

## AMENDMENTS

1992—Pub. L. 102-572 substituted “United States Court of Federal Claims” for “United States Claims Court”.

1982—Pub. L. 97-164 substituted “Subject to the approval of the United States Claims Court, the Director of the Administrative Office of the United States Courts” for “The Court of Claims”.

## 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.

**§ 797. Recall of retired judges**

(a)(1) Any judge of the United States Court of Federal Claims who has retired from regular active service under subchapter III of chapter 83, or chapter 84, of title 5 shall be known and designated as a senior judge and may perform duties as a judge when recalled pursuant to subsection (b) of this section.

(2) Any judge of the Court of Federal Claims receiving an annuity under section 178(c) of this title (pertaining to disability) who, in the estimation of the chief judge, has recovered sufficiently to render judicial service, shall be known and designated as a senior judge and may perform duties as a judge when recalled under subsection (b) of this section.

(b) The chief judge of the Court of Federal Claims may, whenever he deems it advisable, recall any senior judge, with such judge’s consent, to perform such duties as a judge and for such period of time as the chief judge may specify.

(c) Any senior judge performing duties pursuant to this section shall not be counted as a judge for purposes of the number of judgeships authorized by section 171 of this title.

(d) Any senior judge, while performing duties pursuant to this section, shall be paid the same allowances for travel and other expenses as a judge in active service. Such senior judge shall also receive from the Court of Federal Claims supplemental pay in an amount sufficient, when added to his retirement annuity, to equal the salary of a judge in active service for the same period or periods of time. Such supplemental pay shall be paid in the same manner as the salary of a judge.

(Added Pub. L. 92-375, § 2, Aug. 10, 1972, 86 Stat. 529; amended Pub. L. 97-164, title I, § 121(f)(1), Apr. 2, 1982, 96 Stat. 35; Pub. L. 99-651, title II, § 202(c), Nov. 14, 1986, 100 Stat. 3648; Pub. L. 102-572, title IX, §§ 902(a), 904(b), Oct. 29, 1992, 106 Stat. 4516, 4517; Pub. L. 106-518, title III, § 308, Nov. 13, 2000, 114 Stat. 2419.)

## AMENDMENTS

2000—Subsec. (a). Pub. L. 106-518 designated existing provisions as par. (1) and added par. (2).

1992—Subsec. (a). Pub. L. 102-572, § 902(a)(1), substituted “United States Court of Federal Claims” for “United States Claims Court”.

Subsec. (b). Pub. L. 102-572, § 902(a)(2), substituted “Court of Federal Claims” for “Claims Court”.

Subsec. (d). Pub. L. 102-572, §§ 902(a)(2), 904(b), substituted “Court of Federal Claims” for “Claims Court”

and struck out “civil service” before “retirement annuity”.

1986—Subsec. (a). Pub. L. 99-651 inserted reference to chapter 84 of title 5.

1982—Pub. L. 97-164 substituted “judges” for “commissioners” in section catchline.

Subsec. (a). Pub. L. 97-164 substituted “Any judge of the United States Claims Court who has retired from regular active service under subchapter III of chapter 83 of title 5 shall be known and designated as a senior judge and may perform duties as a judge when recalled pursuant to subsection (b) of this section” for “Any commissioner who has retired from regular active service under the Civil Service Retirement Act shall be known and designated as a senior commissioner and may perform duties as a commissioner when recalled pursuant to subsection (b) of this section”.

Subsec. (b). Pub. L. 97-164 substituted “The chief judge of the Claims Court may, whenever he deems it advisable, recall any senior judge, with such judge’s consent, to perform such duties as a judge and for such period of time as the chief judge may specify” for “The United States Court of Claims, whenever it deems such action advisable, may recall any senior commissioner, with the latter’s acquiescence, to perform such duties as a commissioner and for such period of time as the court may specify”.

Subsec. (c). Pub. L. 97-164 substituted “Any senior judge performing duties pursuant to this section shall not be counted as a judge for purposes of the number of judgeships authorized by section 171 of this title” for “Any senior commissioner performing duties pursuant to this section shall not be counted as a commissioner for purposes of the number of commissioner positions authorized by section 792 of this title”.

Subsec. (d). Pub. L. 97-164 substituted “judge” for “commissioner” wherever appearing, “Such senior judge” for “He”, and “Claims Court” for “Court of Claims”.

## 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 1986 AMENDMENT

Amendment by Pub. L. 99-651 effective Jan. 1, 1987, see section 203 of Pub. L. 99-651, set out as a note under section 155 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.

**§ 798. Places of holding court; appointment of special masters**

(a) The United States Court of Federal Claims is authorized to use facilities and hold court in Washington, District of Columbia, and throughout the United States (including its territories and possessions) as necessary for compliance with sections 173 and 2503(c) of this title. The facilities of the Federal courts, as well as other comparable facilities administered by the General Services Administration, shall be made available for trials and other proceedings outside of the District of Columbia.

(b) Upon application of a party or upon the judge’s own initiative, and upon a showing that the interests of economy, efficiency, and justice will be served, the chief judge of the Court of Federal Claims may issue an order authorizing a judge of the court to conduct proceedings, including evidentiary hearings and trials, in a foreign country whose laws do not prohibit such

proceedings, except that an interlocutory appeal may be taken from such an order pursuant to section 1292(d)(2) of this title, and the United States Court of Appeals for the Federal Circuit may, in its discretion, consider the appeal.

(c) The chief judge of the Court of Federal Claims may appoint special masters to assist the court in carrying out its functions. Any special masters so appointed shall carry out their responsibilities and be compensated in accordance with procedures set forth in the rules of the court.

(Added Pub. L. 98-620, title IV, §416(a), Nov. 8, 1984, 98 Stat. 3364; amended Pub. L. 102-572, title IX, §§902(a)(2), 906(a), (b), Oct. 29, 1992, 106 Stat. 4516-4518.)

#### AMENDMENTS

1992—Subsec. (a). Pub. L. 102-572, §906(a), amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: “The United States Claims Court is hereby authorized to utilize facilities and hold court in Washington, District of Columbia, and in four locations outside of the Washington, District of Columbia metropolitan area, for the purpose of conducting trials and such other proceedings as may be appropriate to executing the court’s functions. The Director of the Administrative Office of the United States Courts shall designate such locations and provide for such facilities.”

Subsec. (b). Pub. L. 102-572, §906(b)(2), added subsec. (b). Former subsec. (b) redesignated (c).

Subsec. (c). Pub. L. 102-572, §§902(a)(2), 906(b)(1), redesignated former subsec. (b) as (c) and substituted “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.

#### [CHAPTER 53—REPEALED]

#### [§§ 831 to 834. Repealed. Pub. L. 97-164, title I, § 122(a), Apr. 2, 1982, 96 Stat. 36]

Section 831, act June 25, 1948, ch. 646, 62 Stat. 924, authorized Court of Customs and Patent Appeals to appoint a clerk, assistant clerks, stenographic law clerks, clerical assistants, and other necessary employees, and set out duties of clerk.

Section 832, acts June 25, 1948, ch. 646, 62 Stat. 924; May 24, 1949, ch. 139, §76, 63 Stat. 101, authorized Court of Customs and Patent Appeals to appoint a marshal and set out duties of that marshal.

Section 833, act June 25, 1948, ch. 646, 62 Stat. 925, authorized Court of Customs and Patent Appeals to appoint a reporter and set out duties of that reporter.

Section 834, act June 25, 1948, ch. 646, 62 Stat. 925, authorized Court of Customs and Patent Appeals to appoint necessary bailiffs and messengers and set out duties of those bailiffs and messengers.

#### 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.

#### CHAPTER 55—COURT OF INTERNATIONAL TRADE

Sec.	
871.	Clerk, chief deputy clerk, assistant clerk, deputies, assistants, and other employees.
872.	Criers, bailiffs, and messengers.

#### AMENDMENTS

1986—Pub. L. 99-466, §3(b)(3), Oct. 14, 1986, 100 Stat. 1191, struck out item 872 “Marshal and deputy marshals” and redesignated item 873 as 872.

1980—Pub. L. 96-417, title V, §501(16), Oct. 10, 1980, 94 Stat. 1742, substituted in chapter heading “COURT OF INTERNATIONAL TRADE” for “CUSTOMS COURT”.

1959—Pub. L. 86-243, §1, Sept. 9, 1959, 73 Stat. 474, included chief deputy clerk and assistant clerk in item 871, substituted “Marshal and deputy marshals” for “Marshal; appointment” in item 872, and added item 873.

1949—Act May 24, 1949, ch. 139, §77, 63 Stat. 101, inserted “; appointment” in item 872.

#### § 871. Clerk, chief deputy clerk, assistant clerk, deputies, assistants, and other employees

The Court of International Trade may appoint a clerk, a chief deputy clerk, an assistant clerk, deputy clerks, and such deputies, assistants, and other employees as may be necessary for the effective dispatch of the business of the court, who shall be subject to removal by the court.

(June 25, 1948, ch. 646, 62 Stat. 925; Pub. L. 86-243, §1, Sept. 9, 1959, 73 Stat. 474; Pub. L. 96-417, title V, §501(17), Oct. 10, 1980, 94 Stat. 1742.)

#### HISTORICAL AND REVISION NOTES

Based on section 6 of title 19, U.S.C., 1940 ed., Customs Duties (May 4, 1923, ch. 251, §2, 42 Stat. 1453; Jan. 13, 1925, ch. 76, 43 Stat. 748; May 28, 1926, ch. 411, §1, 44 Stat. 669; June 17, 1930, ch. 497, title IV, §§518, 649, 46 Stat. 737, 762).

Section is based on the last two sentences of section 6 of title 19, U.S.C., 1940 ed., which provided for appointment by the Attorney General in conformity with the civil service laws. This and other administrative powers of the Department of Justice with respect to the courts were transferred to the Administrative Office of the United States Courts by section 446 of title 28, U.S.C., 1940 ed., which is section 604 of this title. The revised section vests the power of appointment in the chief judge to conform with section 253 of this title and rules 5 and 22 of the Rules of the Customs Court adopted May 29, 1936.

Changes were made in phraseology.

#### AMENDMENTS

1980—Pub. L. 96-417 redesignated the Customs Court as the Court of International Trade.

1959—Pub. L. 86-243 included chief deputy clerk and assistant clerk in section catchline, transferred the appointing authority from the chief judge to the Customs Court, provided for appointment of a chief deputy clerk, an assistant clerk and deputy clerks and for power of removal and deleted reference to the civil service laws with respect to appointments.

#### 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.

#### SAVINGS PROVISION

Pub. L. 86-243, §4, Sept. 9, 1959, 73 Stat. 474, provided that: “Nothing contained in the amendments made by this Act [enacting section 873 and amending this section and sections 253, 550, and 872 of this title] shall be construed to deprive any person serving on the date of enactment of this Act [Sept. 9, 1959] as an officer or employee of the Customs Court of any rights, privileges, or civil service status, if any, to which such person is entitled under the laws of the United States or regulations thereunder.”

#### § 872. Criers, bailiffs, and messengers

The Court of International Trade may appoint such criers as it may require for said court,