SALARY INCREASES

For adjustment of salaries of judges under this section, see the executive order detailing the adjustment of certain rates of pay set out as a note under section 5332 of Title 5, Government Organization and Employees.

For prior year salary increases per the recommendation of the President, see Prior Salary Recommendations notes under section 358 of Title 2, The Congress.

For miscellaneous provisions dealing with adjustments of pay and limitations on use of funds to pay salaries in prior years, see notes under section 5318 of Title 5, Government Organization and Employees.

Salaries of presiding judge and associate judges increased from $10,000 to $15,000 a year by act July 31, 1946, ch. 704, § 1, 60 Stat. 716.

Salaries of presiding judge and associate judges increased from $9,000 to $10,000 a year by the Tariff Act of 1930, act June 17, 1930, ch. 497, title IV, § 518, 46 Stat. 737.

§ 253. Duties of chief judge

(a) The chief judge of the Court of International Trade, with the approval of the court, shall supervise the fiscal affairs and clerical force of the court;[1]

(b) The chief judge shall promulgate dockets.

(c) The chief judge, under rules of the court, may designate any judge or judges of the court to try any case and, when the circumstances so warrant, reassign the case to another judge or judges.

(June 25, 1948, ch. 646, 62 Stat. 900; Pub. L. 86–243, § 3, Sept. 9, 1959, 73 Stat. 474; Pub. L. 91–271, title I, § 105, June 2, 1970, 84 Stat. 276; Pub. L. 96–417, title V, § 501(3), Oct. 10, 1980, 94 Stat. 1742; Pub. L. 104–317, title V, § 501(b)(2), Oct. 19, 1996, 110 Stat. 3856.)

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., § 296 (Mar. 3, 1911, ch. 231, § 187(a), as added Oct. 10, 1940, ch. 843, § 1, 54 Stat. 1101).

This section contains a part of section 296 of title 28, U.S.C., 1940 ed. Other provisions of such section are incorporated in sections 251, 252, 254, 456, 1581, 2071, 2639, and 2640 of this title.

Provision respecting recommendations for appointment, promotions, or otherwise affecting such clerical force, was omitted as unnecessary in view of section 871 of this title.

The second paragraph is partly new and conforms with similar provisions of section 136(e) of this title, relating to the chief judges of district courts.

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

Changes were made in phraseology and arrangement.

AMENDMENTS

1996—Pub. L. 104–317 struck out ''; precedence of judges'' after ''chief judge'' in section catchline and struck out subsecs. (d) and (e) which read as follows:

''(d) Whenever the chief judge is unable to perform the duties of his office or the office is vacant, his powers and duties shall devolve upon the judge next in precedence who is able to act, until such disability is removed or another chief judge is appointed and duly qualified.

''(e) The chief judge shall have precedence and shall preside at any session which he attends. Other judges shall have precedence and shall preside according to the seniority of their commissions. Judges whose commissions bear the same date shall have precedence according to seniority in age.''

1980—Subsec. (a). Pub. L. 96–417 redesignated the Customs Court as the Court of International Trade.

1970—Pub. L. 91–271 reorganized existing provisions into lettered subsecs. (a) to (e) and made minor changes in phraseology.

1959—Pub. L. 86–243 required the chief judge to supervise the fiscal affairs and clerical force of the court, with the approval of the court.

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. 91–271 effective Oct. 1, 1970, see section 122 of Pub. L. 91–271, set out as a note under section 256 of this title.

SAVINGS PROVISION

Amendment by Pub. L. 86–243 not to deprive Customs Court [now Court of International Trade] officers or employees of any rights, privileges, or civil service status, see section 4 of Pub. L. 86–243, set out as a note under section 871 of this title.

§ 254. Single-judge trials

Except as otherwise provided in section 255 of this title, the judicial power of the Court of International Trade with respect to any action, suit or proceeding shall be exercised by a single judge, who may preside alone and hold a regular or special session of court at the same time other sessions are held by other judges.

(June 25, 1948, ch. 646, 62 Stat. 900; May 24, 1949, ch. 139, § 66, 63 Stat. 99; Pub. L. 91–271, title I, § 106, June 2, 1970, 84 Stat. 277; Pub. L. 96–417, title V, § 501(4), Oct. 10, 1980, 94 Stat. 1742.)

HISTORICAL AND REVISION NOTES

1948 ACT

Based on title 28, U.S.C., 1940 ed., § 296 (Mar. 3, 1911, ch. 231, 187(a), as added Oct. 10, 1940, ch. 843, § 1, 54 Stat. 1101).

This section contains a part of section 296 of title 28, U.S.C., 1940 ed. Other provisions of such section are incorporated in sections 251, 252, 253, 456, 1581, 2071, 2639, and 2640 of this title.

Words ''when in the opinion of such division or judge the ends of justice so require,'' which followed the phrase ''grant a rehearing or retrial,'' were omitted as surplusage.

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

The phrase ''petitions for remission of additional duties'' was added to the first paragraph at the suggestion of the court to conform to existing practice.

Reappraisement appeals are heard by a single judge and reviewed by a division. (See sections 2631 and 2636 of this title.)

The provision of section 296 of title 28, U.S.C., 1940 ed., that the presiding judge shall designate one of the three judges of a division to preside over such division was omitted as in conflict with section 253 of this title (also taken from section 296 of title 28 U.S.C., 1940 ed.), which provides that judges shall preside according to the seniority of their commissions. The latter provision is in accord with present practice.

Changes were made in arrangement and phraseology.

1949 ACT

This amendment clarifies section 254 of title 28, U.S.C., by restoring language of the original law.

[1] So in original. The semicolon probably should be a period.