

1967—Pub. L. 90-219, title II, §204, Dec. 20, 1967, 81 Stat. 669, added item for chapter 42.

CHANGE OF NAME

“United States Magistrate Judges” substituted for “United States Magistrates” in item for chapter 43 pursuant to section 321 of Pub. L. 101-650, set out as a note under section 631 of this title.

CHAPTER 41—ADMINISTRATIVE OFFICE OF UNITED STATES COURTS

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AMENDMENTS

2000—Pub. L. 106-518, title III, §304(b), Nov. 13, 2000, 114 Stat. 2418, added item 613.

1989—Pub. L. 101-162, title IV, §404(b)(2), Nov. 21, 1989, 103 Stat. 1015, added item 612.

1967—Pub. L. 90-219, title II, §201(b), Dec. 20, 1967, 81 Stat. 668, added item 611.

1959—Pub. L. 86-370, §5(a)(2), Sept. 23, 1959, 73 Stat. 652, substituted “Deputy Director” for “Assistant Director” in items 601 and 606.

1949—Act May 24, 1949, ch. 139, §72a, 63 Stat. 100, inserted an apostrophe after “Courts” and struck out comma after “Courts” in item 609.

§ 601. Creation; Director and Deputy Director

The Administrative Office of the United States Courts shall be maintained at the seat of government. It shall be supervised by a Director and a Deputy Director appointed and subject to removal by the Chief Justice of the United States, after consulting with the Judicial Conference. The Director and Deputy Director shall be deemed to be officers for purposes of title 5, United States Code.

(June 25, 1948, ch. 646, 62 Stat. 913; Pub. L. 86-370, §5(a)(1), Sept. 23, 1959, 73 Stat. 652; Pub. L. 101-650, title III, §307, Dec. 1, 1990, 104 Stat. 5112; Pub. L. 104-317, title VI, §602, Oct. 19, 1996, 110 Stat. 3857.)

HISTORICAL AND REVISION NOTES

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

This section contains part of section 444 of title 28, U.S.C., 1940 ed. The remainder of said section 444 is incorporated in sections 603, 606 and 608 of this title.

Changes were made in phraseology.

AMENDMENTS

1996—Pub. L. 104-317 inserted at end “The Director and Deputy Director shall be deemed to be officers for purposes of title 5, United States Code.”

1990—Pub. L. 101-650 substituted “Chief Justice of the United States, after consulting with the Judicial Conference” for “Supreme Court”.

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

¹Section catchline amended by Pub. L. 104-106 without corresponding amendment of chapter analysis.

EFFECTIVE DATE OF 1959 AMENDMENT

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

VETERANS' PREFERENCE IN JUDICIAL BRANCH APPOINTMENTS

Pub. L. 105-339, §4(d), Oct. 31, 1998, 112 Stat. 3186, provided that:

“(1) IN GENERAL.—Subject to paragraphs (2) and (3), the Judicial Conference of the United States shall prescribe procedures to provide for—

“(A) veterans' preference in the consideration of applicants for employment, and in the conduct of any reductions in force, within the judicial branch; and

“(B) redress for alleged violations of any rights provided for under subparagraph (A).

“(2) PROCEDURES.—Under the procedures, a preference eligible (as defined by section 2108 of title 5, United States Code) shall be afforded preferences in a manner and to the extent consistent with preferences afforded to preference eligibles in the executive branch.

“(3) EXCLUSIONS.—Nothing in the procedures shall apply with respect to an applicant or employee—

“(A) whose appointment is made by the President with the advice and consent of the Senate;

“(B) whose appointment is as a judicial officer;

“(C) whose appointment is required by statute to be made by or with the approval of a court or judicial officer; or

“(D) whose appointment is to a position, the duties of which are equivalent to those of a Senior Executive Service position (within the meaning of section 3132(a)(2) of title 5, United States Code).

“(4) DEFINITIONS.—For purposes of this subsection, the term ‘judicial officer’ means a justice, judge, or magistrate judge listed in subparagraph (A), (B), (F), or (G) of section 376(a)(1) of title 28, United States Code.

“(5) SUBMISSION TO CONGRESS; EFFECTIVE DATE.—

“(A) SUBMISSION TO CONGRESS.—Not later than 12 months after the date of enactment of this Act [Oct. 31, 1998], the Judicial Conference of the United States shall submit a copy of the procedures prescribed under this subsection to the Committee on Government Reform and Oversight [now Committee on Oversight and Government Reform] and the Committee on the Judiciary of the House of Representatives and the Committee on Governmental Affairs [now Committee on Homeland Security and Governmental Affairs] and the Committee on the Judiciary of the Senate.

“(B) EFFECTIVE DATE.—The procedures prescribed under this subsection shall take effect 13 months after the date of enactment of this Act.”

REFERENCE TO ASSISTANT DIRECTOR DEEMED

REFERENCE TO DEPUTY DIRECTOR

Pub. L. 86-370, §5(a)(4), Sept. 23, 1959, 73 Stat. 652, provided that: “Whenever the Assistant Director of the Administrative Office of the United States Courts is referred to in any other law, such reference shall be deemed to be to the Deputy Director of the Administrative Office of the United States Courts.”

CONTINUATION OF LAW EXISTING ON SEPT. 1, 1948

Act June 25, 1948, ch. 646, §2(b), 62 Stat. 985, provided that: “The provisions of title 28, Judiciary and Judicial Procedure, of the United States Code, set out in section 1 of this Act, with respect to the organization of each of the several courts therein provided for and of the Administrative Office of the United States Courts, shall be construed as continuations of existing law, and the tenure of the judges, officers, and employees thereof and of the United States attorneys and marshals and their deputies and assistants, in office on the effective date of this Act [Sept. 1, 1948], shall not be affected by its enactment, but each of them shall continue to serve in the same capacity under the appropriate provisions of title 28, as set out in section 1 of this Act, pursuant to his prior appointment: *Provided, however,* That each circuit court of appeals shall, as in said title 28 set out,

hereafter be known as a United States court of appeals. No loss of rights, interruption of jurisdiction, or prejudice to matters pending in any of such courts on the effective date of this Act shall result from its enactment.”

§ 602. Employees

(a) The Director shall appoint and fix the compensation of necessary employees of the Administrative Office in accordance with the Administrative Office of the United States Courts Personnel Act of 1990.

(b) Notwithstanding any other law, the Director may appoint certified interpreters in accordance with section 604(a)(16)(B) of this title without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, relating to classification and General Schedule pay rates, but the compensation of any person appointed under this subsection shall not exceed the appropriate equivalent of the highest rate of pay payable for the highest grade established in the General Schedule, section 5332 of title 5.

(c) The Director may obtain personal services as authorized by section 3109 of title 5, at rates not to exceed the appropriate equivalent of the highest rate of pay payable for the highest grade established in the General Schedule, section 5332 of title 5.

(d) All functions of other officers and employees of the Administrative Office and all functions of organizational units of the Administrative Office are vested in the Director. The Director may delegate any of the Director's functions, powers, duties, and authority (except the authority to promulgate rules and regulations) to such officers and employees of the judicial branch of Government as the Director may designate, and subject to such terms and conditions as the Director may consider appropriate; and may authorize the successive redelegation of such functions, powers, duties, and authority as the Director may deem desirable. All official acts performed by such officers and employees shall have the same force and effect as though performed by the Director in person.

(June 25, 1948, ch. 646, 62 Stat. 913; Pub. L. 95-539, § 5, Oct. 28, 1978, 92 Stat. 2044; Pub. L. 101-474, § 5(a), (q), Oct. 30, 1990, 104 Stat. 1099, 1101; Pub. L. 101-650, title III, § 325(b)(4), Dec. 1, 1990, 104 Stat. 5121.)

HISTORICAL AND REVISION NOTES

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

This section contains provisions in section 445 of title 28, U.S.C., 1940 ed., for appointment of employees.

Words “with the approval of the Supreme Court” were omitted to relieve the court of the burden of approving appointments which in practice should properly be made by the Director under the supervision of the Judicial Conference of the United States.

The remainder of section 445 of title 28, U.S.C., 1940 ed., is incorporated in sections 603 and 607 of this title. Changes were made in phraseology.

REFERENCES IN TEXT

The Administrative Office of the United States Courts Personnel Act of 1990, referred to in subsec. (a), is Pub. L. 101-474, Oct. 30, 1990, 104 Stat. 1097, which amended this section and sections 603 and 604 of this title and sections 2301, 2302, 4301, 4501, 4701, 5102, 5108,

5349, 5595, 5596, 8331, 8347, 8401, and 8402 of Title 5, Government Organization and Employees, and enacted provisions set out below. For complete classification of this Act to the Code, see Tables.

AMENDMENTS

1990—Subsec. (a). Pub. L. 101-474, § 5(a), amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: “The Director shall appoint and fix the compensation of necessary employees of the Administrative Office in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of title 5, relating to classification and General Schedule pay rates.”

Subsec. (b). Pub. L. 101-474, § 5(q), and Pub. L. 101-650 amended subsec. (b) identically, substituting “604(a)(16)(B)” for “604(a)(15)(B)”.

1978—Pub. L. 95-539, among other changes, substituted provision authorizing the Director to appoint and fix the compensation of necessary employees in accordance with chapter 51 and subchapter III of chapter 53 of title 5 for provision authorizing the Director, subject to the provisions of the civil service laws, to appoint necessary employees for the Administrative Office and inserted provisions relating to appointing and fixing the compensation of certified interpreters, to obtaining personal services as authorized by section 3109 of title 5, and to transferring to the Director all of the functions of the officers and employees of the Administrative Office and all the functions of the organizational units of the Administrative Office with power in the Director to delegate his authority.

EFFECTIVE DATE OF 1978 AMENDMENT

Pub. L. 95-539, § 10, Oct. 28, 1978, 92 Stat. 2045, provided that:

“(a) Except as provided in subsection (b), this Act [enacting section 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 take effect on the date of the enactment of this Act [Oct. 28, 1978].

“(b) Section 2 of this Act [enacting sections 1827 and 1828 of this title] shall take effect ninety days after the date of the enactment of this Act [Oct. 28, 1978].”

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

References in laws to the rates of pay for GS-16, 17, or 18, or to maximum rates of pay under the General Schedule, to be considered references to rates payable under specified sections of Title 5, Government Organization and Employees, see section 529 [title I, § 101(c)(1)] of Pub. L. 101-509, set out in a note under section 5376 of Title 5.

ADMINISTRATIVE OFFICE OF UNITED STATES COURTS PERSONNEL

Pub. L. 101-474, §§ 1-4, 6, Oct. 30, 1990, 104 Stat. 1097-1099, 1101, provided that:

“SECTION 1. SHORT TITLE.

“This Act [see References in Text note above and Tables for classification] may be cited as the ‘Administrative Office of the United States Courts Personnel Act of 1990’.

“SEC. 2. GENERAL PERSONNEL AUTHORITY.

“The Director of the Administrative Office of the United States Courts (hereinafter in this Act referred to as the ‘Director’) may appoint, fix the compensation of, assign, and direct such personnel as the Director determines necessary to discharge the duties and functions of the Administrative Office.

“SEC. 3. ESTABLISHMENT OF PERSONNEL MANAGEMENT SYSTEM.

“(a) The Director shall, by regulation, establish a personnel management system for the Administrative Office which provides for the appointment, pay, pro-