RETIREMENT ANNUITIES FOR INCUMBENT BANKRUPTCY JUDGES AND MAGISTRATE JUDGES

Section 2(c) of Pub. L. 100–659, as amended by Pub. L. 101–650, title III, § 321, Dec. 1, 1990, 104 Stat. 5117, provided that:

''(1) RETIREMENT ANNUITY UNDER TITLE 5 AND SECTION 377 OF TITLE 28.—A bankruptcy judge or United States magistrate judge in active service on the effective date of this Act [see Effective Date note above] shall, subject to paragraph (2), be entitled, in lieu of the annuity otherwise provided under the amendments made by this section [enacting this section] to—

''(A) an annuity under subchapter III of chapter 83, or under chapter 84, of title 5, United States Code, as the case may be, for creditable service before the date on which service would begin to be credited for purposes of subparagraph (B), and

''(B) an annuity calculated under subsection (b) or (c) and subsection (g) of section 377 of title 28, United States Code, as added by this section, for any service as a full-time bankruptcy judge or magistrate judge on or after October 1, 1979 (as specified in the election pursuant to paragraph (2)) for which deductions and deposits are made under subsections (j) and (k) of such section 377, as applicable, without regard to the minimum number of years of service as such a bankruptcy judge or magistrate judge, except that—

''(i) in the case of a judge or magistrate judge who retires with less than 8 years of service, the annuity under subsection (c) of section 377 of title 28, United States Code, shall be equal to that proportion of the salary being received at the time the judge or magistrate judge leaves office which the years of service bears to 14, subject to a reduction in accordance with subsection (c) of such section 377 if the bankruptcy judge or magistrate judge is under age 65 at the time he or she leaves office, and

''(ii) the aggregate amount of the annuity initially payable on retirement under this subsection may not exceed the rate of pay for the bankruptcy judge or magistrate judge which is in effect on the day before the retirement becomes effective.

''(2) FILING OF NOTICE OF ELECTION.—A bankruptcy judge or magistrate judge shall be entitled to an annuity under this subsection only if the judge or magistrate judge files a notice of that election with the Director of the Administrative Office of the United States Courts specifying the date on which service would begin to be credited under section 377 of title 28, United States Code, in lieu of chapter 83 or chapter 84 of title 5, United States Code.

''(3) LUMP-SUM CREDIT UNDER TITLE 5.—A bankruptcy judge or magistrate judge who makes an election under paragraph (2) shall be entitled to a lump-sum credit under section 8342 or 8424 of title 5, United States Code, as the case may be, for any service which is covered under section 377 of title 28, United States Code, as added by this section, pursuant to that election, and with respect to which any contributions were made by the judge or magistrate judge under the applicable provisions of title 5, United States Code.

''(4) RECALL.—With respect to any bankruptcy judge or magistrate judge receiving an annuity under this subsection who is recalled to serve under section 375 of title 28, United States Code—

''(A) the amount of compensation which such recalled judge or magistrate judge receives under subsection (c) of such section shall be calculated on the basis of the annuity received under this subsection; and

''(B) such recalled judge or magistrate judge may serve as a reemployed annuitant to the extent permitted by subsection (e) of section 375 of such title.

Section 377(m)(3) of title 28, United States Code, as added by subsection (a) of this section, shall not apply with respect to service as a reemployed annuitant described in subparagraph (B).''

REPORT TO CONGRESS ON FINANCIAL OPERATION OF RETIREMENT ANNUITY PROGRAM

Section 8 of Pub. L. 100–659 provided that: ''The Director of the Administrative Office of the United States Courts shall, not later than 5 years after the date of the enactment of this Act [Nov. 15, 1988], submit a report to the Congress on the financial operation of the retirement annuity program established under this Act and the amendments made by this Act [see Effective Date note above]. The report shall, in particular, include a discussion of the deductions from salary and deposits made for contributions to the annuity program and the need for continuing the deductions at the level established under the amendments made by this Act.''

CHAPTER 19—DISTRIBUTION OF REPORTS AND DIGESTS

Sec.
411. Supreme Court reports; printing, binding, and distribution.
412. Sale of Supreme Court reports.
413. Publications; distribution to courts.
414. Transmittal of books to successors.
[415. Repealed.]

AMENDMENTS

1982—Pub. L. 97–164, title I, § 113, Apr. 2, 1982, 96 Stat. 29, struck out item 415 ''Court of Claims decisions''.

1952—Act July 10, 1952, ch. 632, § 3, 66 Stat. 540, amended analysis to conform it to amendments of sections 411 to 413 of this title.

§ 411. Supreme Court reports; printing, binding, and distribution

(a) The decisions of the Supreme Court of the United States shall be printed, bound, and distributed in the preliminary prints and bound volumes of the United States Reports as soon as practicable after rendition, to be charged to the proper appropriation for the judiciary. The number and distribution of the copies shall be under the control of the Joint Committee on Printing.

(b) Reports printed prior to June 12, 1926, shall not be furnished the Secretary of the Army, the Secretary of the Navy, or the Secretary of the Air Force.

(c) The Public Printer, or other printer designated by the Supreme Court of the United States, upon request, shall furnish to the Superintendent of Documents the reports required to be distributed under the provisions of this section.

(June 25, 1948, ch. 646, 62 Stat. 904; May 24, 1949, ch. 139, § 68, 63 Stat. 99; Oct. 31, 1951, ch. 655, § 41, 65 Stat. 725; July 10, 1952, ch. 632, § 4, 66 Stat. 540.)

HISTORICAL AND REVISION NOTES

1948 ACT

Based on title 28, U.S.C., 1940 ed., § 334 (Mar. 3, 1911, ch. 231, § 227, 36 Stat. 1154; Mar. 4, 1911, ch. 285, § 1, 36 Stat. 1419; July 1, 1922, ch. 267, § 3, 42 Stat. 816; June 12, 1926, ch. 568, 44 Stat. 736; Jan. 29, 1929, ch. 113, 45 Stat. 1143; Mar. 2, 1929, ch. 488, § 1, 45 Stat. 1475; July 3, 1930, ch. 863, § 1, 46 Stat. 1016; Feb. 23, 1931, ch. 276, § 30, 46 Stat. 1214; May 17, 1932, ch. 190, 47 Stat. 158; June 30, 1932, ch. 314, § 501, 47 Stat. 415; May 10, 1934, ch. 277, § 512, 48 Stat. 758; Ex. Ord. No. 6166, §§ 12, 14, June 10, 1933; June 7, 1934, ch. 426, 48 Stat. 926; May 27, 1936, ch. 463, § 1, 49 Stat. 1380; June 20, 1936, ch. 630, § 5, 49 Stat. 1549; June 25, 1936, ch. 804, 49 Stat. 1921).

Requirements for printing, binding, and issuing Supreme Court decisions ''within eight months after said

decisions have been rendered by the Supreme Court'' and provision for distribution ''within said period'' were omitted. The phrase ''as soon as practicable after rendition'' was made the time for publishing such decisions as more flexible and practicable.

The words ''the United States Court for China'' were omitted inasmuch as that court is no longer functioning. The Secretary of State by an arrangement with China has relinquished the extraterritorial jurisdiction previously exercised by the United States in China. The 1944 Legislative and Judiciary Appropriation Act approved June 28, 1943, made no appropriation for the United States Court for China. Appropriations for other courts were made in title II of chapter 173 (57 Stat. 241). The last appropriation for the United States Court for China was in the act of July 2, 1942 (ch. 472, title IV, 56 Stat. 502).

The words ''to the Secretary of War for the use of the proper courts and officers of the Philippine Islands, seven copies'' were omitted in view of the independence of the Philippines, effective July 4, 1946.

The phrase ''justice or judge of the United States'' obviated repetition of names of courts. (See definitive section 451 of this title.)

Last sentence, fourth paragraph, of section 334 of title 28, U.S.C., 1940 ed., requiring that books should remain the property of the United States and should be preserved and turned over to successors in office, was omitted as covered by section 414 of this title.

A reference to the United States attorney for the District of Columbia was omitted as covered by ''each United States attorney.''

Provision authorizing distribution of volumes under this section to each place where a court of appeals is held was added for purposes of uniformity. See similar provision in section 413 of this title.

The revised section substitutes the Director of the Administrative Office of the United States Courts in lieu of the Attorney General insofar as distribution of volumes to the judiciary is concerned. This change is consistent with the duties of the former under section 601 et seq. of this title.

Provision of section 334 of title 28, U.S.C., 1940 ed., as to the custody, use and delivery to successors was omitted as obsolete on advice of the Administrative Office of the United States Courts.

The limitation of 10 copies to the library of the Supreme Court and 6 copies to the marshal of the Supreme Court for use of the justices, was omitted and the provision for distribution in such number ''specified by the Chief Justice of the United States'' was substituted therefor.

Authority for making an appropriation to carry into effect the provisions of this section is contained in section 336 of title 28, U.S.C., 1940 ed., Acts July 1, 1922, ch. 267, §5, 42 Stat. 818; May 29, 1926, ch. 425, §3, 44 Stat. 678 which is omitted, but not repealed, as unnecessary in this revision.

Changes were made in phraseology and arrangement.

1949 ACT

Subsection (a) of this section substitutes, in section 411(a) of title 28, U.S.C., ''Secretary of the Army'' and ''Department of the Army'' for ''Secretary of War'' and ''War Department,'' in view of such redesignation by act of July 26, 1947 (ch. 343, title II, §205(a), 61 Stat. 501). It substitutes, in section 411(a), ''Commissioner of Customs; Commandant of the Coast Guard'' for ''Chief of the Bureau of Marine Inspection and Navigation,'' in view of the abolishment of the Bureau of Marine Inspection and Navigation, and the transfer of its functions to, and the division thereof between, the Commissioner of Customs and the Commandant of the Coast Guard, by 1946 Reorganization Plan No. 3, §§101–104, effective July 16, 1946 (11 F.R. 7875, 60 Stat. 1097).

It substitutes, in such section 411(a), ''Director of the Bureau of Land Management'' for ''Commissioner of the General Land Office,'' in view of section 403 of such plan which abolished the General Land Office and created the Bureau of Land Management, headed by a Director. It inserts as new, in such section 411(a), references to the Secretary of Defense, Secretary of the Air Force, and Judge Advocate General of the Air Force, in view of the creation of the National Military Establishment, headed by the Secretary of Defense, and the establishment of the Department of the Air Force in 1947.

Subsection (b) of this section redesignates, in section 411(b) of title 28, U.S.C., the Secretary of War as ''Secretary of the Army,'' for the reasons stated above, and corrects a typographical error in the word ''court-martial''.

AMENDMENTS

1952—Act July 10, 1952, amended section generally to provide for flexibility in the printing and distribution of the reports under congressional control.

1951—Subsec. (c). Act Oct. 31, 1951, in second par., substituted ''Secretary of the Army'' for ''Secretary of War''.

1949—Subsec. (a). Act May 24, 1949, §68(a), inserted ''Secretary of Defense'', ''Secretary of the Air Force'', and ''Judge Advocate General of the Air Force'' where appearing, and substituted ''Secretary of the Army'' for ''Secretary of War'', ''Department of the Army'' for ''War Department'', ''Director of the Bureau of Land Management'' for ''Commissioner of the General Land Office'', ''Commissioner of Customs, Commandant of the Coast Guard'' for ''Chief of the Bureau of Marine Inspection'', and ''Chief of Forest Service, Department of Agriculture'' for ''Chief Forester, National Park Service, Department of the Interior''.

Subsec. (b). Act May 24, 1949, §68(b), substituted ''Secretary of the Army'' for ''Secretary of War'' and ''Court-martial'' for ''courtmartial''.

§412. Sale of Supreme Court reports

The Public Printer, or other printer designated by the Supreme Court of the United States shall print such additional bound volumes and preliminary prints of such reports as may be required for sale to the public. Such additional copies shall be sold by the Superintendent of Documents, as provided by law.

(June 25, 1948, ch. 646, 62 Stat. 906; July 10, 1952, ch. 632, §5, 66 Stat. 541.)

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., §335 (Mar. 3, 1911, ch. 231, §228, 36 Stat. 1155; July 1, 1922, ch. 267, §4, 42 Stat. 818; May 29, 1926, ch. 425, §2, 44 Stat. 677).

Authority for making an appropriation to carry into effect the provisions of this section is contained in section 336 of title 28, U.S.C., 1940 ed., acts July 1, 1922, ch. 267, §5, 42 Stat. 818; May 29, 1926, ch. 425, §3, 44 Stat. 678, which is omitted, but not repealed, as unnecessary in this revision.

Reference to digests was omitted to conform to administrative practice. (See section 604(a)(9) of this title.)

Changes were made in phraseology.

AMENDMENTS

1952—Act July 10, 1952, permitted Superintendent of Documents to sell reports under same terms as other Government publications.

§413. Publications; distribution to courts

Distribution of publications to Federal courts in accordance with the provisions of this chapter shall not be made to any place where such court is held in a building not owned or controlled by the United States unless such publications are committed to the custody of an officer of the United States at such building.