE OF UNITED STATES COURTS

-HEAD-

Sec. 606. Duties of Deputy Director

-STATUTE-

The Deputy Director shall perform the duties assigned to him by the Director, and shall act as Director during the absence or incapacity of the Director or when the Director's office is vacant.

-SOURCE-

(June 25, 1948, ch. 646, 62 Stat. 915; Pub. L. 86-370, Sec. 5(a)(1), Sept. 23, 1959, 73 Stat. 652.)

-MISC1-

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., Sec. 444 (Mar. 3, 1911, ch. 231, Sec. 302, as added Aug. 7, 1939, ch. 501, Sec. 1, 53 Stat.

To look up a section, use this format: **28 USC Sec. #**

1223).

This section contains provisions as to duties of Assistant Director in section 444 of title 28, U.S.C., 1940 ed. The remainder of said section 444 is incorporated in sections 601, 603 and 608 of this title.

AMENDMENTS

1959 - Pub. L. 86-370 substituted "Deputy Director" for "Assistant Director".

EFFECTIVE DATE OF 1959 AMENDMENT

Amendment by Pub. L. 86-370 effective Sept. 23, 1959, see section 7(a) of Pub. L. 86-370.

REFERENCE TO ASSISTANT DIRECTOR DEEMED REFERENCE TO DEPUTY DIRECTOR

References in any other law to Assistant Director of the Administrative Office of the United States Courts deemed to be reference to the Deputy Director of the Administrative Office of the United States Courts, see note set out under section 601 of this title.

-End-

-CITE-

28 USC Sec. 607

01/03/05

-EXPCITE-

TITLE 28 - JUDICIARY AND JUDICIAL PROCEDURE
PART III - COURT OFFICERS AND EMPLOYEES
CHAPTER 41 - ADMINISTRATIVE OFFICE OF UNITED STATES COURTS

-HEAD-

Sec. 607. Practice of law prohibited

-STATUTE-

An officer or employee of the Administrative Office shall not engage directly or indirectly in the practice of law in any court of the United States.

-SOURCE-

(June 25, 1948, ch. 646, 62 Stat. 915.)

To look up a section, use this format: **28 USC Sec. #**

-MISC1-

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., Sec. 445 (Mar. 3, 1911, ch. 231, Sec. 303, as added Aug. 7, 1939, ch. 501, Sec. 1, 53 Stat. 1223).

This section contains the last paragraph of title 28, U.S.C., 1940 ed., Sec. 445. The remainder of said section is incorporated in sections 602 and 603 of this title.

Changes were made in phraseology.

-End-

-CITE-

28 USC Sec. 608

01/03/05

-EXPCITE-

**TITLE 28 - JUDICIARY AND JUDICIAL PROCEDURE
PART III - COURT OFFICERS AND EMPLOYEES
CHAPTER 41 - ADMINISTRATIVE OFFICE OF UNITED STATES COURTS**

-HEAD-

Sec. 608. Seal

-STATUTE-

The Director shall use a seal approved by the Supreme Court.
Judicial notice shall be taken of such seal.

-SOURCE-

(June 25, 1948, ch. 646, 62 Stat. 915.)

-MISC1-

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., Sec. 444 (Mar. 3, 1911, ch. 231, Sec. 302, as added Aug. 7, 1939, ch. 501, Sec. 1, 53 Stat. 1223).

This section contains a part of section 444 of title 28, U.S.C., 1940 ed. The remainder of said section 444 is incorporated in sections 601, 603 and 606 of this title.

Changes were made in phraseology.

-End-

To look up a section, use this format: **28 USC Sec. #**

-CITE-

28 USC Sec. 609

01/03/05

-EXPCITE-

TITLE 28 - JUDICIARY AND JUDICIAL PROCEDURE
PART III - COURT OFFICERS AND EMPLOYEES
CHAPTER 41 - ADMINISTRATIVE OFFICE OF UNITED STATES COURTS

-HEAD-

Sec. 609. Courts' appointive power unaffected

-STATUTE-

The authority of the courts to appoint their own administrative or clerical personnel shall not be limited by any provisions of this chapter.

-SOURCE-

(June 25, 1948, ch. 646, 62 Stat. 915.)

-MISC1-

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed. Sec. 446 (Mar. 3, 1911, ch. 231, Sec. 304, as added Aug. 7, 1939, ch. 501, Sec. 1, 53 Stat. 1223).

This section contains the last clause of section 446(1) of title 28, U.S.C., 1940 ed.

A similar provision with respect to the Attorney General's authority over United States attorneys and their assistants, and United States marshals and their deputies was omitted as unnecessary since there is nothing in this chapter that could affect such authority of the Attorney General.

For other provisions of section 446 of title 28, U.S.C., 1940 ed., see section 604 of this title.

Minor changes were made in phraseology.

-End-

-CITE-

28 USC Sec. 610

01/03/05

-EXPCITE-

TITLE 28 - JUDICIARY AND JUDICIAL PROCEDURE

To look up a section, use this format: **28 USC Sec. #**

PART III - COURT OFFICERS AND EMPLOYEES
CHAPTER 41 - ADMINISTRATIVE OFFICE OF UNITED STATES COURTS

-HEAD-

Sec. 610. Courts defined

-STATUTE-

As used in this chapter the word "courts" includes the courts of appeals and district courts of the United States, the United States District Court for the District of the Canal Zone, the District Court of Guam, the District Court of the Virgin Islands, the United States Court of Federal Claims, and the Court of International Trade.

-SOURCE-

(June 25, 1948, ch. 646, 62 Stat. 915; Oct. 31, 1951, ch. 655, Sec. 44, 65 Stat. 725; Pub. L. 85-508, Sec. 12(e), July 7, 1958, 72 Stat. 348; Pub. L. 95-598, title II, Sec. 226, Nov. 6, 1978, 92 Stat. 2665; Pub. L. 96-417, title V, Sec. 501(15), Oct. 10, 1980, 94 Stat. 1742; Pub. L. 97-164, title I, Sec. 120(a), Apr. 2, 1982, 96 Stat. 33; Pub. L. 102-572, title IX, Sec. 902(b)(1), Oct. 29, 1992, 106 Stat. 4516.)

-MISC1-

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., Sec. 450 (Mar. 3, 1911, ch. 231, Sec. 308, as added Aug. 7, 1939, ch. 501, Sec. 1, 53 Stat. 1223).

Words "and the United States Court for China" were omitted. See reviser's note under section 411 of this title.

Provisions making this chapter and sections 332 and 333 of this title expressly applicable to the Court of Appeals for the District of Columbia were omitted as covered by "courts of appeals." (See section 41 of this title and reviser's notes under such section and section 44 of this title.)

A definition of "continental United States" as "the States of the Union and the District of Columbia" is omitted as unnecessary. (See reviser's note under section 333 of this title.)

The term "district courts in the United States" in this section includes the District Court for the District of Columbia. (See section 88 of this title.)

Other provisions of section 450 of title 28, U.S.C., 1940 ed., are incorporated in sections 333 and 604 of this title.

The phrase "all other courts of the United States established by Act of Congress" was added to provide for future growth of the

To look up a section, use this format: **28 USC Sec. #**

Federal judicial system. [See Senate Revision Amendment below.]
Changes in arrangement and phraseology were made.

SENATE REVISION AMENDMENT

Those provisions of this section which related to the Tax Court were eliminated by Senate amendment. See 80th Congress Senate Report No. 1559.

AMENDMENTS

1992 - Pub. L. 102-572 substituted "United States Court of Federal Claims" for "United States Claims Court".

1982 - Pub. L. 97-164 substituted "the United States Claims Court" for "the Court of Claims, the Court of Customs and Patent Appeals".

1980 - Pub. L. 96-417 redesignated the Customs Court as the Court of International Trade.

1978 - Pub. L. 95-598 directed the amendment of section by substituting ", district courts, and bankruptcy courts" for "and district courts", which amendment did not become effective pursuant to section 402(b) of Pub. L. 95-598, as amended, set out as an Effective Date note preceding section 101 of Title 11, Bankruptcy.

1958 - Pub. L. 85-508 struck out provisions which included District Court for Territory of Alaska within definition of court. See section 81A of this title which establishes a United States District Court for the State of Alaska.

1951 - Act Oct. 31, 1951, inserted reference to the District Court of Guam.

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102-572 effective Oct. 29, 1992, see section 911 of Pub. L. 102-572, set out as a note under section 171 of this title.

EFFECTIVE DATE OF 1982 AMENDMENT

Amendment by Pub. L. 97-164 effective Oct. 1, 1982, see section 402 of Pub. L. 97-164, set out as a note under section 171 of this title.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-417 effective Nov. 1, 1980, and applicable with respect to civil actions pending on or commenced on or after such date, see section 701(a) of Pub. L. 96-417, set out as a note under section 251 of this title.

EFFECTIVE DATE OF 1958 AMENDMENT

Amendment by Pub. L. 85-508 effective Jan. 3, 1959, on admission

To look up a section, use this format: **28 USC Sec. #**

of Alaska into the Union pursuant to Proc. No. 3269, Jan. 3, 1959, 24 F.R. 81, 73 Stat. c16, as required by sections 1 and 8(c) of Pub. L. 85-508, see notes set out under section 81A of this title and preceding section 21 of Title 48, Territories and Insular Possessions.

-TRANS-

TERMINATION OF UNITED STATES DISTRICT COURT FOR THE DISTRICT OF THE
CANAL ZONE

For termination of the United States District Court for the District of the Canal Zone at end of the "transition period", being the 30-month period beginning Oct. 1, 1979, and ending midnight Mar. 31, 1982, see Paragraph 5 of Article XI of the Panama Canal Treaty of 1977 and sections 2101 and 2201 to 2203 of Pub. L. 96-70, title II, Sept. 27, 1979, 93 Stat. 493, formerly classified to sections 3831 and 3841 to 3843, respectively, of Title 22, Foreign Relations and Intercourse.

-End-

-CITE-

28 USC Sec. 611

01/03/05

-EXPCITE-

TITLE 28 - JUDICIARY AND JUDICIAL PROCEDURE
PART III - COURT OFFICERS AND EMPLOYEES
CHAPTER 41 - ADMINISTRATIVE OFFICE OF UNITED STATES COURTS

-HEAD-

Sec. 611. Retirement of Director

-STATUTE-

(a) The Director may, by written election filed with the Chief Justice of the United States within 6 months after the date on which he takes office, waive coverage under chapter 83 of title 5, subchapter III (the Civil Service Retirement System) or chapter 84 of title 5 (the Federal Employees' Retirement System), whichever is applicable, and bring himself within the purview of this section. A Director who elects coverage under this section shall be deemed an "employee" for purposes of chapter 84 of title 5, subchapter III, regardless of whether he has waived the coverage of chapter 83, subchapter III, or chapter 84. Waiver of coverage under chapter 83, subchapter III, and election of this section shall not operate to

To look up a section, use this format: **28 USC Sec. #**

foreclose to the Director, upon separation from service other than by retirement, such opportunity as the law may provide to secure retirement credit under chapter 83 for service as Director by depositing with interest the amount required by section 8334 of title 5. A Director who waives coverage under chapter 84 and elects this section may secure retirement credit under chapter 84 for service as Director by depositing with interest 1.3 percent of basic pay for service from January 1, 1984, through December 31, 1986, and the amount referred to in section 8422(a) of title 5, for service after December 31, 1986. Interest shall be computed under section 8334(e) of title 5.

(b) Upon the retirement of a Director who has elected coverage under this section and who has at least fifteen years of service and has attained the age of sixty-five years the Administrative Office of the United States Courts shall pay him an annuity for life equal to 80 per centum of the salary of the office at the time of his retirement.

Upon the retirement of a Director who has elected coverage under this section and who has at least ten years of service, but who is not eligible to receive an annuity under the first paragraph of this subsection, the Administrative Office of the United States Courts shall pay him an annuity for life equal to that proportion of 80 per centum of the salary of the office at the time of his retirement that the number of years of his service bears to fifteen, reduced by one-quarter of 1 per centum for each full month, if any, he is under the age of sixty-five at the time of separation from service.

(c) A Director who has elected coverage under this section and who becomes permanently disabled to perform the duties of his office shall be retired and shall receive an annuity for life equal to 80 per centum of the salary of the office at the time of his retirement if he has at least fifteen years of service, or equal to that proportion of 80 percentum of such salary that the aggregate number of years of his service bears to fifteen if he has less than fifteen years of service, but in no event less than 50 per centum of such salary.

(d) For the purpose of this section, "service" means service, whether or not continuous, as Director of the Administrative Office of the United States Courts, and any service, not to exceed five years, as a judge of the United States, a Senator or Representative in Congress, a congressional employee in the capacity of primary administrative assistant to a Member of Congress or in the capacity of staff director or chief counsel for the majority or the minority of a committee or subcommittee of the Senate or House of Representatives, or a civilian official appointed by the President, by and with the advice and consent of the Senate.

To look up a section, use this format: **28 USC Sec. #**

(e) Each annuity payable under this section shall be increased by the same percentage amount and effective on the same date as annuities payable under chapter 83 of title 5, are increased as provided by section 8340 of title 5.

-SOURCE-

(Added Pub. L. 90-219, title II, Sec. 201(a), Dec. 20, 1967, 81 Stat. 668; amended Pub. L. 100-702, title X, Secs. 1004(a), 1006(a)(1), Nov. 19, 1988, 102 Stat. 4665, 4666; Pub. L. 106-518, title III, Sec. 301(a), Nov. 13, 2000, 114 Stat. 2416.)

-MISC1-

AMENDMENTS

2000 - Subsec. (b). Pub. L. 106-518, Sec. 301(a)(2), substituted "who has at least fifteen years of service and has" for "who has served at least fifteen years and" in first par. and "who has at least ten years of service," for "who has served at least ten years," in second par.

Subsec. (c). Pub. L. 106-518, Sec. 301(a)(3), substituted "at least fifteen years of service," for "served at least fifteen years," and "less than fifteen years of service," for "served less than fifteen years,".

Subsec. (d). Pub. L. 106-518, Sec. 301(a)(1), inserted "a congressional employee in the capacity of primary administrative assistant to a Member of Congress or in the capacity of staff director or chief counsel for the majority or the minority of a committee or subcommittee of the Senate or House of Representatives," after "Congress,".

1988 - Subsec. (a). Pub. L. 100-702, Sec. 1006(a)(1), amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: "The Director may, by written election filed with the Chief Justice of the United States within six months after the date on which he takes office, waive coverage under subchapter III (relating to civil service retirement) of chapter 83, Title 5, United States Code, and bring himself within the purview of this section. Such waiver and election shall not operate to foreclose to the Director, upon separation from service other than by retirement, such opportunity as the law may provide to secure civil service retirement credit for service as Director by depositing with interest the amount required by section 8334 of title 5, United States Code."

Subsec. (e). Pub. L. 100-702, Sec. 1004(a), added subsec. (e).

EFFECTIVE DATE OF 1988 AMENDMENT

Section 1004(b) of title X of Pub. L. 100-702 provided that: "The

To look up a section, use this format: **28 USC Sec. #**

amendments made by this section [amending this section and section 627 of this title] shall apply to cost-of-living increases that go into effect on or after the date of enactment of this title [Nov. 19, 1988] with respect to any annuity being paid or becoming payable on or after such date."

Section 1006(b) of title X of Pub. L. 100-702 provided that: "The amendments made by this section [amending this section and section 627 of this title] shall apply to persons holding the offices of Director of the Administrative Office of the United States Courts, Director of the Federal Judicial Center, and Administrative Assistant to the Chief Justice on the date of enactment of this title [Nov. 19, 1988]."

RETROACTIVE EFFECT

Section 205 of Pub. L. 90-219 provided that:

"(a) Except as provided in subsection (b), the amendments made by this title [enacting this section and amending sections 376 and 604 of this title], insofar as they relate to retirement and survivorship benefits of the Director of the Administrative Office of the United States Courts, shall be applicable only with respect to persons first appointed to such office after the date of enactment of this Act [Dec. 20, 1967].

"(b) The provisions of section 611(a), the first paragraph of section 611(b), and section 376(s), of title 28, United States Code, as added by such amendments, shall be applicable to a Director or former Director of the Administrative Office of the United States Courts who was first appointed prior to the date of enactment of this Act [Dec. 20, 1967] if at the time such Director or former Director left or leaves such office he had, or shall have, attained the age of sixty-five years and completed fifteen years of service as Director of the Administrative Office of the United States Courts and if, on or before the expiration of six months following the date of enactment of this Act [Dec. 20, 1967], he makes the election referred to in section 611(a) or section 376(s), or both, as the case may be."

-End-

-CITE-

28 USC Sec. 612

01/03/05

-EXPCITE-

TITLE 28 - JUDICIARY AND JUDICIAL PROCEDURE
PART III - COURT OFFICERS AND EMPLOYEES

To look up a section, use this format: **28 USC Sec. #**

CHAPTER 41 - ADMINISTRATIVE OFFICE OF UNITED STATES COURTS

-HEAD-

Sec. 612. Judiciary Information Technology Fund

-STATUTE-

(a) Establishment and Availability of Fund. - There is hereby established in the Treasury of the United States a special fund to be known as the "Judiciary Information Technology Fund" (hereafter in this section referred to as the "Fund"). Moneys in the Fund shall be available to the Director without fiscal year limitation for the procurement (by lease, purchase, exchange, transfer, or otherwise) of information technology resources for program activities included in the courts of appeals, district courts, and other judicial services account of the judicial branch of the United States. The Fund shall also be available for expenses, including personal services, support personnel in the courts and in the Administrative Office of the United States Courts, and other costs, for the effective management, coordination, operation, and use of information technology resources purchased by the Fund. In addition, all agencies of the judiciary may make deposits into the Fund to meet their information technology needs in accordance with subsections (b) and (c)(2).

(b) Plan for Meeting Information Technology Needs. -

(1) Development of plan. - The Director shall develop and annually revise, with the approval of the Judicial Conference of the United States, a long range plan for meeting the information technology resources needs of the activities funded under subsection (a) and shall include an annual estimate of any fees that may be collected under section 404 of the Judiciary Appropriations Act, 1991 (Public Law 101-515; 104 Stat. 2133). Such plan and revisions shall be submitted to Congress.

(2) Expenditures consistent with plan. - The Director may use amounts in the Fund to procure information technology resources for the activities funded under subsection (a) only in accordance with the plan developed under paragraph (1).

(c) Deposits Into Fund. -

(1) Deposits. - There shall be deposited in the Fund -

(A) all proceeds resulting from activities conducted under subsection (a), including net proceeds of disposal of excess or surplus property, all fees collected after the date of the enactment of the Judicial Amendments Act of 1994 by the judiciary under section 404 of the Judiciary Appropriations Act, 1991 (Public Law 101-515; 104 Stat. 2133) and receipts from carriers and others for loss of or damage to property;

To look up a section, use this format: **28 USC Sec. #**

- (B) amounts available for activities described in subsection (a) from funds appropriated to the judiciary; and
- (C) any advances and reimbursements required by paragraph (2).

(2) Advances and reimbursements. - Whenever the Director procures information technology resources for any entity in the judicial branch other than the courts or the Administrative Office, that entity shall advance or reimburse the Fund, whichever the Director considers appropriate, for the costs of the information technology resources, from appropriations available to that entity.

(d) Authorization of Appropriations. - There are authorized to be appropriated to the Fund for any fiscal year such sums as are required to supplement amounts deposited under subsection (c) in order to conduct activities under subsection (a).

(e) Contract Authority. -

(1) For each fiscal year. - In fiscal year 1990, and in each succeeding fiscal year, the Director may enter into contracts for the procurement of information technology resources in amounts which, in the aggregate, do not exceed amounts estimated to be collected under subsection (c) for that fiscal year in advance of the availability of amounts in the Fund for such contracts.

(2) Multiyear contracts. - In conducting activities under subsection (a), the Director is authorized to enter into multiyear contracts for information technology resources for periods of not more than five years for any contract, if -

(A) funds are available and adequate for payment of the costs of such contract for the first fiscal year and for payment of any costs of cancellation or termination of the contract;

(B) such contract is awarded on a fully competitive basis; and

(C) the Director determines that -

(i) the need for the information technology resources being provided will continue over the period of the contract; and

(ii) the use of the multi-year contract will yield substantial cost savings when compared with other methods of providing the necessary resources.

(3) Cancellation costs of multiyear contract. - Any cancellation costs incurred with respect to a contract entered into under paragraph (2) shall be paid from currently available amounts in the Fund.

(f) Authority of Administrator of General Services. - Nothing in

To look up a section, use this format: **28 USC Sec. #**

this section shall be construed to limit the authority of the Administrator of General Services under sections 501-505 of title 40.

(g) Annual Report. -

(1) In general. - The Director shall submit to the Congress an annual report on the operation of the Fund, including on the inventory, use, and acquisition of information technology resources from the Fund and the consistency of such acquisition with the plan prepared under subsection (b). The report shall set forth the amounts deposited into the Fund under subsection (c).

(2) Additional contents of report. - The annual report submitted under this subsection shall include -

(A) the specific actions taken and the progress made to improve the plan developed under subsection (b) and the long range automation plan and strategic business plan developed under subsection (k); (!1) and

(B) a comparison of planned Fund expenditures and accomplishments with actual Fund expenditures and accomplishments, and the reasons for any delays in scheduled systems development, or budget overruns.

(h) Reprogramming. - The Director of the Administrative Office of the United States Courts, under the supervision of the Judicial Conference of the United States, may transfer amounts up to \$1,000,000 from the Fund into the account to which the funds were originally appropriated. Any amounts transferred from the Fund in excess of \$1,000,000 in any fiscal year may only be transferred by following reprogramming procedures in compliance with section 606 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1989 (Public Law 100-459; 102 Stat. 2227).

(i) Appropriations Into the Fund. - If the budget request of the judiciary is appropriated in full, the amount deposited into the Fund during any fiscal year under the authority of subsection (c)(1)(B) will be the same as the amount of funds requested by the judiciary for activities described in subsection (a). If an amount to be deposited is not specified in statute by Congress and if the full request is not appropriated, the amount to be deposited under subsection (c)(1)(B) will be set by the spending priorities established by the Judicial Conference.

(j) Long Range Management and Business Plans. - The Director of the Administrative Office of the United States Court shall -

(1) develop an overall strategic business plan which would identify the judiciary's missions, goals, and objectives;

(2) develop a long range automation plan based on the strategic

To look up a section, use this format: **28 USC Sec. #**

business plan and user needs assessments;

(3) establish effective Administrative Office oversight of court automation efforts to ensure the effective operation of existing systems and control over developments of future systems;

(4) expedite efforts to complete the development and implementation of life cycle management standards;

(5) utilize the standards in developing the next generation of case management and financial systems; and

(6) assess the current utilization and future user requirements of the data communications network.

-SOURCE-

(Added Pub. L. 101-162, title IV, Sec. 404(b)(1), Nov. 21, 1989, 103 Stat. 1013; amended Pub. L. 103-420, Sec. 2, Oct. 25, 1994, 108 Stat. 4343; Pub. L. 104-106, div. E, title LVI, Sec. 5602, Feb. 10, 1996, 110 Stat. 699; Pub. L. 104-208, div. A, title I, Sec. 101(a) [title III, Sec. 305], Sept. 30, 1996, 110 Stat. 3009, 3009-45; Pub. L. 105-85, div. A, title X, Sec. 1073(h)(2), Nov. 18, 1997, 111 Stat. 1907; Pub. L. 105-119, title III, Sec. 304, Nov. 26, 1997, 111 Stat. 2491; Pub. L. 106-518, title I, Sec. 101, Nov. 13, 2000, 114 Stat. 2411; Pub. L. 107-217, Sec. 3(g)(2), Aug. 21, 2002, 116 Stat. 1299.)

-REFTEXT-

REFERENCES IN TEXT

Section 404 of Public Law 101-515, referred to in subsecs. (b)(1) and (c)(1)(A), was formerly set out as a Court Fees for Electronic Access to Information note under section 1913 of this title.

The date of the enactment of the Judicial Amendments Act of 1994, referred to in subsec. (c)(1)(A), is the date of enactment of Pub. L. 103-420, which was approved Oct. 25, 1994.

Subsection (k), referred to in subsec. (g)(2)(A), was redesignated subsection (j) of this section by Pub. L. 106-518, title I, Sec. 101(2), Nov. 13, 2000, 114 Stat. 2411.

Section 606 of Public Law 100-459, referred to in subsec. (h), is section 606 of Pub. L. 100-459, title VI, Oct. 1, 1988, 102 Stat. 2227, which is not classified to the Code.

-MISC1-

AMENDMENTS

2002 - Subsec. (f). Pub. L. 107-217 substituted "sections 501-505 of title 40" for "section 201 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481)".

2000 - Pub. L. 106-518, Sec. 101(1), substituted "technology resources" for "technology equipment" wherever appearing.

To look up a section, use this format: **28 USC Sec. #**

Subsec. (f). Pub. L. 106-518, Sec. 101(2), redesignated subsec. (g) as (f) and struck out former subsec. (f) which read as follows: "(f) Applicability of Procurement Statute. - The procurement of information technology equipment under this section shall be conducted in compliance with the provisions of law, policies, and regulations applicable to executive agencies under division E of the Clinger-Cohen Act of 1996 (40 U.S.C. 1401 et seq.)."

Subsec. (g). Pub. L. 106-518, Sec. 101(2), redesignated subsec. (h) as (g). Former subsec. (g) redesignated (f).

Subsec. (g)(3). Pub. L. 106-518, Sec. 101(3), struck out par. (3) which read as follows: "(3) Report in year of termination of authority. - The annual report submitted under this subsection for any year in which the authority for this section is to terminate under subsection (m), shall be submitted no later than 9 months before the date of such termination."

Subsec. (h). Pub. L. 106-518, Sec. 101(2), redesignated subsec. (i) as (h). Former subsec. (h) redesignated (g).

Subsec. (i). Pub. L. 106-518, Sec. 101(2), (4), redesignated subsec. (j) as (i) and substituted "judiciary" for "Judiciary" in two places, "authority of subsection (c)(1)(B)" for "authority of subparagraph (c)(1)(B)", and "under subsection (c)(1)(B)" for "under (c)(1)(B)". Former subsec. (i) redesignated (h).

Subsecs. (j), (k). Pub. L. 106-518, Sec. 101(2), redesignated subsecs. (j) and (k) as (i) and (j), respectively.

1997 - Subsec. (f). Pub. L. 105-85 substituted "division E of the Clinger-Cohen Act of 1996 (40 U.S.C. 1401 et seq.)" for "the Information Technology Management Reform Act of 1996".

Subsec. (l). Pub. L. 105-119 struck out subsec. (l) which read as follows:

"(l) Termination of Authority. - The Fund, and the authorities conferred by this section, terminate on September 30, 1998. All unobligated amounts remaining in the Fund on that date shall be deposited into the fund established under section 1931 of this title to be used to reimburse other appropriations."

1996 - Pub. L. 104-106, Sec. 5602(b)(1), substituted "Information Technology Fund" for "Automation Fund" in section catchline.

Subsec. (a). Pub. L. 104-106, Sec. 5602(b)(3), substituted "information technology" for "automatic data processing" wherever appearing.

Pub. L. 104-106, Sec. 5602(b)(2), substituted "Information Technology Fund" for "Automation Fund".

Subsecs. (b), (c)(2), (e). Pub. L. 104-106, Sec. 5602(b)(3), substituted "information technology" for "automatic data processing" wherever appearing.

Subsec. (f). Pub. L. 104-106, Sec. 5602(b)(3), substituted "information technology" for "automatic data processing".

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Pub. L. 104-106, Sec. 5602(a)(1), substituted "the provisions of law, policies, and regulations applicable to executive agencies under the Information Technology Management Reform Act of 1996" for "section 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759)".

Subsec. (g). Pub. L. 104-106, Sec. 5602(a)(2), substituted "section 201 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481)" for "sections 111 and 201 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481 and 759)".

Subsec. (h)(1). Pub. L. 104-106, Sec. 5602(b)(3), substituted "information technology" for "automatic data processing".

Subsec. (l). Pub. L. 104-208, Sec. 101(a) [title III, Sec. 305], substituted "September 30, 1998" for "September 30, 1997".

Pub. L. 104-106, Sec. 5602(a)(3), (4), redesignated subsec. (m) as (l) and struck out former subsec. (l) which read as follows:

"(l) Definition. - For purposes of this section, the term 'automatic data processing equipment' has the meaning given that term in section 111(a)(2)(A) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759(a)(2)(A))."

Subsec. (m). Pub. L. 104-106, Sec. 5602(a)(3), redesignated subsec. (m) as (l).

1994 - Subsec. (a). Pub. L. 103-429, Sec. 2(1), inserted "program activities included in the courts of appeals, district courts, and other judicial services account of" after "equipment for" and substituted ", support personnel in the courts and in the Administrative Office of the United States Courts, and other costs, for the effective management, coordination, operation, and use of automatic data processing equipment purchased by the Fund. In addition, all agencies of the judiciary may make deposits into the Fund to meet their automatic data processing needs in accordance with subsections (b) and (c)(2)" for "and other costs, for the effective management, coordination, operation, and use of automatic data processing equipment in the judicial branch".

Subsec. (b)(1). Pub. L. 103-420, Sec. 2(2), substituted "activities funded under subsection (a) and shall include an annual estimate of any fees that may be collected under section 404 of the Judiciary Appropriations Act, 1991 (Public Law 101-515; 104 Stat. 2133)" for "judicial branch".

Subsec. (b)(2). Pub. L. 103-420, Sec. 2(3), substituted "activities funded under subsection (a)" for "judicial branch of the United States".

Subsec. (c)(1)(A). Pub. L. 103-420, Sec. 2(4), inserted ", all fees collected after the date of the enactment of the Judicial Amendments Act of 1994 by the judiciary under section 404 of the Judiciary Appropriations Act, 1991 (Public Law 101-515; 104 Stat.

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2133)" after "surplus property".

Subsec. (e)(1). Pub. L. 103-420, Sec. 2(5), struck out "(A)" before "In fiscal year 1990" and substituted "amounts estimated to be collected under subsection (c) for that fiscal year" for "\$75,000,000".

Subsec. (h). Pub. L. 103-420, Sec. 2(6), amended subsec. (h) generally. Prior to amendment, subsec. (h) read as follows: "Annual Report. - The Director shall submit to the Congress an annual report on the operation of the Fund, including on the inventory, use, and acquisition of automatic data processing equipment from the Fund and the consistency of such acquisition with the plan prepared under subsection (b). The report shall set forth the amounts deposited into the Fund under subsection (c)."

Subsec. (i). Pub. L. 103-420, Sec. 2(7), substituted "may transfer amounts up to \$1,000,000 from the Fund into the account to which the funds were originally appropriated. Any amounts transferred from the Fund in excess of \$1,000,000 in any fiscal year may only be transferred by following reprogramming procedures in compliance with section 606 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1989 (Public Law 100-459; 102 Stat. 2227)" for "and upon notification to the Committees on Appropriations of the House of Representatives and the Senate, may use amounts deposited into the Fund under subparagraph (c)(1)(B) for purposes other than those established in subsection (a) only by following reprogramming procedures in compliance with provisions set forth in section 606 of Public Law 100-459."

Subsec. (j). Pub. L. 103-420, Sec. 2(8), substituted "not specified in statute by Congress" for "not specified by Congress" in second sentence.

Subsec. (k). Pub. L. 103-420, Sec. 2(9), added subsec. (k). Former subsec. (k) redesignated (l).

Subsec. (l). Pub. L. 103-420, Sec. 2(9), redesignated subsec. (k) as (l). Former subsec. (l) redesignated (m).

Subsec. (m). Pub. L. 103-420, Sec. 2(9), (10), redesignated subsec. (l) as (m) and substituted "September 30, 1997" for "September 30, 1994" and "fund established under section 1931 of this title" for "'Judicial Services Account'".

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-106 effective 180 days after Feb. 10, 1996, see section 5701 of Pub. L. 104-106, div. E, title LVII, Feb. 10, 1996, 110 Stat. 702.

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions of law

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requiring submittal to Congress of any annual, semiannual, or other regular periodic report listed in House Document No. 103-7 (in which a report required under subsec. (g) of this section is listed on page 143), see section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance.

-FOOTNOTE-

(1) See References in Text note below.

-End-

-CITE-

28 USC Sec. 613

01/03/05

-EXPCITE-

TITLE 28 - JUDICIARY AND JUDICIAL PROCEDURE
PART III - COURT OFFICERS AND EMPLOYEES
CHAPTER 41 - ADMINISTRATIVE OFFICE OF UNITED STATES COURTS

-HEAD-

Sec. 613. Disbursing and certifying officers

-STATUTE-

(a) Disbursing Officers. - The Director may designate in writing officers and employees of the judicial branch of the Government, including the courts as defined in section 610 other than the Supreme Court, to be disbursing officers in such numbers and locations as the Director considers necessary. Such disbursing officers shall -

- (1) disburse moneys appropriated to the judicial branch and other funds only in strict accordance with payment requests certified by the Director or in accordance with subsection (b);
- (2) examine payment requests as necessary to ascertain whether they are in proper form, certified, and approved; and
- (3) be held accountable for their actions as provided by law, except that such a disbursing officer shall not be held accountable or responsible for any illegal, improper, or incorrect payment resulting from any false, inaccurate, or misleading certificate for which a certifying officer is responsible under subsection (b).

(b) Certifying Officers. -

- (1) In general. - The Director may designate in writing

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officers and employees of the judicial branch of the Government, including the courts as defined in section 610 other than the Supreme Court, to certify payment requests payable from appropriations and funds. Such certifying officers shall be responsible and accountable for -

(A) the existence and correctness of the facts recited in the certificate or other request for payment or its supporting papers;

(B) the legality of the proposed payment under the appropriation or fund involved; and

(C) the correctness of the computations of certified payment requests.

(2) **Liability.** - The liability of a certifying officer shall be enforced in the same manner and to the same extent as provided by law with respect to the enforcement of the liability of disbursing and other accountable officers. A certifying officer shall be required to make restitution to the United States for the amount of any illegal, improper, or incorrect payment resulting from any false, inaccurate, or misleading certificates made by the certifying officer, as well as for any payment prohibited by law or which did not represent a legal obligation under the appropriation or fund involved.

(c) **Rights.** - A certifying or disbursing officer -

(1) has the right to apply for and obtain a decision by the Comptroller General on any question of law involved in a payment request presented for certification; and

(2) is entitled to relief from liability arising under this section in accordance with title 31.

(d) **Other Authority Not Affected.** - Nothing in this section affects the authority of the courts with respect to moneys deposited with the courts under chapter 129 of this title.

-SOURCE-

(Added Pub. L. 106-518, title III, Sec. 304(a), Nov. 13, 2000, 114 Stat. 2417.)

-MISC1-

CONSTRUCTION

Pub. L. 106-518, title III, Sec. 304(c), Nov. 13, 2000, 114 Stat. 2418, provided that: "The amendment made by subsection (a) [enacting this section] shall not be construed to authorize the hiring of any Federal officer or employee."

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SIMILAR PROVISIONS

Pub. L. 106-553, Sec. 1(a)(2) [title III, Sec. 304], Dec. 21, 2000, 114 Stat. 2762, 2762A-83, provided that:

"(a) The Director of the Administrative Office of the United States Courts (the Director) may designate in writing officers and employees of the judicial branch of the United States Government, including the courts as defined in section 610 of title 28, United States Code, but excluding the Supreme Court, to be disbursing officers in such numbers and locations as the Director considers necessary. These disbursing officers will: (1) disburse moneys appropriated to the judicial branch and other funds only in strict accordance with payment requests certified by the Director or in accordance with subsection (b) of this section; (2) examine payment requests as necessary to ascertain whether they are in proper form, certified, and approved; and (3) be held accountable as provided by law. However, a disbursing officer will not be held accountable or responsible for any illegal, improper, or incorrect payment resulting from any false, inaccurate, or misleading certificate for which a certifying officer is responsible under subsection (b) of this section.

"(b)(1) The Director may designate in writing officers and employees of the judicial branch of the United States Government, including the courts as defined in section 610 of title 28, United States Code, but excluding the Supreme Court, to certify payment requests payable from appropriations and funds. These certifying officers will be responsible and accountable for: (A) the existence and correctness of the facts recited in the certificate or other request for payment or its supporting papers; (B) the legality of the proposed payment under the appropriation or fund involved; and (C) the correctness of the computations of certified payment requests.

"(2) The liability of a certifying officer will be enforced in the same manner and to the same extent as provided by law with respect to the enforcement of the liability of disbursing and other accountable officers. A certifying officer shall be required to make restitution to the United States for the amount of any illegal, improper, or incorrect payment resulting from any false, inaccurate, or misleading certificates made by the certifying officer, as well as for any payment prohibited by law or which did not represent a legal obligation under the appropriation or fund involved.

"(c) A certifying or disbursing officer: (1) has the right to apply for and obtain a decision by the Comptroller General on any question of law involved in a payment request presented for certification; and (2) is entitled to relief from liability arising

To look up a section, use this format: **28 USC Sec. #**

under this section as provided by law.

"(d) The Director shall disburse, directly or through officials designated pursuant to this section, appropriations and other funds for the maintenance and operation of the courts.

"(e) Nothing in this section affects the authority of the courts to receive or disburse moneys in accordance with chapter 129 of title 28, United States Code.

"(f) This section shall be effective for fiscal year 2001 and hereafter."

-End-