

struck out former par. (3) which read as follows: “The number of circuit and district judges fixed in accordance with paragraphs (1)(B) and (1)(C) of this subsection shall be set by order of the court of appeals for the circuit no less than six months prior to a scheduled meeting of the council so constituted.”

Subsec. (d)(2). Pub. L. 101-650, § 403, inserted at end “In the case of failure to comply with an order made under this subsection or a subpoena issued under section 372(c) of this title, a judicial council or a special committee appointed under section 372(c)(4) of this title may institute a contempt proceeding in any district court in which the judicial officer or employee of the circuit who fails to comply with the order made under this subsection shall be ordered to show cause before the court why he or she should not be held in contempt of court.”

Subsec. (f)(1). Pub. L. 101-650, § 325(b)(1), substituted “under section 5315 of title 5” for “(5 U.S.C. 5316)”.

1988—Subsec. (c). Pub. L. 100-702, § 1020(a)(1), substituted “semiannual” for “semi-annually”.

Subsec. (d)(1). Pub. L. 100-702, § 403(b), inserted after first sentence “Any general order relating to practice and procedure shall be made or amended only after giving appropriate public notice and an opportunity for comment. Any such order so relating shall take effect upon the date specified by such judicial council. Copies of such orders so relating shall be furnished to the Judicial Conference and the Administrative Office of the United States Courts and be made available to the public.”

Subsec. (d)(4). Pub. L. 100-702, § 403(a)(2), added par. (4).

Subsec. (e). Pub. L. 100-702, § 1018(1), substituted “executive. In appointing a circuit executive, the judicial council shall take into account experience in administrative and executive positions, familiarity with court procedures, and special training.” for “executive from among persons who shall be certified by the Board of Certification.” in first sentence.

Subsec. (f). Pub. L. 100-702, § 1018(2), designated last four undesignated pars. as pars. (1) to (4), respectively, and struck out former first undesignated par. which related to establishment, functions, and staffing of Board of Certification and setting standards for certification as qualified to be circuit executive.

Pub. L. 100-459 substituted “level IV” for “level V”.
1980—Pub. L. 96-458, § 2(d)(1), substituted “Judicial councils of circuits” for “Judicial councils” in section catchline.

Subsec. (a). Pub. L. 96-458, § 2(a), in par. (1) designated existing provisions as introductory provision and in such introductory provision substituted “each judicial circuit” for “each circuit”, substituted “a meeting of the judicial council of the circuit, consisting of—” for “a council of the circuit judges for the circuit, in regular active service, at which he shall preside. Each circuit judge, unless excused by the chief judge, shall attend all sessions of the council.”, and added subpars. (A) to (C) and pars. (2) to (7).

Subsec. (c). Pub. L. 96-458, § 2(b), substituted “semi-annually” for “quarterly”.

Subsec. (d). Pub. L. 96-458, § 2(c), amended subsec. (d) generally, designating existing provisions as par. (1), inserting “and appropriate” after “all necessary”, substituting “justice within its circuit” for “the business of the courts within its circuit”, striking out “The district judges shall promptly carry into effect all orders of the judicial council.” after “within its circuit.”, inserting provisions relating to the holding of hearings, taking of testimony, the issuance of subpoenas and service thereof under the Federal Rules of Civil Procedure, and adding pars. (2) and (3).

1978—Subsec. (d). Pub. L. 95-598 directed the amendment of subsec. (d) by inserting “and bankruptcy judges” after “The district 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.

1971—Pub. L. 91-647 designated existing four paragraphs as subsecs. (a), (b), (c), and (d), respectively, and added subsecs. (e) and (f).

1963—Pub. L. 88-176 inserted “regular” before “active service” in first sentence.

EFFECTIVE DATE OF 1990 AMENDMENT

Section 407 of Pub. L. 101-650 provided that: “The amendments made by this subtitle [subtitle I (§§ 402-407) of title IV of Pub. L. 101-650, amending this section, sections 372, 453, and 2077 of this title, and provisions set out in the Appendix to Title 5, Government Organization and Employees] shall take effect 90 days after the date of the enactment of this Act [Dec. 1, 1990].”

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by section 403(a)(2), (b) 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.

EFFECTIVE DATE OF 1980 AMENDMENT

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.

§ 333. Judicial conferences of circuits

The chief judge of each circuit may summon biennially, and may summon annually, the circuit, district, magistrate, and bankruptcy judges of the circuit, in active service, to a conference at a time and place that he designates, for the purpose of considering the business of the courts and advising means of improving the administration of justice within such circuit. He may preside at such conference, which shall be known as the Judicial Conference of the circuit. The judges of the District Court of Guam, the District Court of the Virgin Islands, and the District Court of the Northern Mariana Islands may also be summoned biennially, and may be summoned annually, to the conferences of their respective circuits.

Every judge summoned may attend.

The court of appeals for each circuit shall provide by its rules for representation and active participation at such conference by members of the bar of such circuit.

(June 25, 1948, ch. 646, 62 Stat. 903; Dec. 29, 1950, ch. 1185, 64 Stat. 1128; Oct. 31, 1951, ch. 655, § 38, 65 Stat. 723; Pub. L. 85-508, § 12(e), July 7, 1958, 72 Stat. 348; Pub. L. 95-598, title II, § 210, Nov. 6, 1978, 92 Stat. 2661; Pub. L. 101-650, title III, § 320, Dec. 1, 1990, 104 Stat. 5117; Pub. L. 104-134, title I, § 101[(a)] [title III, § 305], Apr. 26, 1996, 110 Stat. 1321, 1321-36; renumbered title I, Pub. L. 104-140, § 1(a), May 2, 1996, 110 Stat. 1327; Pub. L. 110-406, § 9, Oct. 13, 2008, 122 Stat. 4293.)

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., §§ 449, 450 (Mar. 3, 1911, ch. 231, §§ 307, 308, as added Aug. 7, 1939, ch. 501, § 1, 53 Stat. 1223).

Section consolidates parts of sections 449 and 450 of title 28, U.S.C., 1940 ed.

Said section 450 contained definitions of “courts” and “continental United States,” and directions that sections 444-450 of title 28, U.S.C., 1940 ed., relating to the administration of United States courts, should apply to the courts of appeals, the United States Court of Appeals for the District of Columbia and to the several enumerated district courts of the United States, including those in the Territories and Possessions as well as the Court of Claims, Court of Customs and Patent Appeals, and Customs Court. It also provided that the Chief Justice and associate justices of the Court of Appeals for the District of Columbia should have the pow-

ers of the senior judge and circuit judges, respectively, of a circuit court of appeals.

The revised section omits, as surplusage, the definition of "continental United States." Other provisions of section 450 of title 28, U.S.C., 1940 ed., referred to were omitted as unnecessary in view of section 604 of this title which provides for the powers and duties of the Director of the Administrative Office of the United States Courts. Remaining provisions of said section 450 are incorporated in said section 604 and section 610 of this title.

The provision as to travel and subsistence which was contained in said section 449 of title 28, U.S.C., 1940 ed., is incorporated in section 456 of this title.

AMENDMENTS

2008—Pub. L. 110-406 inserted "magistrate," after "district," in first par.

1996—Pub. L. 104-134, §101(a) [title III, §305(1)], in first par. substituted "may" for "shall" before "summon biennially", "preside at such", and "also be summoned".

Pub. L. 104-134, §101(a) [title III, §305(2)], in second par. substituted "may" for "shall" before "attend" and struck out "and unless excused by the chief judge, shall remain throughout the conference" before period at end.

1990—Pub. L. 101-650 substituted "biennially, and may summon annually," for "annually", struck out "the United States District Court for the District of the Canal Zone," after "The judges of", and substituted "the District Court of the Virgin Islands, and the District Court of the Northern Mariana Islands shall also be summoned biennially, and may be summoned annually," for "and the District Court of the Virgin Islands shall also be summoned annually".

1978—Pub. L. 95-598 inserted reference to bankruptcy judges.

1958—Pub. L. 85-508 struck out provisions which required judge of District Court for Territory of Alaska to be summoned annually to the conference of his circuit. 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 judge of District Court of Guam in first par.

1950—Act Dec., 29, 1950, provided for the presence of judges of District Courts of Alaska, Canal Zone, and the Virgin Islands at annual conferences within their respective circuits.

EFFECTIVE DATE OF 1978 AMENDMENT

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.

EFFECTIVE DATE OF 1958 AMENDMENT

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

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.

§ 334. Institutes and joint councils on sentencing

(a) In the interest of uniformity in sentencing procedures, there is hereby authorized to be es-

tablished under the auspices of the Judicial Conference of the United States, institutes and joint councils on sentencing. The Attorney General and/or the chief judge of each circuit may at any time request, through the Director of the Administrative Office of the United States Courts, the Judicial Conference to convene such institutes and joint councils for the purpose of studying, discussing, and formulating the objectives, policies, standards, and criteria for sentencing those convicted of crimes and offenses in the courts of the United States. The agenda of the institutes and joint councils may include but shall not be limited to: (1) The development of standards for the content and utilization of presentence reports; (2) the establishment of factors to be used in selecting cases for special study and observation in prescribed diagnostic clinics; (3) the determination of the importance of psychiatric, emotional, sociological and physiological factors involved in crime and their bearing upon sentences; (4) the discussion of special sentencing problems in unusual cases such as treason, violation of public trust, subversion, or involving abnormal sex behavior, addiction to drugs or alcohol, and mental or physical handicaps; (5) the formulation of sentencing principles and criteria which will assist in promoting the equitable administration of the criminal laws of the United States.

(b) After the Judicial Conference has approved the time, place, participants, agenda, and other arrangements for such institutes and joint councils, the chief judge of each circuit is authorized to invite the attendance of district judges under conditions which he thinks proper and which will not unduly delay the work of the courts.

(c) The Attorney General is authorized to select and direct the attendance at such institutes and meetings of United States attorneys and other officials of the Department of Justice and may invite the participation of other interested Federal officers. He may also invite specialists in sentencing methods, criminologists, psychiatrists, penologists, and others to participate in the proceedings.

(d) The expenses of attendance of judges shall be paid from applicable appropriations for the judiciary of the United States. The expenses connected with the preparation of the plans and agenda for the conference and for the travel and other expenses incident to the attendance of officials and other participants invited by the Attorney General shall be paid from applicable appropriations of the Department of Justice.

(Added Pub. L. 85-752, §1, Aug. 25, 1958, 72 Stat. 845.)

SENTENCING PROCEDURES

Section 7 of Pub. L. 85-752 provided that: "This Act [enacting this section, sections 4208 and 4209 of Title 18, Crimes and Criminal Procedure, and provisions set out as a note under section 4208 of Title 18] does not apply to any offense for which there is provided a mandatory penalty."

§ 335. Judicial Conference of the Court of International Trade

(a) The chief judge of the Court of International Trade is authorized to summon annually the judges of such court to a judicial con-