

(Added Pub. L. 90-219, title I, §101, Dec. 20, 1967, 81 Stat. 666; amended Pub. L. 100-702, title III, §304(a), Nov. 19, 1988, 102 Stat. 4648; Pub. L. 111-350, §5(g)(3), Jan. 4, 2011, 124 Stat. 3848.)

## AMENDMENTS

2011—Par. (3). Pub. L. 111-350 substituted “section 6101(b) to (d) of title 41” for “section 3709 of the Revised Statutes, as amended (41 U.S.C. 5)”.

1988—Par. (1). Pub. L. 100-702 inserted “and the Deputy Director” after “Director”.

**§ 625. Director and staff**

(a) The Director shall supervise the activities of persons employed by the Center and perform other duties assigned to him by the Board.

(b) The Director shall appoint and fix the compensation of such additional professional personnel as the Board may deem necessary, without regard to the provisions of title 5, United States Code, governing appointments in competitive service, or the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates: *Provided, however*, That the compensation of any person appointed under this subsection shall not exceed the annual rate of basic pay of level V of the Executive Schedule pay rates, section 5316, title 5, United States Code: *And provided further*, That the salary of a reemployed annuitant under the Civil Service<sup>1</sup> Retirement Act shall be adjusted pursuant to the provisions of section 8344, title 5, United States Code.

(c) The Director shall appoint and fix the compensation of such secretarial and clerical personnel as he may deem necessary, subject to the provisions of title 5, United States Code, governing appointments in competitive service without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates.

(d) The Director may procure personal services as authorized by section 3109 of title 5, United States Code, at rates not to exceed the daily equivalent of the highest rate payable under General Schedule pay rates, section 5332, title 5, United States Code. (e) The Director is authorized to incur necessary travel and other miscellaneous expenses incident to the operation of the Center.

(Added Pub. L. 90-219, title I, §101, Dec. 20, 1967, 81 Stat. 666; amended Pub. L. 102-572, title VI, §602(b), Oct. 29, 1992, 106 Stat. 4514.)

## REFERENCES IN TEXT

The General Schedule, referred to in subsec. (b), is set out under section 5332 of Title 5, Government Organization and Employees.

The Civil Service Retirement Act, referred to in subsec. (b), is act May 29, 1930, ch. 349, 46 Stat. 468, as amended by act July 31, 1956, ch. 804, §401, 70 Stat. 743, which was repealed by Pub. L. 89-554, §8(a), Sept. 6, 1966, 80 Stat. 632, and reenacted by the first section thereof as subchapter III (§8331 et seq.) of chapter 83 of Title 5.

## REFERENCES IN OTHER LAWS TO GS-16, 17, OR 18 PAY RATES

References in laws to the rates of pay for GS-16, 17, or 18, or to maximum rates of pay under the General

<sup>1</sup> So in original. Should be “Service”.

Schedule, to be considered references to rates payable under specified sections of Title 5, Government Organization and Employees, see section 529 [title I, §101(c)(1)] of Pub. L. 101-509, set out in a note under section 5376 of Title 5.

## AMENDMENTS

1992—Subsec. (c). Pub. L. 102-572 substituted “competitive service without regard to” for “competitive service and”.

## EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102-572 effective Jan. 1, 1993, see section 1101(a) of Pub. L. 102-572, set out as a note under section 905 of Title 2, The Congress.

**§ 626. Compensation of the Director and Deputy Director**

The compensation of the Director of the Federal Judicial Center shall be the same as that of the Director of the Administrative Office of the United States Courts, and his appointment and salary shall not be subject to the provisions of title 5, United States Code, governing appointments in competitive service, or the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates: *Provided, however*, That any Director who is a justice or judge of the United States in active or retired status shall serve without additional compensation. The compensation of the Deputy Director of the Federal Judicial Center shall be the same as that of the Deputy Director of the Administrative Office of the United States Courts.

(Added Pub. L. 90-219, title I, §101, Dec. 20, 1967, 81 Stat. 666; amended Pub. L. 100-702, title III, §304(b)(1), Nov. 19, 1988, 102 Stat. 4648.)

## REFERENCES IN TEXT

The General Schedule, referred to in text, is set out under section 5332 of Title 5, Government Organization and Employees.

## AMENDMENTS

1988—Pub. L. 100-702 inserted “and Deputy Director” in section catchline and inserted at end of text “The compensation of the Deputy Director of the Federal Judicial Center shall be the same as that of the Deputy Director of the Administrative Office of the United States Courts.”

## EFFECTIVE DATE OF 1988 AMENDMENT

Section 304(c) of Pub. L. 100-702 provided that: “The amendment made by subsection (b) [amending this section] shall be effective for fiscal years beginning on or after October 1, 1988.”

**§ 627. Retirement; employee benefits**

(a) The Director, Deputy Director, the professional staff, and the clerical and secretarial employees of the Federal Judicial Center shall be deemed to be officers and employees of the judicial branch of the United States Government within the meaning of subchapter III of chapter 83 (relating to civil service retirement), chapter 84 (relating to the Federal Employees' Retirement System), chapter 87 (relating to Federal employees' life insurance program), and chapter 89 (relating to Federal employees' health benefits program) of title 5, United States Code: *Provided, however*, That the Director, upon written notice filed with the Director of the Administra-

tive Office of the United States Courts within 6 months after the date on which he takes office, may waive coverage under chapter 83 of title 5, subchapter III (the Civil Service Retirement System) or chapter 84 of title 5 (the Federal Employees' Retirement System), whichever is applicable, and elect coverage under the retirement and disability provisions of this section. A Director who elects coverage under this section shall be deemed an "employee" for purposes of chapter 84 of title 5, subchapter III, regardless of whether he has waived the coverage of chapter 83, subchapter III, or chapter 84: *And provided further*, That upon his nonretirement separation from the Federal Judicial Center, waiver of coverage under chapter 83, subchapter III, and election of this section shall not operate to foreclose to the Director such opportunity as the law may provide to secure retirement credit under chapter 83 for service as Director by depositing with interest the amount required by section 8334 of title 5. A Director who waives coverage under chapter 84 and elects this section may secure retirement credit under chapter 84 for service as Director by depositing with interest 1.3 percent of basic pay for service from January 1, 1984, through December 31, 1986, and the amount referred to in section 8422(a) of title 5, for service after December 31, 1986. Interest shall be computed under section 8334(e) of title 5.

(b) Upon the retirement of a Director who has elected coverage under this section and who has at least fifteen years of service and has attained the age of sixty-five years the Director of the Administrative Office of the United States Courts shall pay him an annuity for life equal to 80 per centum of the salary of the office at the time of his retirement.

Upon the retirement of a Director who has elected coverage under this section and who has at least ten years of service, but who is not eligible to receive an annuity under the first paragraph of this subsection, the Administrative Office of the United States Courts shall pay him an annuity for life equal to that proportion of 80 per centum of the salary of the office at the time of his retirement that the number of years of his service bears to fifteen, reduced by one-quarter of 1 per centum for each full month, if any, he is under the age of sixty-five at the time of separation from service.

(c) A director who has elected coverage under this section and who becomes permanently disabled to perform the duties of his office shall be retired and shall receive an annuity for life equal to 80 per centum of the salary of the office at the time of his retirement if he has at least fifteen years of service, or equal to that proportion of 80 per centum of such salary that the aggregate number of years of his service bears to fifteen if he has less than fifteen years of service, but in no event less than 50 per centum of such salary.

(d) For the purpose of this section, "service" means service, whether or not continuous, as Director of the Federal Judicial Center, and any service, not to exceed five years, as a judge of the United States, a Senator or Representative in Congress, a congressional employee in the capacity of primary administrative assistant to a Member of Congress or in the capacity of staff

director or chief counsel for the majority or the minority of a committee or subcommittee of the Senate or House of Representatives, or a civilian official appointed by the President, by and with the advice and consent of the Senate.

(e) Each annuity payable under this section shall be increased by the same percentage amount and effective on the same date as annuities payable under chapter 83 of title 5, are increased as provided by section 8340 of title 5.

(Added Pub. L. 90-219, title I, § 101, Dec. 20, 1967, 81 Stat. 666; amended Pub. L. 100-702, title X, §§ 1004(a), 1006(a)(2), Nov. 19, 1988, 102 Stat. 4665, 4666; Pub. L. 104-317, title VI, § 604, Oct. 19, 1996, 110 Stat. 3857; Pub. L. 106-518, title III, §§ 301(b), 312(a), Nov. 13, 2000, 114 Stat. 2416, 2421.)

#### AMENDMENTS

2000—Subsec. (a). Pub. L. 106-518, § 312(a), redesignated subsec. (b) as (a) and struck out former subsec. (a) which read as follows: "A Director of the Federal Judicial Center who attains the age of seventy years shall be retired from that office."

Subsec. (b). Pub. L. 106-518, § 312(a)(2), redesignated subsec. (c) as (b). Former subsec. (b) redesignated (a).

Subsec. (c). Pub. L. 106-518, § 312(a)(2), redesignated subsec. (d) as (c). Former subsec. (c) redesignated (b).

Pub. L. 106-518, § 301(b)(2), in first par., substituted "who has at least fifteen years of service and has" for "who has served at least fifteen years and" and, in second par., substituted "who has at least ten years of service," for "who has served at least ten years."

Subsec. (d). Pub. L. 106-518, § 312(a)(2), redesignated subsec. (e) as (d). Former subsec. (d) redesignated (c).

Pub. L. 106-518, § 301(b)(3), substituted "at least fifteen years of service," for "served at least fifteen years," and "less than fifteen years of service," for "served less than fifteen years."

Subsec. (e). Pub. L. 106-518, § 312(a)(2), redesignated subsec. (f) as (e). Former subsec. (e) redesignated (d).

Pub. L. 106-518, § 301(b)(1), inserted "a congressional employee in the capacity of primary administrative assistant to a Member of Congress or in the capacity of staff director or chief counsel for the majority or the minority of a committee or subcommittee of the Senate or House of Representatives," after "Congress."

Subsec. (f). Pub. L. 106-518, § 312(a)(2), redesignated subsec. (f) as (e).

1996—Subsec. (b). Pub. L. 104-317, in first sentence, inserted "Deputy Director," before "the professional staff" and "chapter 84 (relating to the Federal Employees' Retirement System)," after "(relating to civil service retirement)."

1988—Subsec. (b). Pub. L. 100-702, § 1006(a)(2), amended provisions after "*Provided, however,*" generally. Prior to amendment, those provisions read as follows: "That the Director, upon written notice filed with the Director of the Administrative Office of the United States Courts within six months after the date on which he takes office, may waive coverage under subchapter III of chapter 83 of title 5, United States Code (relating to civil service retirement), and elect coverage under the retirement and disability provisions of this section: *And provided further*, That upon his non-retirement separation from the Federal Judicial Center, such waiver and election shall not operate to foreclose to the Director such opportunity as the law may provide to secure civil service retirement credit for service as Director by depositing with interest the amount required by section 8334 of title 5, United States Code."

Subsec. (f). Pub. L. 100-702, § 1004(a), added subsec. (f).

#### EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by section 1004(a) of Pub. L. 100-702 applicable to cost-of-living increases that go into effect on or after Nov. 19, 1988, with respect to any annuity being paid or becoming payable on or after such date,

see section 1004(b) of Pub. L. 100-702, set out as a note under section 611 of this title.

Amendment by section 1006(a)(2) of Pub. L. 100-702 applicable to persons holding offices of Director of the Administrative Office of the United States Courts, Director of the Federal Judicial Center, and Administrative Assistant to the Chief Justice on Nov. 19, 1988, see section 1006(b) of Pub. L. 100-702, set out as a note under section 611 of this title.

### § 628. Appropriations and accounting

There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this chapter. The Administrative Office of the United States Courts shall provide accounting, disbursing, auditing, and other fiscal services for the Federal Judicial Center.

(Added Pub. L. 90-219, title I, §101, Dec. 20, 1967, 81 Stat. 667.)

### § 629. Federal Judicial Center Foundation

(a) There is established a private nonprofit corporation which shall be known as the Federal Judicial Center Foundation (hereafter in this section referred to as the "Foundation") and which shall be incorporated in the District of Columbia. The purpose of the Foundation shall be to have sole authority to accept and receive gifts of real and personal property and services made for the purpose of aiding or facilitating the work of the Federal Judicial Center. The Foundation shall not accept conditional or otherwise restricted gifts, except gifts that are designated for the support of specific projects previously approved by the Board of the Center may be accepted. The Foundation shall have no authority to administer or otherwise determine the use of gifts accepted under this section.

(b) The business of the Foundation shall be conducted by a Board that shall have seven members, including a chairman. Three members, including the chairman, shall be appointed by the Chief Justice of the United States, two by the President Pro Tempore of the Senate, and two by the Speaker of the House of Representatives. The term of office of each member of the Board shall be 5 years, except that the initial terms shall be 5 years for the chairman, one member appointed by the President Pro Tempore and one member appointed by the Speaker, 3 years for the other member appointed by the President Pro Tempore and the other member appointed by the Speaker, and two years for the two other members appointed by the Chief Justice. Members of the Board shall serve without compensation but, upon authorization of the Director of the Center, shall be reimbursed by the Federal Judicial Center for actual and necessary expenses incurred in the performance of their official duties. No person who is a Federal or State judge in regular active service or otherwise eligible to perform judicial duties shall be eligible for membership on the Board. The Center shall provide all administrative support and facilities necessary for the operation of the Board.

(c) The Federal Judicial Center is authorized to administer and use gifts received by the Foundation under this section. The gifts shall be used to further the goals of the Center as determined by the Board of the Center.

(d) Gifts of money and proceeds from sales of other property received as gifts shall be deposited in a separate fund in the Treasury of the United States and disbursed on the order of the Director of the Center, in accordance with policies established by the Board of the Center.

(e) The Board of the Foundation shall, not later than October 1 of each year, submit to the Committees on the Judiciary of the United States Senate and House of Representatives a report with respect to gifts received under this section during the preceding 12-month period, including the source of each such gift, the amount of each gift of cash or cash equivalent, and a description of any other gift. The Center shall include in its annual report of the activities of the Center under section 623(a)(3) a description of the purposes for which gifts were used during the year covered by the report.

(f) For the purpose of Federal income, estate, and gift taxes, property accepted under this section shall be considered as a gift or bequest to or for the use of the United States.

(Added Pub. L. 100-702, title III, §301(a), Nov. 19, 1988, 102 Stat. 4646.)

#### PRIOR PROVISIONS

A prior section 629, added Pub. L. 90-219, title I, §101, Dec. 20, 1967, 81 Stat. 667, related to organization provisions for the Board, prior to repeal by Pub. L. 95-598, title II, §230(1), Nov. 6, 1978, 92 Stat. 2665, effective Nov. 6, 1978.

### CHAPTER 43—UNITED STATES MAGISTRATE JUDGES

Sec. 631.	Appointment and tenure.
632.	Character of service.
633.	Determination of number, locations, and salaries of magistrate judges.
634.	Compensation.
635.	Expenses.
636.	Jurisdiction, powers, and temporary assignment.
637.	Training.
638.	Dockets and forms; United States Code; seals.
639.	Definitions.

#### AMENDMENTS

1972—Pub. L. 92-239, §3, Mar. 1, 1972, 86 Stat. 47, substituted "Jurisdiction, powers, and temporary assignment" for "Jurisdiction and powers" in item 636.

1968—Pub. L. 90-578, title I, §101, Oct. 17, 1968, 82 Stat. 1108, substituted "MAGISTRATES" for "COMMISSIONERS" in chapter heading, and "Character of service" for "Park commissioners; jurisdiction and powers; procedure" in item 632, "Determination of number, locations, and salaries of magistrates" for "Fees and expenses" in item 633, "Compensation" for "Salaries of park commissioners; disposition of fees" in item 634, "Expenses" for "Park commissioners; residence" in item 635, "Jurisdiction and powers" for "Accounts" in item 636, "Training" for "Oaths, acknowledgments, affidavits and depositions" in item 637, "Dockets and forms; United States Code; seals" for "Seals" in item 638, and "Definitions" for "Dockets and forms; United States Code" in item 639.

1954—Act Aug. 13, 1954, ch. 728, §1(c), 68 Stat. 704, inserted "and expenses" after "Fees" in item 633.

#### CHANGE OF NAME

"UNITED STATES MAGISTRATE JUDGES" substituted for "UNITED STATES MAGISTRATES" in chapter heading and "magistrate judges" substituted for "magistrates" in item 633 pursuant to section 321 of