

“(c) The Director may provide for incentive awards for the positions referred to in section 603 of title 28, United States Code, including the Deputy Director, subject to the aggregate pay limitation in subsection (a)(10).

“(d) The Chief Justice of the United States or the Judicial Conference of the United States may grant incentive awards to the Director, except that the Director’s aggregate pay for any fiscal year, including salary and incentive awards, may not exceed the salary of a United States circuit judge. The Chief Justice or the Judicial Conference may authorize application of section 5723 of title 5, United States Code, to the Director.

“(e) The Director may develop and conduct programs to meet the short- and long-range training needs of the agency.

“(f) Notwithstanding any other provision of law, an individual who is an employee of the Administrative Office on the day before the effective date of this section and who, as of that day, was entitled to—

“(1) appeal a reduction in grade or removal to the Merit Systems Protection Board under chapter 43 of title 5, United States Code,

“(2) appeal an adverse action to the Merit Systems Protection Board under chapter 75 of title 5, United States Code, or

“(3) file an appeal with the Equal Employment Opportunity Commission under part 1613 of title 29 of the Code of Federal Regulations,

shall continue to be entitled to file such appeal so long as the individual remains an employee of the Administrative Office, except that this provision shall not apply to employees in positions referred to in section 603 of title 28, United States Code, or in positions of a confidential or policy-determining character referred to in subsection (a)(10).

“(g) Nothing in this Act shall be construed to abolish or diminish any right or remedy granted to employees of or applicants for employment in the Administrative Office by any law prohibiting discrimination in Federal employment on the basis of race, color, religion, age, sex, national origin, political affiliation, marital status, or handicapping condition, except that, with respect to any such employees and applicants for employment, any authority granted under any such law to the Equal Employment Opportunity Commission, the Office of Personnel Management, the Merit Systems Protection Board, or any other agency in the executive branch, shall be exercised by the Administrative Office.

“SEC. 4. NONCOMPETITIVE APPOINTMENTS.

“(a) Notwithstanding any other provision of law, any employee of the Administrative Office who has completed at least 1 year of continuous service under a nontemporary appointment under the personnel system established pursuant to section 3 acquires a competitive status for appointment to any position in the competitive service for which the employee possesses the required qualifications.

“(b) A period of continuous service performed as a nontemporary employee of the Administrative Office immediately before the personnel system under section 3 takes effect shall, for purposes of subsection (a), be treated as if it had been performed under such system.

“SEC. 6. AUTHORIZATION.

“There are authorized to be appropriated for fiscal year 1990 and for each fiscal year thereafter such sums as may be necessary to carry out the provisions of this Act.”

CONTRACT LIMITATIONS

Pub. L. 95-539, §11, Oct. 28, 1978, 92 Stat. 2045, provided that: “Any contracts entered into under this Act or any of the amendments made by this Act [enacting sections 1827 and 1828 of this title, amending this section and sections 603, 604, and 1920 of this title, enacting provisions set out as notes under this section and section 1 of this title, and repealing provisions set out as a note under this section] shall be limited to such extent or in

such amounts as are provided in advance in appropriation Acts.”

EMPLOYMENT OF EXPERTS OR CONSULTANTS; RATES

Pub. L. 86-370, §5(b), Sept. 23, 1959, 73 Stat. 652, authorized the Director of the Administrative Office of the United States Courts to procure the temporary or intermittent services of experts or consultants, prior to repeal by Pub. L. 95-539, §8, Oct. 28, 1978, 92 Stat. 2044.

§ 603. Salaries

The salary of the Director shall be the same as the salary of a district judge. Notwithstanding any other provision of law, the Director shall not be deemed to be an “employee” for the purpose of subchapter I of chapter 63 of title 5. The salary of the Deputy Director shall be 92 percent of the salary of the Director. The salaries of six additional positions shall be fixed by the Director at rates not to exceed the annual rate of basic pay for positions at level IV of the Executive Schedule under section 5315 of title 5.

(June 25, 1948, ch. 646, 62 Stat. 913; Oct. 15, 1949, ch. 695, §§5(b), 6(b), 63 Stat. 881; Oct. 31, 1951, ch. 655, §43(b), 65 Stat. 725; Pub. L. 86-370, §5(a)(1), Sept. 23, 1959, 73 Stat. 652; Pub. L. 88-426, title IV, §403(g), Aug. 14, 1964, 78 Stat. 434; Pub. L. 90-206, title II, §213(d), Dec. 16, 1967, 81 Stat. 635; Pub. L. 95-539, §6, Oct. 28, 1978, 92 Stat. 2044; Pub. L. 100-202, §101(a) [title IV, §409], Dec. 22, 1987, 101 Stat. 1329, 1329-27; Pub. L. 100-459, title IV, §406, Oct. 1, 1988, 102 Stat. 2213; Pub. L. 101-474, §5(b), Oct. 30, 1990, 104 Stat. 1099.)

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., §§444, 445 (Mar. 3, 1911, ch. 231, §§302, 303, as added Aug. 7, 1939, ch. 501, §1, 53 Stat. 1223).

This section consolidates parts of title 28, U.S.C., 1940 ed., §§444, 445. The remainder of said sections are incorporated in sections 601, 602, 606, 607, and 608 of this title.

The figure “\$9,376.50” was substituted for “\$7,500” as the salary of the Assistant Director in conformity with section 934 of title 5, U.S.C., 1940 ed., Executive Departments and Government Officers and Employees.

Changes were made in phraseology.

SENATE REVISION AMENDMENT

The [former] figure, “\$7,500,” with respect to salary of the Assistant Director, was restored by Senate amendment. See 80th Congress Senate Report No. 1559, amendments Nos. 15 and 65.

AMENDMENTS

1990—Pub. L. 101-474 inserted after first sentence “Notwithstanding any other provision of law, the Director shall not be deemed to be an ‘employee’ for the purpose of subchapter I of chapter 63 of title 5. The salary of the Deputy Director shall be 92 percent of the salary of the Director.” and struck out “of the Deputy Director and” after “The salaries”.

1988—Pub. L. 100-459 substituted “six” for “three”.

1987—Pub. L. 100-202 substituted “The salaries of the Deputy Director and of three additional positions shall be fixed by the Director at rates not to exceed the annual rate of basic pay for positions at level IV of the Executive Schedule under section 5315 of title 5” for “The salary of the Deputy Director shall be in the same amount as the annual rate of basic pay for positions at level V of the Executive Schedule under section 5316 of title 5”.

1978—Pub. L. 95-539 struck out provision authorizing the Director to fix the compensation of Administrative Office employees in accordance with the Classification Act of 1949.

1967—Pub. L. 90-206 increased salaries of Director and Deputy Director from \$27,000 and \$26,000 per year to a salary equivalent to a United States district judge and the same amount of basic pay for positions at level V of the Executive Schedule under section 5316 of title 5, respectively.

1964—Pub. L. 88-426 substituted “\$27,000 for “\$15,000 and “\$26,000” for “\$12,500”.

1959—Pub. L. 86-370 substituted “Deputy Director” for “Assistant Director”.

1951—Act Oct. 31, 1951, substituted reference in second paragraph to the Classification Act of 1949 for reference to former Classification Act of 1923.

1949—Act Oct. 15, 1949, increased salaries of Director from \$10,000 to \$15,000 per annum and Assistant Director from \$7,500 to \$12,500 per annum.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-539 effective Oct. 28, 1978, see section 10(a) of Pub. L. 95-539, set out as a note under section 602 of this title.

EFFECTIVE DATE OF 1967 AMENDMENT

Pub. L. 90-206, title II, § 220(a)(3), Dec. 16, 1967, 81 Stat. 639, provided, except as otherwise expressly provided, that: “Sections 213(d) and (e) [amending this section and section 792 of this title], 214(j), (k), (l), (m), and (o) [amending sections 4507 and 4575 of Title 2, The Congress, and section 5533 of Title 5, Government Organization and Employees], 215 [amending sections 5314 to 5316 of Title 5], 217 [amending section 5545 of Title 5], 219 [amending sections 136a and 136a-1 of Title 2, sections 42a and 51a of former Title 31, Money and Finance, sections 162a, 166b, and 166b-1 of former Title 40, Public Buildings, Property, and Works, and section 39a of former Title 44, Public Printing and Documents], and 224(c) [amending material set out as a note under section 102 of Title 3, The President] shall become effective at the beginning of the first pay period which begins on or after the date of enactment of this title [Dec. 16, 1967].”

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(a) of Pub. L. 88-426.

EFFECTIVE DATE OF 1959 AMENDMENT

Amendment by Pub. L. 86-370 effective Sept. 23, 1959, see section 7(a) of Pub. L. 86-370.

EFFECTIVE DATE OF 1949 AMENDMENT

The increased compensation provided for by act Oct. 15, 1949, took effect on first day of first pay period which began after Oct. 15, 1949, see section 9 of act Oct. 15, 1949.

SALARY INCREASES

1987—Salaries of Director and Deputy Director increased respectively to \$89,500 and \$72,500 per annum, on recommendation of the President of the United States, see note set out under section 358 of Title 2, The Congress.

1977—Salaries of Director and Deputy Director increased respectively to \$54,500 and \$48,500 per annum, on recommendation of the President of the United States, see note set out under section 358 of Title 2.

1969—Salaries of Director and Deputy Director increased respectively from \$30,000 and \$28,000 to \$40,000 and \$36,000 per annum, commencing February 14, 1969, on recommendation of the President of the United States, see note set out under section 358 of Title 2.

1967—Pub. L. 90-206, title II, § 213(a), Dec. 16, 1967, 81 Stat. 635, provided that: “The rates of basic compensation of officers and employees in or under the judicial branch of the Government whose rates of compensation are fixed by or pursuant to paragraph (2) of subdivision

of a section 62 of the Bankruptcy Act (11 U.S.C. 102(a)(2)), section 3656 of Title 18, United States Code, the third sentence of section 603, sections 671 to 675, inclusive, or section 604(a)(5), of Title 28, United States Code, insofar as the latter section applies to graded positions, are hereby increased by amounts reflecting the respective applicable increases provided by section 202(a) of this title [amending section 5332(a) of Title 5, Government Organization and Employees] in corresponding rates of compensation for officers and employees subject to section 5332 of Title 5, United States Code. The rates of basic compensation of officers and employees holding ungraded positions and whose salaries are fixed pursuant to such section 604(a)(5) may be increased by the amounts reflecting the respective applicable increases provided by section 202(a) of this title [amending section 5332(a) of Title 5] in corresponding rates of compensation for officers and employees subject to section 5332 of Title 5, United States Code.”

Section 213(a) of Pub. L. 90-206 effective as of beginning of first pay period which begins on or after Oct. 1, 1967, see section 220(a)(2) of Pub. L. 90-206, set out as a note under section 5332 of Title 5.

1966—Pub. L. 89-504, title II, § 202(a), July 18, 1966, 80 Stat. 293, provided that: “The rates of basic compensation of officers and employees in or under the judicial branch of the Government whose rates of compensation are fixed by or pursuant to paragraph (2) of subdivision a of section 62 of the Bankruptcy Act (11 U.S.C. 102(a)(2)), section 3656 of title 18, United States Code, the third sentence of section 603, sections 671 to 675, inclusive, or section 604(a)(5), of title 28, United States Code, insofar as the latter section applies to graded positions, are hereby increased by amounts reflecting the respective applicable increases provided by section 102(a) of title I of this Act [amending section 1113(b) of former Title 5, Executive Departments and Government Officers and Employees] in corresponding rates of compensation for officers and employees subject to the Classification Act of 1949, as amended. The rates of basic compensation of officers and employees holding ungraded positions and whose salaries are fixed pursuant to such section 604(a)(5) may be increased by the amounts reflecting the respective applicable increases provided by section 102(a) of title I of this Act in corresponding rates of compensation for officers and employees subject to the Classification Act of 1949, as amended [chapter 51 and subchapter III of chapter 53 of Title 5, Government Organization and Employees].”

Pub. L. 89-504, title II, § 203, July 18, 1966, 80 Stat. 294, provided that: “This title shall become effective as follows:

“(1) This section and section 201 [enacting provisions set out as a note under section 1 of this title] shall become effective on the date of enactment of this Act [July 18, 1966].

“(2) Section 202 [enacting provisions set out as note above and under sections 604 and 753 of this title] shall become effective on the first day of the first pay period which begins on or after July 1, 1966.”

1965—Pub. L. 89-301, § 12(a), Oct. 29, 1965, 79 Stat. 1121, provided that: “The rates of basic compensation of officers and employees in or under the judicial branch of the Government whose rates of compensation are fixed by or pursuant to paragraph (2) of subdivision a of section 62 of the Bankruptcy Act (11 U.S.C. 102(a)(2)) section 3656 of Title 18, United States Code, the third sentence of section 603, sections 671 to 675, inclusive, or section 604(a)(5), of Title 28, United States Code, insofar as the latter section applies to graded positions, are hereby increased by amounts reflecting the respective applicable increases provided by section 2(a) of this Act [amending section 1113(b) of former Title 5, Executive Departments and Government Officers and Employees] in corresponding rates of compensation for officers and employees subject to the Classification Act of 1949, as amended [chapter 51 and subchapter III of chapter 53 of Title 5, Government Organization and Employees]. The rates of basic compensation of officers and employees holding ungraded positions and whose salaries are fixed

pursuant to such section 604(a)(5) [section 604(a)(5) of this title] may be increased by the amounts reflecting the respective applicable increases provided by section 2(a) of this Act in corresponding rates of compensation for officers and employees subject to the Classification Act of 1949, as amended [chapter 51 and subchapter III of chapter 53 of Title 5].”

1964—Pub. L. 88-426, title IV, §402(a), Aug. 14, 1964, 78 Stat. 433, provided that: “The rates of basic compensation of officers and employees in or under the judicial branch of the Government whose rates of compensation are fixed by or pursuant to paragraph (2) of subdivision a of section 62 of the Bankruptcy Act (11 U.S.C. 102(a)(2)), section 3656 of title 18, United States Code, the third sentence of section 603, sections 672 to 675, inclusive, or section 604(a)(5), of title 28, United States Code, insofar as the latter section applies to graded positions, are hereby increased by amounts reflecting the respective applicable increases provided by title I of this Act in corresponding rates of compensation for officers and employees subject to the Classification Act of 1949, as amended [chapter 51 and subchapter III of chapter 53 of Title 5, Government Organization and Employees]. The rates of basic compensation of officers and employees holding ungraded positions and whose salaries are fixed pursuant to section 604(a)(5) [section 604(a)(5) of this title] may be increased by the amounts reflecting the respective applicable increases provided by title I of this Act in corresponding rates of compensation for officers and employees subject to the Classification Act of 1949, as amended [chapter 51 and subchapter III of chapter 53 of Title 5].”

1962—Pub. L. 87-793, title VI, §1004(a), Oct. 11, 1962, 76 Stat. 866, provided that: “The rates of basic compensation of officers and employees in or under the judicial branch of the Government whose rates of compensation are fixed by or pursuant to paragraph (2) of subdivision a of section 62 of the Bankruptcy Act (11 U.S.C. 102(a)(2)), section 3656 of title 18 of the United States Code, the third sentence of section 603, section 604(a)(5), or section 672 to 675 inclusive, of title 28 of the United States Code, or section 107(a)(6) of the Act of July 31, 1956, as amended (5 U.S.C. 2206(a)(6)) [section 2206(a)(b) of former Title 5, Executive Departments and Government Officers and Employees], are hereby increased by two amounts, the first amount to be effective for the period beginning as of the first day of the first pay period which begins on or after the date of enactment of this Act [Oct 11, 1962], and ending immediately prior to the first day of the first pay period which begins on or after January 1, 1964, and the second amount to be effective on the first day of the first pay period which begins on or after January 1, 1964, and thereafter, which reflect the respective applicable increases provided by title II of this part in corresponding rates of compensation for officers and employees subject to the Classification Act of 1949, as amended [chapter 51 and subchapter III of chapter 53 of Title 5, Government Organization and Employees].”

1960—Pub. L. 86-568, title I, §116(a), July 1, 1960, 74 Stat. 303, provided that: “The rates of basic compensation of officers and employees in or under the judicial branch of the Government whose rates of compensation are fixed by or pursuant to paragraph (2) of subdivision a of section 62 of the Bankruptcy Act (11 U.S.C. 102(a)(2)), section 3656 of title 18 of the United States Code, the third sentence of section 603, section 604(a)(5), or sections 672 to 675, inclusive, of title 28 of the United States Code, or section 107(a)(6) of the Act of July 31, 1956, as amended (5 U.S.C. 2206(a)(6)), are hereby increased by amounts equal to the increases provided by section 612 [112] of this part [amending former section 1113(b) of Title 5] in corresponding rates of compensation paid to officers and employees subject to the Classification Act of 1949, as amended [chapter 51 and subchapter III of chapter 53 of Title 5, Government Organization and Employees].”

Pub. L. 87-367, title III, §302(d), Oct. 4, 1961, 75 Stat. 793, provided that: “On and after the effective date of this subsection, section 116(a) of the Federal Employees

Salary Increase Act of 1960 (Part B of the Act of July 1, 1960; 74 Stat. 303; Public Law 86-568) [set out as a note above] shall not be applicable with respect to the Deputy Director of the Administrative Office of the United States Courts.”

1958—Pub. L. 85-462, §3(a), June 20, 1958, 72 Stat. 207, provided that: “The rates of basic compensation of officers and employees in or under the judicial branch of the Government whose rates of compensation are fixed pursuant to paragraph (2) of subdivision a of section 62 of the Bankruptcy Act (11 U.S.C. (a)(2)), section 3656 of title 18 of the United States Code, the third sentence of section 603, section 604(a)(5), or sections 672 to 675 inclusive, of title 28 of the United States Code are hereby increased by amounts equal to the increases provided by section 2 of this Act in corresponding rates of compensation paid to officers and employees subject to the Classification Act of 1949, as amended [chapter 51 and subchapter III of chapter 53 of Title 5, Government Organization and Employees].”

Section 2 of this Act, referred to above, amended section 1113(b) of former Title 5, Executive Departments and Government Officers and Employees, to increase compensation rates.

1955—Act June 28, 1955, ch. 189, §3(a), 69 Stat. 175, provided that: “The rates of basic compensation of officers and employees in or under the judicial branch of the Government whose rates of compensation are fixed pursuant to paragraph (2) of subdivision a of section 62 of the Bankruptcy Act (11 U.S.C., sec. 102(a)(2)), section 3656 of title 18 of the United States Code, the second and third sentences of section 603, section 604(a)(5), or sections 672 to 675, inclusive, of title 28 of the United States Code are hereby increased by amounts equal to the increases provided by section 2 of this Act in corresponding rates of compensation paid to officers and employees subject to the Classification Act of 1949, as amended [chapter 51 and subchapter III of chapter 53 of Title 5, Government Organization and Employees].”

1951—Act Oct. 24, 1951, ch. 554, §1(c), 65 Stat. 613, provided that: “The rates of basic compensation of officers and employees in or under the judicial branch of the Government whose rates of compensation are fixed pursuant to section 62(2) of the Bankruptcy Act (11 U.S.C. §102(a)(2)), section 3656 of title 18 of the United States Code the second and third sentences of section 603, section 604(5), or sections 672 to 675, inclusive, of title 28 of the United States Code, or who are appointed pursuant to section 792(b) of title 28 of the United States Code, are hereby increased by amounts equal to the increases provided by subsections (a) and (b) in corresponding rates of compensation paid to officers and employees subject to the Classification Act of 1949 [chapter 51 and subchapter III of chapter 53 of Title 5, Government Organization and Employees].”

REFERENCE TO ASSISTANT DIRECTOR DEEMED REFERENCE TO DEPUTY DIRECTOR

References in any other law to Assistant Director of the Administrative Office of the United States Courts deemed to be reference to the Deputy Director of the Administrative Office of the United States Courts, see note set out under section 601 of this title.

§ 604. Duties of Director generally

(a) The Director shall be the administrative officer of the courts, and under the supervision and direction of the Judicial Conference of the United States, shall:

(1) Supervise all administrative matters relating to the offices of clerks and other clerical and administrative personnel of the courts;

(2) Examine the state of the dockets of the courts; secure information as to the courts' need of assistance; prepare and transmit semi-annually to the chief judges of the circuits, statistical data and reports as to the business of the courts;