amended, set out as an Effective Date note preceding section 101 of Title 11, Bankruptcy.

1970—Subsecs. (c) to (e). Pub. L. 91–358 added subsec. (c) and redesignated former subsecs. (c) and (d) as (d) and (e), respectively.

1958—Subsecs. (a) to (c). Pub. L. 85–755 reenacted subsecs. (a) to (c) without change.

Subsec. (d). Pub. L. 85–755 incorporated provisions for assignment of district judges to the Court of Customs and Patent Appeals and the Customs Court, formerly contained in section 293 of this title and subsec. (f) of this section.

Subsec. (e). Pub. L. 85–755 struck out subsec. (e) which provided for assignment of judges of the Court of Claims to district courts. See section 293(a) of this title.

Subsec. (f). Pub. L. 85–755 struck out subsec. (f) which provided for assignment of district judges to the Customs Court. See subsec. (d) of this section.

1956—Subsec. (e). Act July 9, 1956, added subsec. (e).

Subsec. (f). Act July 14, 1956, added subsec. (f).

1954—Subsec. (d). Act Sept. 3, 1954, struck out ''United States'' from name of Court of Claims.

1953—Subsec. (d). Act July 28, 1953, added subsec. (d).

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 1970 AMENDMENT

Amendment by Pub. L. 91–358 effective on first day of seventh calendar month which begins after July 29, 1970, see section 199(a) of Pub. L. 91–358, set out as a note under section 1257 of this title.

JURISDICTION OF UNITED STATES COURT OF CUSTOMS AND PATENT APPEALS

Amendment by Pub. L. 85–755 not limiting or altering the jurisdiction of the United States Court of Customs and Patent Appeals [now United States Court of Appeals for the Federal Circuit], see section 7 of Pub. L. 85–755, set out as a note under section 291 of this title.

LIMITATION OR ALTERATION OF JURISDICTION

Amendment by act July 14, 1956, not to be construed as limiting or altering the jurisdiction heretofore conferred upon the Customs Court [now United States Court of International Trade], see section 4 of act July 14, 1956, set out as a note under section 251 of this title.

§ 293. Judges of the Court of International Trade

(a)[1] The Chief Justice of the United States may designate and assign temporarily any judge of the Court of International Trade to perform judicial duties in any circuit, either in a court of appeals or district court, upon presentation of a certificate of necessity by the chief judge or circuit justice of the circuit in which the need arises.

(June 25, 1948, ch. 646, 62 Stat. 901; July 14, 1956, ch. 589, § 3(a), 70 Stat. 532; Pub. L. 85–755, § 4, Aug. 25, 1958, 72 Stat. 848; Pub. L. 95–598, title II, § 205, Nov. 6, 1978, 92 Stat. 2660; Pub. L. 96–417, title I, § 102, title V, § 501(8), Oct. 10, 1980, 94 Stat. 1727, 1742; Pub. L. 97–164, title I, § 110(a), (b), Apr. 2, 1982, 96 Stat. 29.)

[1] So in original. No subsec. (b) has been enacted.

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., § 301 (Mar. 3, 1911, ch. 231, § 188, 36 Stat. 1143; Mar. 2, 1929, ch. 488, § 1, 45 Stat. 1475).

Section simplifies last sentence of section 301 of title 28, U.S.C., 1940 ed., and is in conformity with other designation and assignment provisions of this chapter.

Other provisions of said section 301 of title 28, U.S.C., 1940 ed., are incorporated in sections 211–213, 215, and 296 of this title.

This section transfers from the President to the Chief Justice of the United States the authority to designate and assign which is in conformity with sections 201 and 292 of this title.

The words ''he is willing to undertake'' were added to make clear that such service is voluntary.

The term ''chief judge'' was substituted for ''presiding judge.'' (See reviser's note under section 136 of this title.)

Changes were made in phraseology.

AMENDMENTS

1982—Pub. L. 97–164, § 110(b), substituted ''the Court of International Trade'' for ''other courts'' in section catchline.

Subsec. (a). Pub. L. 97–164, § 110(a)(1), (2), redesignated subsec. (b) as (a). Former subsec. (a), which authorized the Chief Justice to designate and assign judges of the Court of Claims or the Court of Customs and Patent Appeals to serve temporarily on the other of these two courts or in a court of appeals or district court of any circuit in times of necessity, was struck out.

Subsec. (b). Pub. L. 97–164, § 110(a)(2), (3), redesignated subsec. (e), as that subsec. was to have become effective pursuant to Pub. L. 95–598, as subsec. (b). Former subsec. (b) redesignated (a). See 1978 Amendment note below.

Subsecs. (c), (d). Pub. L. 97–164, § 110(a)(1), struck out subsecs. (c) and (d) which related, respectively, to the authority of the chief judge of the Court of Customs and Patent Appeals to designate and assign temporarily any judge of the Court of Customs and Patent Appeals to serve as a judge of the Court of International Trade and to the authority of the chief judge of the Court of International Trade to designate and assign temporarily any judge of the Court of International Trade to serve as a judge of the Court of Customs and Patent Appeals or the Court of Claims.

Subsec. (e). Pub. L. 97–164, § 110(a)(3), redesignated subsec. (e), as that subsec. was to have become effective pursuant to Pub. L. 95–598, as subsec. (b). See 1978 Amendment note below.

1980—Subsec. (b). Pub. L. 96–417, § 102(a), redesignated the Customs Court as the Court of International Trade and authorized performance of judicial functions in a court of appeals.

Subsec. (c). Pub. L. 96–417, § 501(8), redesignated the Customs Court as the Court of International Trade.

Subsec. (d). Pub. L. 96–417, § 102(b), redesignated the Customs Court as the Court of International Trade and authorized temporary assignments to the Court of Claims of judges of the Court of International Trade upon presentation of a certificate of necessity by the chief judge of the Court of Claims.

1978—Subsec. (e). Pub. L. 95–598 directed the amendment of this section by adding subsec. (e) relating to temporary assignments of bankruptcy judges, 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. 85–755 substituted ''Judges of other courts'' for ''Circuit or district judges to court of customs and patent appeals'' in section catchline.

Subsec. (a). Pub. L. 85–755 added subsec. (a). It incorporates provisions of former sections 291(a), (b) and 292(e) of this title respecting assignment of any judge of the Court of Claims to serve as circuit judge in any circuit, assignment of judges of the Court of Customs and

Patent Appeals to serve as judges of the Court of Appeals or the District Court of Appeals or the District Court for the District of Columbia, and assignment of judges of the Court of Claims to district courts, respectively.

Subsec. (b). Pub. L. 85–755 designated existing second par. as subsec. (b).

Subsecs. (c), (d). Pub. L. 85–755 added subsecs. (c) and (d).

1956—Act July 14, 1956, authorized the Chief Justice of the United States to designate and assign temporarily a judge of the Customs Court to perform judicial duties in a district court in any circuit.

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.

JURISDICTION OF UNITED STATES COURT OF CUSTOMS AND PATENT APPEALS

Amendment by Pub. L. 85–755 not limiting or altering the jurisdiction of the United States Court of Customs and Patent Appeals [now United States Court of Appeals for the Federal Circuit], see section 7 of Pub. L. 85–755, set out as a note under section 291 of this title.

LIMITATION OR ALTERATION OF JURISDICTION

Amendment by act July 14, 1956, not to be construed as limiting or altering the jurisdiction heretofore conferred upon the Customs Court [now United States Court of International Trade], see section 4 of act July 14, 1956, set out as a note under section 251 of this title.

§294. Assignment of retired Justices or judges to active duty

(a) Any retired Chief Justice of the United States or Associate Justice of the Supreme Court may be designated and assigned by the Chief Justice of the United States to perform such judicial duties in any circuit, including those of a circuit justice, as he is willing to undertake.

(b) Any judge of the United States who has retired from regular active service under section 371(b) or 372(a) of this title shall be known and designated as a senior judge and may continue to perform such judicial duties as he is willing and able to undertake, when designated and assigned as provided in subsections (c) and (d).

(c) Any retired circuit or district judge may be designated and assigned by the chief judge or judicial council of his circuit to perform such judicial duties within the circuit as he is willing and able to undertake. Any other retired judge of the United States may be designated and assigned by the chief judge of his court to perform such judicial duties in such court as he is willing and able to undertake.

(d) The Chief Justice of the United States shall maintain a roster of retired judges of the United States who are willing and able to undertake special judicial duties from time to time outside their own circuit, in the case of a retired circuit or district judge, or in a court other than their own, in the case of other retired judges, which roster shall be known as the roster of senior judges. Any such retired judge of the United States may be designated and assigned by the Chief Justice to perform such judicial duties as he is willing and able to undertake in a court outside his own circuit, in the case of a retired circuit or district judge, or in a court other than his own, in the case of any other retired judge of the United States. Such designation and assignment to a court of appeals or district court shall be made upon the presentation of a certificate of necessity by the chief judge or circuit justice of the circuit wherein the need arises and to any other court of the United States upon the presentation of a certificate of necessity by the chief judge of such court. No such designation or assignment shall be made to the Supreme Court.

(e) No retired justice or judge shall perform judicial duties except when designated and assigned.

(June 25, 1948, ch. 646, 62 Stat. 901; July 9, 1956, ch. 517, §1(c), 70 Stat. 497; Pub. L. 85–219, Aug. 29, 1957, 71 Stat. 495; Pub. L. 85–755, §5, Aug. 25, 1958, 72 Stat. 849; Pub. L. 95–598, title II, §206, Nov. 6, 1978, 92 Stat. 2660.)

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., §§375, 375a, and 375f (Mar. 3, 1911, ch. 231, §260, 36 Stat. 1161; Feb. 25, 1919, ch. 29, §6, 40 Stat. 1157; Mar. 1, 1929, ch. 419, 45 Stat. 1422; Mar. 1, 1937, ch. 21, 50 Stat. 24; Feb. 11, 1938, ch. 25, 52 Stat. 28; Aug. 5, 1939, ch. 433, §5, as added May 11, 1944, ch. 192, §§1–3, 58 Stat. 218, 219).

Section consolidates those parts of sections 375, 375a, and 375f of title 28, U.S.C., 1940 ed., relating to designation and assignment of retired justices and judges. Other provisions of said sections 375 and 375a, appear in sections 136, 371, and 756 of this title.

The term ''chief judge'' was substituted for ''presiding judge or senior judge.'' (See Reviser's Note under section 136 of this title.)

Changes were made in phraseology.

AMENDMENTS

1978—Subsecs. (c), (d). Pub. L. 95–598 directed the amendment of subsec. (c) by substituting ''district or bankruptcy judge'' for ''or district'' and the amendment of subsec. (d) by substituting '', district judge or bankruptcy judge'' for ''or district judge'', which amendments 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—Subsec. (a). Pub. L. 85–755 reenacted subsec. (a) without change.

Subsecs. (b) to (d). Pub. L. 85–755 revised and rearranged subject matter to apply ''senior judge'' to all judges who retire from regular active service under sections 371(b) and 372(a) of this title, while retaining their commissions, rather than merely to those who ask to be placed on the Chief Justice's roster, to lodge solely in the chief judge and judicial council of the circuit concerned the intracircuit assignment power, and in the Chief Justice the power to assign retired judges beyond their circuits or special courts.

Subsec. (e). Pub. L. 85–755 reenacted subsec. (e) without change.

1957—Subsec. (d). Pub. L. 85–219 added subsec. (d).

1956—Subsec. (b). Act July 9, 1956, inserted provisions relating to assignment of retired judges of the Court of Claims.

JURISDICTION OF UNITED STATES COURT OF CUSTOMS AND PATENT APPEALS

Amendment by Pub. L. 85–755 not limiting or altering the jurisdiction of the United States Court of Customs and Patent Appeals [now United States Court of Ap-