late panel service is established under paragraph (1), made after the expiration of the 1-year period beginning on the date such service is established, the judicial council of the circuit shall determine whether a circumstance specified in subparagraph (A) or (B) of such paragraph exists.

(C) On its own motion, after the expiration of the 3-year period beginning on the date a bankruptcy appellate panel service is established under paragraph (1), the judicial council of the circuit may determine whether a circumstance specified in subparagraph (A) or (B) of such paragraph exists.

(D) If the judicial council finds that either of such circumstances exists, the judicial council may provide for the completion of the appeals then pending before such service and the orderly termination of such service.

(3) Bankruptcy judges appointed under paragraph (1) shall be appointed and may be reappointed under such paragraph.

(4) If authorized by the Judicial Conference of the United States, the judicial councils of 2 or more circuits may establish a joint bankruptcy appellate panel comprised of bankruptcy judges from the districts within the circuits for which such panel is established, to hear and determine, upon the consent of all the parties, appeals under subsection (a) of this section.

(5) An appeal to be heard under this subsection shall be heard by a panel of 3 members of the bankruptcy appellate panel service, except that a member of such service may not hear an appeal originating in the district for which such member is appointed or designated under section 152 of this title.

(6) Appeals may not be heard under this subsection by a panel of the bankruptcy appellate panel service unless the district judges for the district in which the appeals occur, by majority vote, have authorized such service to hear and determine appeals originating in such district.

(c)(1) Subject to subsection (b), each appeal under subsection (a) shall be heard by a 3-judge panel of the bankruptcy appellate panel service established under subsection (b)(1) unless—

(A) the appellant elects at the time of filing the appeal; or

(B) any other party elects, not later than 30 days after service of notice of the appeal;

to have such appeal heard by the district court.

(2) An appeal under subsections (a) and (b) of this section shall be taken in the same manner as appeals in civil proceedings generally are taken to the courts of appeals from the district courts and in the time provided by Rule 8002 of the Bankruptcy Rules.

(d) The courts of appeals shall have jurisdiction of appeals from all final decisions, judgments, orders, and decrees entered under subsections (a) and (b) of this section.

(Added Pub. L. 98–353, title I, § 104(a), July 10, 1984, 98 Stat. 341; amended Pub. L. 101–650, title III, § 305, Dec. 1, 1990, 104 Stat. 5105; Pub. L. 103–394, title I, §§ 102, 104(c), (d), Oct. 22, 1994, 108 Stat. 4108–4110.)

REFERENCES IN TEXT

The Bankruptcy Rules, referred to in subsec. (c)(2), are set out in the Appendix to Title 11, Bankruptcy.

AMENDMENTS

1994—Subsec. (a). Pub. L. 103–394, § 102, which directed the amendment of subsec. (a) by striking ''from'' the first place it appears and all that follows through ''decrees,'' and inserting pars. (1) to (3), was executed by making the insertion and striking after ''appeals'' ''from final judgments, orders, and decrees,'', which is through ''decrees,'' the first place appearing, to reflect the probable intent of Congress.

Subsec. (b)(1). Pub. L. 103–394, § 104(c)(3), added par. (1) and struck out former par. (1) which read as follows: ''The judicial council of a circuit may establish a bankruptcy appellate panel, comprised of bankruptcy judges from districts within the circuit, to hear and determine, upon the consent of all the parties, appeals under subsection (a) of this section.''

Subsec. (b)(2). Pub. L. 103–394, § 104(c)(3), added par. (2). Former par. (2) redesignated (4).

Subsec. (b)(3). Pub. L. 103–394, § 104(c)(1), (3), added par. (3) and struck out former par. (3) which read as follows: ''No appeal may be referred to a panel under this subsection unless the district judges for the district, by majority vote, authorize such referral of appeals originating within the district.''

Subsec. (b)(4). Pub. L. 103–394, § 104(c)(1), (2), redesignated par. (2) as (4) and struck out former par. (4) which read as follows: ''A panel established under this section shall consist of three bankruptcy judges, provided a bankruptcy judge may not hear an appeal originating within a district for which the judge is appointed or designated under section 152 of this title.''

Subsec. (b)(5), (6). Pub. L. 103–394, § 104(c)(4), added pars. (5) and (6).

Subsec. (c). Pub. L. 103–394, § 104(d), designated existing provisions as par. (2) and added par. (1).

1990—Subsec. (b)(2) to (4). Pub. L. 101–650 added par. (2) and redesignated former pars. (2) and (3) as (3) and (4), respectively.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103–394 effective Oct. 22, 1994, and not applicable with respect to cases commenced under Title 11, Bankruptcy, before Oct. 22, 1994, see section 702 of Pub. L. 103–394, set out as a note under section 101 of Title 11.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 157, 1334, 1452 of this title; title 11 section 305.

CHAPTER 7—UNITED STATES COURT OF FEDERAL CLAIMS

Sec.
171. Appointment and number of judges; character of court; designation of chief judge.
172. Tenure and salaries of judges.
173. Times and places of holding court.
174. Assignment of judges; decisions.
175. Official duty station; residence.
176. Removal from office.
177. Disbarment of removed judges.
178. Retirement of judges of the Court of Federal Claims.
179. Personnel application and insurance programs.
[180. Repealed.]

AMENDMENTS

2000—Pub. L. 106–518, title III, § 309(b), Nov. 13, 2000, 114 Stat. 2420, substituted ''Personnel application and insurance programs'' for ''Insurance and annuities programs'' in item 179.

Pub. L. 106–398, § 1 [[div. A], title VI, § 654(b)(2)], Oct. 30, 2000, 114 Stat. 1654, 1654A–165, struck out item 180 ''Military retirement pay for retired judges''.

1992—Pub. L. 102–572, title IX, §§ 902(a), 903(b), Oct. 29, 1992, 106 Stat. 4516, 4517, substituted ''UNITED STATES COURT OF FEDERAL CLAIMS'' for ''UNITED

STATES CLAIMS COURT'' as chapter heading, substituted ''Court of Federal Claims'' for ''Claims Court'' in item 178, and added items 179 and 180.

1990—Pub. L. 101–650, title III, §306(a)(2), Dec. 1, 1990, 104 Stat. 5109, added item 178.

1982—Pub. L. 97–164, title I, §105(a), Apr. 2, 1982, 96 Stat. 26, substituted ''UNITED STATES CLAIMS COURT'' for ''COURT OF CLAIMS'' as chapter heading, inserted ''; designation of chief judge'' in item 171, substituted ''Tenure and salaries of judges'' for ''Precedence of judges'' in item 172, substituted ''Times and places of holding court'' for ''Tenure and salaries of judges'' in item 173, substituted ''Assignment of judges; decisions'' for ''Terms'' in item 174, substituted ''Official duty station; residence'' for ''Assignment of judges; divisions; hearings; quorum; decisions'' in item 175, and added items 176 and 177.

1966—Pub. L. 89–425, §3, May 11, 1966, 80 Stat. 140, substituted ''Assignment of judges; divisions; hearings; quorum; decisions'' for ''Quorum'' in item 175.

1954—Act Sept. 3, 1954, ch. 1263, §38, 68 Stat. 1240, inserted ''; character of court'' in item 171.

RULES OF THE UNITED STATES COURT OF FEDERAL CLAIMS

See Appendix to this title.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in title 5 section 8331.

§171. Appointment and number of judges; character of court; designation of chief judge

(a) The President shall appoint, by and with the advice and consent of the Senate, sixteen judges who shall constitute a court of record known as the United States Court of Federal Claims. The court is declared to be a court established under article I of the Constitution of the United States.

(b) The President shall designate one of the judges of the Court of Federal Claims who is less than seventy years of age to serve as chief judge. The chief judge may continue to serve as such until he reaches the age of seventy years or until another judge is designated as chief judge by the President. After the designation of another judge to serve as chief judge, the former chief judge may continue to serve as a judge of the court for the balance of the term to which appointed.

(June 25, 1948, ch. 646, 62 Stat 898; July 28, 1953, ch. 253, §1, 67 Stat. 226; Sept. 3, 1954, ch. 1263, §39(a), 68 Stat. 1240; Pub. L. 89–425, §1(b), May 11, 1966, 80 Stat. 140; Pub. L. 97–164, title I, §105(a), Apr. 2, 1982, 96 Stat. 27; Pub. L. 102–572, title IX, §902(a), Oct. 29, 1992, 106 Stat. 4516.)

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed. §241 (Mar. 3, 1911, ch. 231, §136, 36 Stat. 1135; Feb. 25, 1919, ch. 29, §4, 40 Stat. 1157; Dec. 13, 1926, ch. 6, §1 44 Stat. 919).

This section contains a part of section 241 of title 28, U.S.C., 1940 ed. The remainder of such section, relating to tenure, salaries and oath, is incorporated in sections 173 and 453 of this title.

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

Words ''a court of record known as'' were added. For similar provision covering other Federal courts, see sections 132, 211, and 251 of this title.

The official status of the Chief Justice of the Court of Claims holding office on the effective date of this act is preserved by section 2 of the bill to enact revised title 28.

Minor changes were made in arrangement and phraseology.

AMENDMENTS

1992—Pub. L. 102–572 substituted ''United States Court of Federal Claims'' for ''United States Claims Court'' in subsec. (a) and ''Court of Federal Claims'' for ''Claims Court'' in subsec. (b).

1982—Pub. L. 97–164 designated existing provisions as subsec. (a), substituted ''sixteen judges who shall constitute a court of record known as the United States Claims Court'' for ''a chief judge and six associate judges who shall constitute a court of record known as the United States Court of Claims'' and ''The court is declared to be a court established under article I of the Constitution of the United States'' for ''Such court is hereby declared to be a court established under article III of the Constitution of the United States'' in subsec. (a) as so designated, and added subsec. (b).

1966—Pub. L. 89–425 increased the number of associate judges from four to six.

1954—Act Sept. 3, 1954, inserted ''; character or court'' in section catchline.

1953—Act July 28, 1953, inserted second sentence.

CHANGE OF NAME

Section 902(b) of Pub. L. 102–572 provided that: ''Reference in any other Federal law [meaning any Federal law other than chapters 7, 51, 91, and 165 of this title] or any document to—

''(1) the 'United States Claims Court' shall be deemed to refer to the 'United States Court of Federal Claims'; and

''(2) the 'Claims Court' shall be deemed to refer to the 'Court of Federal Claims'.''

EFFECTIVE DATE OF 1992 AMENDMENT

Section 911 of title IX of Pub. L. 102–572 provided that: ''This title [see Tables for classification] and the amendments made by this title shall take effect on the date of the enactment of this Act [Oct. 29, 1992].''

EFFECTIVE DATE OF 1982 AMENDMENT

Section 402 of Pub. L. 97–164 provided that: ''Unless otherwise specified, the provisions of this Act [see Short Title of 1982 Amendment note set out under section 1 of this title] shall take effect on October 1, 1982.''

CONTINUED SERVICE OF COMMISSIONERS OF COURT OF CLAIMS AS JUDGES

Section 167 of Pub. L. 97–164 provided that Commissioners of United States Court of Claims serving immediately prior to Oct. 1, 1982, became judges of United States Claims Court [now United States Court of Federal Claims] on such date, with initial terms expiring 15 years after date of employment or on Oct. 1, 1986, whichever occurred earlier, and with salaries equal to salaries of Commissioners of Court of Claims.

TENNESSEE VALLEY AUTHORITY LEGAL REPRESENTATION

Section 169 of Pub. L. 97–164 provided that: ''Nothing in this Act [see Short Title of 1982 Amendment note set out under section 1 of this title] affects the authority of the Tennessee Valley Authority under the Tennessee Valley Authority Act of 1933 [16 U.S.C. 831 et seq.] to represent itself by attorneys of its choosing.''

TRANSITION PROVISIONS: TRANSFER OF PENDING CASES

Section 403 of Pub. L. 97–164 provided for transfer of cases or matters pending on Oct. 1, 1982, before Court of Claims or United States Court of Customs and Patent Appeals to United States Court of Appeals for the Federal Circuit, directed that petitions for rehearing, reconsideration, or other changes in decisions of Court of Claims or United States Court of Customs and Patent Appeals rendered prior to such date be determined by United States Court of Appeals for the Federal Circuit,

directed that matters pending before Commissioners of United States Court of Claims on such date be determined by United States Claims Court [now United States Court of Federal Claims], and directed that any case in which notice of appeal had been filed in district court of United States prior to such date would be decided by court of appeals to which the appeal was taken.

CONGRESSIONAL STATEMENT REGARDING APPOINTMENT OF JUDGES

For Congressional suggestion that the President select nominees for judgeships on the Claims Court [now Court of Federal Claims] and the Court of Appeals for the Federal Circuit from a broad range of qualified individuals, see section 168 of Pub. L. 97–164, set out as a note under section 44 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 178, 797 of this title.

§ 172. Tenure and salaries of judges

(a) Each judge of the United States Court of Federal Claims shall be appointed for a term of fifteen years.

(b) Each judge shall receive a salary at the rate of pay, and in the same manner, as judges of the district courts of the United States.

(June 25, 1948, ch. 646, 62 Stat. 898; Pub. L. 97–164, title I, § 105(a), Apr. 2, 1982, 96 Stat. 27; Pub. L. 100–702, title X, § 1023, Nov. 19, 1988, 102 Stat. 4673; Pub. L. 102–572, title IX, § 902(a)(1), Oct. 29, 1992, 106 Stat. 4516.)

HISTORICAL AND REVISION NOTES

This section applies to the judges of the Court of Claims the same rule of precedence applicable to judges of other courts. (See sections 45, 136, 212, and 253 of this title.)

AMENDMENTS

1992—Subsec. (a). Pub. L. 102–572 substituted ''United States Court of Federal Claims'' for ''United States Claims Court''.

1988—Subsec. (b). Pub. L. 100–702 amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: ''Each judge shall receive a salary at an annual rate determined under section 225 of the Federal Salary Act of 1967 (2 U.S.C. 351–361), as adjusted by section 461 of this title.''

1982—Pub. L. 97–164 amended section generally, substituting provisions relating to tenure and salaries of judges (formerly contained in section 173) for provisions relating to precedence of judges. See section 171 of this title.

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102–572 effective Oct. 29, 1992, see section 911 of Pub. L. 102–572, set out as a note under section 171 of this title.

EFFECTIVE DATE OF 1982 AMENDMENT

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

SALARY INCREASES

For increases in salaries of judges after Nov. 19, 1988, see notes set out under section 135 of this title relating to salary increases for district judges.

1988—Salaries of judges continued at $82,500 per annum by Ex. Ord. No. 12622, Dec. 31, 1987, 53 F.R. 222, formerly set out as a note under section 5332 of Title 5.

1987—Salaries of judges increased to $82,500 per annum, on recommendation of the President of the United States, see note set out under section 358 of Title 2, The Congress.

Salaries of judges increased to $72,300 effective on first day of first pay period beginning on or after Jan. 1, 1987, by Ex. Ord. No. 12578, Dec. 31, 1986, 52 F.R. 505, formerly set out as a note under section 5332 of Title 5, Government Organization and Employees.

1985—Salaries of judges increased to $70,200 effective on first day of first pay period beginning on or after Jan. 1, 1985, by Ex. Ord. No. 12496, Dec. 28, 1984, 50 F.R. 211, as amended by Ex. Ord. No. 12540, Dec. 30, 1985, 51 F.R. 577, formerly set out as a note under section 5332 of Title 5.

1984—Salaries of judges set at $67,800 effective on first day of first pay period beginning on or after Jan. 1, 1984, by Ex. Ord. No. 12456, Dec. 30, 1983, 49 F.R. 347, as amended Ex. Ord. No. 12477, May 23, 1984, 49 F.R. 22041; Ex. Ord. No. 12487, Sept. 14, 1984, 49 F.R. 36493, formerly set out as a note under section 5332 of Title 5.

1982—Salaries of judges set at $65,200 effective on first day of first pay period beginning on or after Oct. 1, 1982, by Ex. Ord. No. 12387, Oct. 8, 1982, 47 F.R. 44981, formerly set out as a note under section 5332 of Title 5. Ex. Ord. No. 12387 further provided that pursuant to section 101(e) of Pub. L. 97–276 funds are not available to pay a salary at a rate which exceeds the rate in effect on Sept. 30, 1982, which was $57,500.

Maximum rate payable after Dec. 17, 1982, increased from $57,500 to $65,200, see Pub. L. 97–377, title I, § 129(b)–(d), Dec. 21, 1982, 96 Stat. 1914, set out as a note under section 5318 of Title 5.

Limitations on use of funds for fiscal year ending Sept. 30, 1983, appropriated by any Act to pay the salary or pay of any individual in legislative, executive, or judicial branch in position equal to or above level V of the Executive Schedule, see section 101(e) of Pub. L. 97–276, as amended, set out as a note under section 5318 of Title 5.

1981—Salaries of judges increased to $74,300 effective on first day of first pay period beginning on or after Oct. 1, 1981, by Ex. Ord. No. 12330, Oct. 15, 1981, 46 F.R. 50921, formerly set out as a note under section 5332 of Title 5.

Limitations on use of funds for fiscal year ending Sept. 30, 1982, appropriated by any Act to pay the salary or pay of any individual in legislative, executive, or judicial branch in position equal to or above level V of the Executive Schedule, see sections 101(g) and 141 of Pub. L. 97–92, set out as a note under section 5318 of Title 5.

1980—Salaries of judges increased to $70,900 effective on first day of first pay period beginning on or after Oct. 1, 1980, by Ex. Ord. No. 12248, Oct. 16, 1980, 45 F.R. 69199, formerly set out as a note under section 5332 of Title 5. Ex. Ord. No. 12248 further provided that pursuant to Pub. L. 96–369 funds are not available to pay a salary at a rate which exceeds the rate in effect on Sept. 30, 1980, which was $60,662.50.

Limitations on use of funds for fiscal year ending Sept. 30, 1981, appropriated by any Act to pay the salary or pay of any individual in legislative, executive, or judicial branch in position equal to or above level V of the Executive Schedule, see section 101(c) of Pub. L. 96–536, as amended, set out as a note under section 5318 of Title 5.

1979—Salaries of judges increased to $65,000 effective on first day of first pay period beginning on or after Oct. 1, 1979, by Ex. Ord. No. 12165, Oct. 9, 1979, 44 F.R. 58671, as amended by Ex. Ord. No. 12200, Mar. 12, 1980, 45 F.R. 16443, formerly set out as a note under section 5332 of Title 5. Ex. Ord. No. 12165 further provided that pursuant to Pub. L. 96–86 funds appropriated for fiscal year 1980 may not be used to pay a salary at a rate which exceeds an increase of 5.5 percent over the applicable rate payable for such position or office in effect on Sept. 30, 1978, which was $60,662.50.

Applicability to funds appropriated by any Act for fiscal year ending Sept. 30, 1980, of limitation of section 304 of Pub. L. 95–391 on use of funds to pay the salary or pay of any individual in legislative, executive, or ju-

dicial branch in position equal to or above Level V of the Executive Schedule, see section 101 of Pub. L. 96–86, set out as a note under section 5318 of Title 5.

1978—Salaries of judges increased to $60,700 effective on first day of first pay period beginning on or after Oct. 1, 1978, by Ex. Ord. No. 12087, Oct. 7, 1978, 43 F.R. 46823, formerly set out as a note under section 5332 of Title 5. Ex. Ord. No. 12087 further provided that pursuant to the Legislative Branch Appropriation Act, 1979 [Pub. L. 95–391, title III, §304, Sept. 30, 1978, 92 Stat. 788, set out as a note under section 5318 of Title 5], funds are not available to pay a salary at a rate which exceeds the rate in effect on Sept. 30, 1978, which was $57,500.

1977—Salaries of judges increased to $57,500 per annum, on recommendation of the President of the United States, see note set out under section 358 of Title 2, The Congress.

1976—Salaries of judges increased to $46,800 effective on first day of first pay period beginning on or after Oct. 1, 1976, see Ex. Ord. No. 11941, Oct. 1, 1976, 41 F.R. 43889, formerly set out as a note under section 5332 of Title 5, Government Organization and Employees. Ex. Ord. No. 11941, further provided that pursuant to the Legislative Branch Appropriation Act, 1977, funds are not available to pay a salary at a rate which exceeds the rate in effect on Sept. 30, 1976, which was $44,600.

1969—Salaries of judges increased from $33,000 to $42,500 per annum, commencing Feb. 14, 1969, on recommendation of the President of the United States, see note set out under section 358 of Title 2, The Congress.

1946—Salaries of chief judge and associate judges increased from $12,500 to $17,500 a year by act July 31, 1946, ch. 704, §1, 60 Stat. 716.

1926—Salary of Chief Justice, now chief judge, increased from $8,000 to $12,500 a year, and salaries of associate justices, now judges, increased from $7,500 to $12,500 a year by act Dec. 13, 1926, ch. 6, §1, 44 Stat. 919.

1919—Salary of Chief Justice increased from $6,500 to $8,000 a year, and salaries of associate justices increased from $6,000 to $7,500 a year by act Feb. 25, 1919, ch. 29, §1, 40 Stat. 1156.

1911—Salary of chief justice set at $6,500, and salaries of associate justices set at $6,000 by Judicial Code of 1911, act Mar. 3, 1911, ch. 231, §1, 36 Stat. 1135.

§173. Times and places of holding court

The principal office of the United States Court of Federal Claims shall be in the District of Columbia, but the Court of Federal Claims may hold court at such times and in such places as it may fix by rule of court. The times and places of the sessions of the Court of Federal Claims shall be prescribed with a view to securing reasonable opportunity to citizens to appear before the Court of Federal Claims with as little inconvenience and expense to citizens as is practicable.

(June 25, 1948, ch. 646, 62 Stat. 898; Mar. 2, 1955, ch. 9, §1(d), 69 Stat. 10; Pub. L. 88–426, title IV, §403(d), Aug. 14, 1964, 78 Stat. 434; Pub. L. 94–82, title II, §205(b)(4), Aug. 9, 1975, 89 Stat. 422; Pub. L. 97–164, title I, §105(a), Apr. 2, 1982, 96 Stat. 27; Pub. L. 102–572, title IX, §902(a), Oct. 29, 1992, 106 Stat. 4516.)

Historical and Revision Notes

Based on title 28, U.S.C., 1940 ed., §241 (Mar. 3, 1911, ch. 231, §136, 36 Stat. 1135; Feb. 25, 1919, ch. 29, §4, 40 Stat. 1157; Dec. 13, 1926, ch. 6, §1, 44 Stat. 919; July 31, 1946, ch. 704, §1, 60 Stat. 716).

This section is based on part of section 241 of title 28, U.S.C., 1940 ed. That portion relating to number, appointment of judges and their oaths, is incorporated in sections 171 and 453 of this title.

A provision for monthly salary payments was omitted since time of payment is a matter for administrative determination. (See 20 Comp. Gen. 834.)

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

Minor changes were made in phraseology.

Amendments

1992—Pub. L. 102–572 substituted ''United States Court of Federal Claims'' for ''United States Claims Court'' and ''Court of Federal Claims'' for ''Claims Court'' in three places.

1982—Pub. L. 97–164 amended section generally, substituting provisions relating to times and places of holding court (formerly contained in section 174) for provisions relating to the tenure and salaries of judges of the Court of Claims. See section 172 of this title.

1975—Pub. L. 94–82 substituted provision that the chief judge and associate judges receive a salary at an annual rate determined under section 225 of the Federal Salary Act of 1967, as adjusted by section 461 of this title, for provision granting each such judge a salary of $33,000 a year.

1964—Pub. L. 88–426 increased salaries of judges from $25,500 to $33,000 a year.

1955—Act Mar. 2, 1955, increased salaries of judges from $17,500 to $25,500 a year.

Effective Date of 1992 Amendment

Amendment by Pub. L. 102–572 effective Oct. 29, 1992, see section 911 of Pub. L. 102–572, set out as a note under section 171 of this title.

Effective Date of 1982 Amendment

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

Effective Date of 1964 Amendment

Amendment by Pub. L. 88–426 effective on first day of first pay period which begins on or after July 1, 1964, except to the extent provided in section 501(c) of Pub. L. 88–426, see section 501 of Pub. L. 88–426.

Effective Date of 1955 Amendment

Amendment by act Mar. 2, 1955, effective Mar. 1, 1955, see section 5 of act Mar. 2, 1955, set out as a note under section 31 of Title 2, The Congress.

Section Referred to in Other Sections

This section is referred to in section 798 of this title.

§174. Assignment of judges; decisions

(a) The judicial power of the United States Court of Federal Claims with respect to any action, suit, or proceeding, except congressional reference cases, 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.

(b) All decisions of the Court of Federal Claims shall be preserved and open to inspection.

(June 25, 1948, ch. 646, 62 Stat. 898; Pub. L. 97–164, title I, §105(a), Apr. 2, 1982, 96 Stat. 27; Pub. L. 102–572, title IX, §902(a), Oct. 29, 1992, 106 Stat. 4516.)

Historical and Revision Notes

Based on title 28, U.S.C., 1940 ed., §243 (Mar. 3, 1911, ch. 231, §138, 36 Stat. 1136).

This section is based on the first sentence of section 243 of title 28, U.S.C., 1940 ed. The remainder of said section is incorporated in section 175 of this title.

Words ''the seat of government'' were substituted for ''the city of Washington'' to conform to similar language respecting the Supreme Court. (See section 2 of this title.)

Words ''to be fixed by rule of court'' were added to provide greater flexibility in administering the business of the court. For similar provisions covering the district courts, see section 138 of this title.

Word ''term'' was substituted for ''session'' for uniformity.

Minor changes were made in phraseology.

AMENDMENTS

1992—Pub. L. 102–572 substituted ''United States Court of Federal Claims'' for ''United States Claims Court'' in subsec. (a) and ''Court of Federal Claims'' for ''Claims Court'' in subsec. (b).

1982—Pub. L. 97–164 amended section generally, substituting provisions relating to assignment of judges (formerly contained in section 175) for provisions relating to terms of court. See section 173 of this title.

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102–572 effective Oct. 29, 1992, see section 911 of Pub. L. 102–572, set out as a note under section 171 of this title.

EFFECTIVE DATE OF 1982 AMENDMENT

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

§ 175. Official duty station; residence

(a) The official duty station of each judge of the United States Court of Federal Claims is the District of Columbia.

(b) After appointment and while in active service, each judge shall reside within fifty miles of the District of Columbia.

(c) Retired judges of the Court of Federal Claims are not subject to restrictions as to residence. The place where a retired judge maintains the actual abode in which such judge customarily lives shall be deemed to be the judge's official duty station for the purposes of section 456 of this title.

(Added Pub. L. 89–425, § 2, May 11, 1966, 80 Stat. 140; amended Pub. L. 97–164, title I, § 105(a), Apr. 2, 1982, 96 Stat. 27; Pub. L. 102–572, title IX, § 902(a)(1), Oct. 29, 1992, 106 Stat. 4516; Pub. L. 106–518, title III, § 307, Nov. 13, 2000, 114 Stat. 2419.)

PRIOR PROVISIONS

A prior section 175, act June 25, 1948, ch. 646, 62 Stat. 898, required three judges of the Court of Claims to constitute a quorum and the concurrence of three judges for any decision, prior to repeal by section 2 of Pub. L. 89–425.

AMENDMENTS

2000—Subsec. (c). Pub. L. 106–518 added subsec. (c).

1992—Subsec. (a). Pub. L. 102–572 substituted ''United States Court of Federal Claims'' for ''United States Claims Court''.

1982—Pub. L. 97–164 amended section generally, substituting provisions relating to the official duty station and residence of Claims Court judges for provisions relating to assignment of judges, divisions, hearings, quorums and decisions. See section 174 of this title.

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102–572 effective Oct. 29, 1992, see section 911 of Pub. L. 102–572, set out as a note under section 171 of this title.

EFFECTIVE DATE OF 1982 AMENDMENT

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

§ 176. Removal from office

(a) Removal of a judge of the United States Court of Federal Claims during the term for which he is appointed shall be only for incompetency, misconduct, neglect of duty, engaging in the practice of law, or physical or mental disability. Removal shall be by the United States Court of Appeals for the Federal Circuit, but removal may not occur unless a majority of all the judges of such court of appeals concur in the order of removal.

(b) Before any order of removal may be entered, a full specification of the charges shall be furnished to the judge involved, and such judge shall be accorded an opportunity to be heard on the charges.

(c) Any cause for removal of any judge of the United States Court of Federal Claims coming to the knowledge of the Director of the Administrative Office of the United States Courts shall be reported by him to the chief judge of the United States Court of Appeals for the Federal Circuit, and a copy of the report shall at the same time be transmitted to the judge.

(Added Pub. L. 97–164, title I, § 105(a), Apr. 2, 1982, 96 Stat. 28; amended Pub. L. 102–572, title IX, § 902(a)(1), Oct. 29, 1992, 106 Stat. 4516.)

AMENDMENTS

1992—Subsecs. (a), (c). Pub. L. 102–572 substituted ''United States Court of Federal Claims'' for ''United States Claims Court''.

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102–572 effective Oct. 29, 1992, see section 911 of Pub. L. 102–572, set out as a note under section 171 of this title.

EFFECTIVE DATE

Section 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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 177 of this title.

§ 177. Disbarment of removed judges

A judge of the United States Court of Federal Claims removed from office in accordance with section 176 of this title shall not be permitted at any time to practice before the Court of Federal Claims.

(Added Pub. L. 97–164, title I, § 105(a), Apr. 2, 1982, 96 Stat. 28; amended Pub. L. 102–572, title IX, § 902(a), Oct. 29, 1992, 106 Stat. 4516.)

AMENDMENTS

1992—Pub. L. 102–572 substituted ''United States Court of Federal Claims'' for ''United States Claims Court'' and ''Court of Federal Claims'' for ''Claims Court''.

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102–572 effective Oct. 29, 1992, see section 911 of Pub. L. 102–572, set out as a note under section 171 of this title.

EFFECTIVE DATE

Section 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.

§ 178. Retirement of judges of the Court of Federal Claims

(a) A judge of the United States Court of Federal Claims who retires from office after attaining the age and meeting the service requirements, whether continuously or otherwise, of this subsection shall, subject to subsection (f), be entitled to receive, during the remainder of the judge's lifetime, an annuity equal to the salary payable to Court of Federal Claims judges in regular active service. The age and service requirements for retirement under this subsection are as follows:

Attained Age:	Years of Service:
65	15
66	14
67	13
68	12
69	11
70	10.

(b) A judge of the Court of Federal Claims who is not reappointed following the expiration of the term of office of such judge, and who retires upon the completion of such term shall, subject to subsection (f), be entitled to receive, during the remainder of such judge's lifetime, an annuity equal to the salary payable to Court of Federal Claims judges in regular active service, if—

(1) such judge has served at least 1 full term as judge of the Court of Federal Claims, and

(2) not earlier than 9 months before the date on which the term of office of such judge expired, and not later than 6 months before such date, such judge advised the President in writing that such judge was willing to accept reappointment as a judge of the Court of Federal Claims.

(c) A judge of the Court of Federal Claims who has served at least 5 years, whether continuously or otherwise, as such a judge, and who retires or is removed from office upon the sole ground of mental or physical disability shall, subject to subsection (f), be entitled to receive, during the remainder of the judge's lifetime—

(1) an annuity equal to 50 percent of the salary payable to Court of Federal Claims judges in regular active service, if before retirement such judge served less than 10 years, or

(2) an annuity equal to the salary payable to Court of Federal Claims judges in regular active service, if before retirement such judge served at least 10 years.

(d) A judge who retires under subsection (a) or (b) may, at or after such retirement, be called upon by the chief judge of the Court of Federal Claims to perform such judicial duties with the Court of Federal Claims as may be requested of the retired judge for any period or periods specified by the chief judge, except that in the case of any such judge—

(1) the aggregate of such periods in any one calendar year shall not (without his or her consent) exceed 90 calendar days; and

(2) he or she shall be relieved of performing such duties during any period in which illness or disability precludes the performance of such duties.

Any act, or failure to act, by an individual performing judicial duties pursuant to this subsection shall have the same force and effect as if it were the act (or failure to act) of a Court of Federal Claims judge in regular active service. Any individual performing judicial duties pursuant to this subsection shall receive the allowances for official travel and other expenses of a judge in regular active service.

(e)(1) Any judge who retires under the provisions of subsection (a) or (b) of this section shall be designated ''senior judge''.

(2) Any judge who retires under this section shall not be counted as a judge of the Court of Federal Claims for purposes of the number of judgeships authorized by section 171 of this title.

(f)(1) A judge shall be entitled to an annuity under this section if the judge elects an annuity under this section by notifying the Director of the Administrative Office of the United States Courts in writing. Such an election—

(A) may be made only while an individual is a judge of the Court of Federal Claims (except that in the case of an individual who fails to be reappointed as judge at the expiration of a term of office, such election may be made at any time before the day after the day on which his or her successor takes office); and

(B) once made, shall, subject to subsection (k), be irrevocable.

(2) A judge who elects to receive an annuity under this section shall not be entitled to receive—

(A) any annuity to which such judge would otherwise have been entitled under subchapter III of chapter 83, or under chapter 84 (except for subchapters III and VII), of title 5, for service performed as a judge or otherwise;

(B) an annuity or salary in senior status or retirement under section 371 or 372 of this title;

(C) retired pay under section 7447 of the Internal Revenue Code of 1986; or

(D) retired pay under section 7296 of title 38.

(g) For purposes of calculating the years of service of an individual under subsections (a) and (c), only those years of service as a judge of the Court of Federal Claims or a commissioner of the United States Court of Claims shall be credited, and that portion of the aggregate number of years of such service that is a fractional part of 1 year shall not be credited if it is less than 6 months, and shall be credited if it is 6 months or more.

(h) An annuity under this section shall be payable at the times and in the same manner as the salary of a Court of Federal Claims judge in regular active service. Such annuity shall begin to accrue on the day following the day on which the annuitant's salary as a judge in regular active service ceases to accrue.

(i)(1) Payments under this section which would otherwise be made to a judge of the Court of Federal Claims based upon his or her service shall be paid (in whole or in part) by the Director of the Administrative Office of the United States Courts to another person if and to the extent expressly provided for in the terms of any court decree of divorce, annulment, or legal separation, or the terms of any court order or court-approved property settlement agreement incident to any court decree of divorce, annul-

ment, or legal separation. Any payment under this paragraph to a person bars recovery by any other person.

(2) Paragraph (1) shall apply only to payments made by the Director of the Administrative Office of the United States Courts after the date of receipt by the Director of written notice of such decree, order, or agreement, and such additional information as the Director may prescribe.

(3) As used in this subsection, the term ''court'' means any court of any State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Commonwealth of the Northern Mariana Islands, or the Virgin Islands, and any Indian tribal court or court of Indian offense.

(j)(1) Subject to paragraph (4), any judge of the Court of Federal Claims who retires under this section and who thereafter in the practice of law represents (or supervises or directs the representation of) a client in making any civil claim against the United States or any agency thereof shall forfeit all rights to an annuity under this section for all periods beginning on or after the first day on which he engages in any such activity.

(2) Subject to paragraph (4), if a judge of the Court of Federal Claims who retires under this section fails during any calendar year to perform judicial duties required of such judge by subsection (d), such judge shall forfeit all rights to an annuity under this section for the 1-year period which begins on the first day on which he or she so fails to perform such duties.

(3) If a judge of the Court of Federal Claims who retires under this section accepts compensation for civil office or employment under the Government of the United States (other than for the performance of judicial duties under subsection (d)), such judge shall forfeit all rights to an annuity under this section for the period for which such compensation is received.

(4)(A) If a judge makes an election under this paragraph—

(i) paragraphs (1) and (2) (and subsection (d)) shall not apply to such judge beginning on the date such election takes effect, and

(ii) the annuity payable under this section to such judge, for periods beginning on or after the date such election takes effect, shall be equal to the annuity to which such judge is entitled on the day before such effective date.

(B) An election under subparagraph (A)—

(i) may be made by a judge only if such judge meets the age and service requirements for retirement under subsection (a),

(ii) may be made only during the period during which such judge may make an election to receive an annuity under this section or while the judge is receiving an annuity under this section, and

(iii) shall be filed with the Director of the Administrative Office of the United States Courts.

Such an election, once it takes effect, shall be irrevocable.

(C) Any election under this paragraph shall take effect on the first day of the first month following the month in which the election is made.

(k)(1) Notwithstanding subsection (f)(1)(B), an individual who has filed an election under subsection (f) to receive an annuity may revoke such election at any time before the first day on which such annuity would (but for such revocation) begin to accrue with respect to such individual.

(2) Any revocation under this subsection shall be made by filing a notice thereof in writing with the Director of[1] Administrative Office of the United States Courts.

(3) In the case of any revocation under this subsection—

(A) for purposes of this section, the individual shall be treated as not having filed an election under subsection (f) to receive an annuity,

(B) for purposes of section 376 of this title—

(i) the individual shall be treated as not having filed an election under section 376(a)(1), and

(ii) section 376(g) shall not apply, and the amount credited to such individual's account (together with interest at 3 percent per annum, compounded on December 31 of each year to the date on which the revocation is filed) shall be returned to such individual,

(C) no credit shall be allowed for any service as a judge of the Court of Federal Claims or as a commissioner of the United States Court of Claims unless with respect to such service either there has been deducted and withheld the amount required by chapter 83 or 84 (as the case may be) of title 5 or there has been deposited in the Civil Service Retirement and Disability Fund an amount equal to the amount so required, with interest,

(D) the Court of Federal Claims shall deposit in the Civil Service Retirement and Disability Fund an amount equal to the additional amount it would have contributed to such Fund but for the election under subsection (f), and

(E) if subparagraph (D) is complied with, service on the Court of Federal Claims or as a commissioner of the United States Court of Claims shall be treated as service with respect to which deductions and contributions had been made during the period of service.

(*l*)(1) There is established in the Treasury a fund which shall be known as the ''Court of Federal Claims Judges Retirement Fund''. The Fund is appropriated for the payment of annuities and other payments under this section.

(2) The Secretary of the Treasury shall invest, in interest bearing securities of the United States, such currently available portions of the Court of Federal Claims Judges Retirement Fund as are not immediately required for payments from the Fund. The income derived from these investments constitutes a part of the Fund.

(3)(A) There are authorized to be appropriated to the Court of Federal Claims Judges Retirement Fund amounts required to reduce to zero the unfunded liability of the Fund.

(B) For purposes of subparagraph (A), the term ''unfunded liability'' means the estimated excess, determined on an annual basis in accord-

[1] So in original. Probably should be ''of the''.

ance with the provisions of section 9503 of title 31, of the present value of all benefits payable from the Court of Federal Claims Judges Retirement Fund, over the balance in the Fund as of the date the unfunded liability is determined. In making any determination under this subparagraph, the Comptroller General shall use the applicable information contained in the reports filed pursuant to section 9503 of title 31, with respect to the retirement annuities provided for in this section.

(C) There are authorized to be appropriated such sums as may be necessary to carry out this paragraph.

(Added Pub. L. 101–650, title III, §306(a)(1), Dec. 1, 1990, 104 Stat. 5105; amended Pub. L. 102–40, title IV, §402(d)(2), May 7, 1991, 105 Stat. 239; Pub. L. 102–198, §7(a), Dec. 9, 1991, 105 Stat. 1624; Pub. L. 102–572, title IX, §902(a), Oct. 29, 1992, 106 Stat. 4516.)

REFERENCES IN TEXT

Section 7447 of the Internal Revenue Code of 1986, referred to in subsec. (f)(2)(C), is classified to section 7447 of Title 26, Internal Revenue Code.

AMENDMENTS

1992—Pub. L. 102–572 substituted ''United States Court of Federal Claims'' for ''United States Claims Court'' in subsec. (a) and ''Court of Federal Claims'' for ''Claims Court'' in section catchline and wherever appearing in text.

1991—Subsec. (f)(2)(A). Pub. L. 102–198, §7(a)(1), inserted ''(except for subchapters III and VII)'' after ''chapter 84''.

Subsec. (f)(2)(D). Pub. L. 102–40 substituted ''section 7296 of title 38'' for ''section 4096 of title 38''.

Subsec. (j)(1). Pub. L. 102–198, §7(a)(2)(A), substituted ''paragraph (4)'' for ''paragraph (2)'' and ''engages in any such activity'' for ''so practices law''.

Subsec. (j)(2). Pub. L. 102–198, §7(a)(2)(B), substituted ''Subject to paragraph (4), if'' for ''If''.

Subsec. (j)(3). Pub. L. 102–198, §7(a)(2)(C), inserted ''for'' after ''(other than''.

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102–572 effective Oct. 29, 1992, see section 911 of Pub. L. 102–572, set out as a note under section 171 of this title.

EFFECTIVE DATE

Section applicable to judges of, and senior judges in active service with, the United States Court of Federal Claims on or after Dec. 1, 1990, see section 306(f) of Pub. L. 101–650, as amended, set out as an Effective Date of 1990 Amendment note under section 8331 of Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 179, 364, 376, 604, 797 of this title; title 5 sections 8334, 8402, 8440c.

§179. Personnel application and insurance programs

(a) For purposes of construing and applying title 5, a judge of the United States Court of Federal Claims shall be deemed to be an ''officer'' under section 2104(a) of such title.

(b)(1)(A) For purposes of construing and applying chapter 89 of title 5, a judge of the United States Court of Federal Claims who—

(i) is retired under subsection (b) of section 178 of this title, and

(ii) at the time of becoming such a retired judge—

(I) was enrolled in a health benefits plan under chapter 89 of title 5, but

(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.

[1] So in original. Probably should be followed by ''of title 5''.

(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.
252. Tenure and salaries of judges.
253. Duties of chief judge.
254. Single-judge trial.
255. Three-judge trials.
256. Trials at ports other than New York.
257. Publication of decisions.
258. Chief judges; precedence of judges.

HISTORICAL AND REVISION NOTES

The ''Board of General Appraisers'' was designated ''United States Customs Court'' by act May 28, 1926, ch. 411, § 1, 44 Stat. 669. General provisions concerning such court were incorporated in section 1518 of title 19, U.S.C., 1940 ed., Customs Duties, until amended by act October 10, 1940, ch. 843, § 1, 54 Stat. 1101, adding a new section to the Judicial Code of 1911, when they were transferred to section 296 of title 28, U.S.C., 1940 ed. They are retained in title 28 by this revision.

In this connection former Congressman Walter Chandler said, ''Among the major subjects needing study and revision are special courts, such as the Customs Court, which should be fitted into the judicial system.'' (See U.S. Law Weekly, Nov. 7, 1939.)

HISTORY OF COURT

The United States Customs Court [now Court of International Trade] as ''constituted on June 17, 1930'', consisted of nine members as provided by act Sept. 21, 1922, ch. 356, title IV, § 518, 42 Stat. 972, which established the Board of General Appraisers, designated the ''United States Customs Court'' by act May 28, 1926, ch. 411, § 1, 44 Stat. 669.

Provisions similar to these were contained in act Sept. 21, 1922, ch. 356, title IV, § 518, 42 Stat. 972. That section was superseded by section 518 of the Tariff Act of 1930, and was repealed by section 651 (a)(1) of said 1930 act.

The sentence in the former first paragraph as to sitting in a case previously participated in, is from act Aug. 5, 1909, ch. 6, § 28, 36 Stat. 98, which combined and amended Customs Administrative Act June 10, 1890, ch. 407, § 12, 26 Stat. 136, and section 31, as added by act May 27, 1908, ch. 205, 35 Stat. 406. Section 12 of the act of 1890 was expressly saved from repeal by act Sept. 21, 1922, ch. 356, title IV, § 643, 42 Stat. 989, and prior acts, but its provisions, other than the sentence above mentioned, were omitted from the Code.

Provisions for the review of decisions of Boards of General Appraisers by the Circuit Courts, made by section 15 of the Customs Administrative Act of June 10, 1890, ch. 407, were superseded by provisions for such review by the Court of Customs Appeals created by section 29 added to that act by the Payne-Aldrich Tariff Act of Aug. 5, 1909, ch. 6. The provisions of said new section 29 were incorporated in and superseded by chapter 8 of the Judicial Code of March 3, 1911, incorporated into the Code as former chapter 8 of Title 28, Judicial Code and Judiciary.

R.S. § 2608 provided for the appointment of four appraisers of merchandise, to be employed in visiting ports of entry under the direction of the Secretary of the Treasury, and to assist in the appraisement of merchandise as might be deemed necessary by the Secretary to protect and insure uniformity in the collection of the revenue from customs. It was repealed by act June 10, 1890, ch. 407, § 29, 26 Stat. 141.

R.S. § 2609 provided for the appointment of merchant appraisers. R.S. § 2610 made every merchant refusing to serve as such appraiser liable to a penalty. Both sections were superseded by the provisions relating to appraisers and appraisements of the Customs Administrative Act of June 10, 1890, ch. 407, 26 Stat. 131, and subsequent acts, and were repealed by act Sept. 21, 1922, ch. 356, title IV, § 642, 42 Stat. 989.