

§ 794. Law clerks and secretaries

The judges of the United States Court of Federal Claims may appoint necessary law clerks and secretaries, in such numbers as the Judicial Conference of the United States may approve for district judges, subject to any limitation of the aggregate salaries of such employees which may be imposed by law. A law clerk appointed under this section shall be exempt from the provisions of subchapter I of chapter 63 of title 5, unless specifically included by the appointing judge or by local rule of court.

(June 25, 1948, ch. 646, 62 Stat. 924; Pub. L. 97-164, title I, §121(c)(1), Apr. 2, 1982, 96 Stat. 34; Pub. L. 100-702, title X, §1003(a)(3), Nov. 19, 1988, 102 Stat. 4665; Pub. L. 102-572, title IX, §§902(a)(1), 905, Oct. 29, 1992, 106 Stat. 4516, 4517.)

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., §270 (Feb. 24, 1925, ch. 301, §2, 43 Stat. 965; May 29, 1928, ch. 852, §711, 45 Stat. 882; June 23, 1930, ch. 573, §1, 46 Stat. 799; Oct. 16, 1941, ch. 443, 55 Stat. 741).

The first sentence of the revised section makes express provision for appointment of stenographers and necessary clerical employees.

Other provisions of section 270 of title 28, U.S.C., 1940 ed., are incorporated in sections 456 and 792 of this title.

Specific provision for \$5 per diem for stenographers is omitted as unnecessary and inconsistent with section 962 of this title. Travel and subsistence allowances of Government employees are governed by sections 822-833 of title 5, U.S.C., 1940 ed., Executive Departments and Government Officers and Employees.

Changes were made in phraseology.

AMENDMENTS

1992—Pub. L. 102-572 substituted “United States Court of Federal Claims” for “United States Claims Court” and inserted “for district judges” after “may approve” in first sentence.

1988—Pub. L. 100-702 inserted at end “A law clerk appointed under this section shall be exempt from the provisions of subchapter I of chapter 63 of title 5, unless specifically included by the appointing judge or by local rule of court.”

1982—Pub. L. 97-164 substituted “Law clerks and secretaries” for “Stenographers and clerical employees” as section catchline and, in text, substituted “The judges of the United States Claims Court may appoint necessary law clerks and secretaries, in such numbers as the Judicial Conference of the United States may approve, subject to any limitation of the aggregate salaries of such employees which may be imposed by law” for “The Court of Claims shall appoint stenographers and other clerical employees in such numbers as may be necessary each of whom shall be subject to removal by the 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 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.

§ 795. Bailiffs and messengers

The chief judge of¹ United States Court of Federal Claims, with the approval of the court,

may appoint necessary bailiffs and messengers, in such numbers as the Director of the Administrative Office of the United States Courts may approve, each of whom shall be subject to removal by the chief judge, with the approval of the court.

(June 25, 1948, ch. 646, 62 Stat. 924; Pub. L. 97-164, title I, §121(d)(1), Apr. 2, 1982, 96 Stat. 35; Pub. L. 102-572, title IX, §902(a)(1), Oct. 29, 1992, 106 Stat. 4516.)

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., §244 (Mar. 3, 1911, ch. 231, §139, 36 Stat. 1136).

The provision in section 244 of title 28, U.S.C., 1940 ed., that the bailiff should serve 4 years unless sooner removed by the court for cause, was changed by omitting the 4-year tenure and removal “for cause” requirement. As revised this section conforms with sections relating to the similar court officers.

Term “chief messenger” in section 244 of title 28, U.S.C., 1940 ed., was changed to “messenger” as the court has but one messenger.

A provision of section 244 of title 28, U.S.C., 1940 ed., providing for appointment of a clerk and assistant is incorporated in section 791 of this title, and a provision thereof, relating to powers and duties of the clerk, his deputies and assistants, is incorporated in section 956 of this title.

The second paragraph was added to conform with sections 713, 755, and 834 of this title.

Changes were made in phraseology.

AMENDMENTS

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

1982—Pub. L. 97-164 substituted “Bailiffs and messengers” for “Bailiff and messenger” in section catchline and, in text, substituted “The chief judge of United States Claims Court, with the approval of the court, may appoint necessary bailiffs and messengers, in such numbers as the Director of the Administrative Office of the United States Courts may approve, each of whom shall be subject to removal by the chief judge, with the approval of the court” for “The Court of Claims may appoint a bailiff and a messenger who shall be subject to removal by the court” and struck out provision that the bailiff attend the court, preserve order, and perform such other necessary duties as the court might direct.

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.

§ 796. Reporting of court proceedings

Subject to the approval of the United States Court of Federal Claims, the Director of the Administrative Office of the United States Courts is authorized to contract for the reporting of all proceedings had in open court, and in such contract to fix the terms and conditions under which such reporting services shall be performed, including the terms and conditions under which transcripts shall be supplied by the contractor to the court and to other persons, departments, and agencies.

(Added Pub. L. 91-272, §15(a), June 2, 1970, 84 Stat. 298; amended Pub. L. 97-164, title I, §121(e),

¹ So in original. Probably should be “of the”.

Apr. 2, 1982, 96 Stat. 35; Pub. L. 102-572, title IX, § 902(a)(1), Oct. 29, 1992, 106 Stat. 4516.)

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