

(II) did not satisfy the requirements of section 8905(b)(1) of title 5 (relating to eligibility to continue enrollment as an annuitant),

shall be deemed to be an annuitant meeting the requirements of section 8905(b)(1) of title 5, in accordance with the succeeding provisions of this paragraph, if the judge gives timely written notification to the chief judge of the court that the judge is willing to be called upon to perform judicial duties under section 178(d) of this title during the period of continued eligibility for enrollment, as described in subparagraph (B)(ii) or (C)(ii) (whichever applies).

(B) Except as provided in subparagraph (C)—

(i) in order to be eligible for continued enrollment under this paragraph, notification under subparagraph (A) shall be made before the first day of the open enrollment period preceding the calendar year referred to in clause (ii)(II); and

(ii) if such notification is timely made, the retired judge shall be eligible for continued enrollment under this paragraph for the period—

(I) beginning on the date on which eligibility would otherwise cease, and

(II) ending on the last day of the calendar year next beginning after the end of the open enrollment period referred to in clause (i).

(C) For purposes of applying this paragraph for the first time in the case of any particular judge—

(i) subparagraph (B)(i) shall be applied by substituting “the expiration of the term of office of the judge” for the matter following “before”; and

(ii)(I) if the term of office of such judge expires before the first day of the open enrollment period referred to in subparagraph (B)(i), the period of continued eligibility for enrollment shall be as described in subparagraph (B)(ii); but

(II) if the term of office of such judge expires on or after the first day of the open enrollment period referred to in subparagraph (B)(i), the period of continued eligibility shall not end until the last day of the calendar year next beginning after the end of the next full open enrollment period beginning after the date on which the term expires.

(2) In the event that a retired judge remains enrolled under chapter 89 of title 5 for a period of 5 consecutive years by virtue of paragraph (1) (taking into account only periods of coverage as an active judge immediately before retirement and as a retired judge pursuant to paragraph (1)), then, effective as of the day following the last day of that 5-year period—

(A) the provisions of chapter 89 of title 5 shall be applied as if such judge had satisfied the requirements of section 8905(b)(1)¹ on the last day of such period; and

(B) the provisions of paragraph (1) shall cease to apply.

(3) For purposes of this subsection, the term “open enrollment period” refers to a period described in section 8905(g)(1) of title 5.

(c) For purposes of construing and applying chapter 87 of title 5, including any adjustment of insurance rates by regulation or otherwise, a judge of the United States Court of Federal Claims in regular active service or who is retired under section 178 of this title shall be deemed to be a judge of the United States described under section 8701(a)(5) of title 5.

(Added Pub. L. 106–518, title III, §309(a), Nov. 13, 2000, 114 Stat. 2419.)

[§ 180. Repealed. Pub. L. 106–398, § 1 [[div. A], title VI, § 654(b)(1)], Oct. 30, 2000, 114 Stat. 1654, 1654A–165]

Section, added Pub. L. 102–572, title IX, §903(a), Oct. 29, 1992, 106 Stat. 4517, related to military retirement pay for retired judges.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1999, see section 1 [[div. A], title VI, § 654(c)] of Pub. L. 106–398, set out as an Effective Date of 2000 Amendment note under section 371 of this title.

[CHAPTER 9—REPEALED]

[§§ 211 to 216. Repealed. Pub. L. 97–164, title I, § 106, Apr. 2, 1982, 96 Stat. 28]

Section 211, acts June 25, 1948, ch. 646, 62 Stat. 899; Aug. 25, 1958, Pub. L. 85–755, §1, 72 Stat. 848, provided for creation of United States Court of Customs and Patent Appeals under article III of the United States Constitution and for appointment of a chief judge and four associate judges for that court.

Section 212, act June 25, 1948, ch. 646, 62 Stat. 899, provided for order of precedence of chief judge and associate judges of court.

Section 213, acts June 25, 1948, ch. 646, 62 Stat. 899; Mar. 2, 1955, ch. 9, §1(e), 69 Stat. 10; Aug. 14, 1964, Pub. L. 88–426, title IV, §403(e), 78 Stat. 434; Aug. 9, 1975, Pub. L. 94–82, title II, §205(b)(5), 89 Stat. 422, provided for tenure and salaries of judges.

Section 214, act June 25, 1948, ch. 646, 62 Stat. 899, authorized court to hold court at such times and places as it might fix by rule.

Section 215, act June 25, 1948, ch. 646, 62 Stat. 899, provided that three judges of court constituted a quorum and that concurrence of three judges was necessary to any decision.

Section 216, act June 25, 1948, ch. 646, 62 Stat. 899, provided for filing of written opinions by Court of Customs and Patent Appeals on appeals from decisions of Patent Office and recording of those opinions in Patent Office.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1982, see section 402 of Pub. L. 97–164, set out as an Effective Date of 1982 Amendment note under section 171 of this title.

TRANSFER OF MATTERS AND PETITIONS PENDING IN UNITED STATES COURT OF CUSTOMS AND PATENT APPEALS ON OCTOBER 1, 1982

For provisions that any matter pending before the United States Court of Customs and Patent Appeals on Oct. 1, 1982, and that any petition for rehearing, reconsideration, alteration, modification, or other change in any decision of the United States Court of Customs and Patent Appeals rendered prior to Oct. 1, 1982, that has not been determined on that date or that is filed after that date, be determined by the United States Court of Appeals for the Federal Circuit, see section 403(b), (c) of Pub. L. 97–164, formerly set out as a note under section 171 of this title.

CHAPTER 11—COURT OF INTERNATIONAL TRADE

Sec.

251. Appointment and number of judges; offices.

¹ So in original. Probably should be followed by “of title 5”.