

§ 599B. Personnel Management demonstration<sup>1</sup> project<sup>1</sup>

Notwithstanding any other provision of law, the Personnel Management Demonstration Project established under section 102 of title I of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act for Fiscal Year 1999 (Public Law 105-277; 122<sup>2</sup> Stat. 2681-585) shall be transferred to the Attorney General of the United States for continued use by the Bureau of Alcohol, Tobacco, Firearms, and Explosives, Department of Justice, and the Secretary of the Treasury for continued use by the Tax and Trade Bureau.

(Added and amended Pub. L. 109-162, title XI, §1187(b), (c)(2), Jan. 5, 2006, 119 Stat. 3127, 3128.)

REFERENCES IN TEXT

Section 102 of title I of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act for Fiscal Year 1999, referred to in text, probably means section 102 of title I of div. C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999, Pub. L. 105-277, which amended section 122 of Pub. L. 105-119, classified as a note under section 3104 of Title 5, Government Organization and Employees.

CODIFICATION

The text of section 1115 of Pub. L. 107-296, formerly classified as section 533 of Title 6, Domestic Security, which was transferred to this chapter, redesignated as this section, and amended by Pub. L. 109-162, §1187(b), (c)(2), was based on Pub. L. 107-296, title XI, §1115, Nov. 25, 2002, 116 Stat. 2280.

AMENDMENTS

2006—Pub. L. 109-162 transferred section 1115 of Pub. L. 107-296 to this chapter, redesignated it as this section, and substituted “demonstration project” for “Demonstration Project” in the section catchline. See Codification note above.

PART III—COURT OFFICERS AND EMPLOYEES

Table with 2 columns: Chap. and Sec. listing sections 41 through 58 including Administrative Office of United States Courts, Federal Judicial Center, United States Magistrate Judges, Alternative Dispute Resolution, Supreme Court, Courts of Appeals, District Courts, United States Court of Federal Claims, Repealed, Court of International Trade, General Provisions Applicable to Court Officers and Employees, and United States Sentencing Commission.

SENATE REVISION AMENDMENT

Chapter 59 was renumbered as Chapter 57 but without change in its section numbers, by Senate amendment. See 80th Congress Senate Report No. 1559.

AMENDMENTS

1998—Pub. L. 105-315, §12(b)(3), Oct. 30, 1998, 112 Stat. 2998, substituted “Alternative Dispute Resolution” for “Arbitration” as item for chapter 44.

<sup>1</sup> So in original. Probably should be capitalized.
<sup>2</sup> So in original. Probably should be “112”.

1992—Pub. L. 102-572, title IX, §902(b)(1), Oct. 29, 1992, 106 Stat. 4516, substituted “United States Court of Federal Claims” for “United States Claims Court” as item for chapter 51.

1988—Pub. L. 100-702, title IX, §901(b), Nov. 19, 1988, 102 Stat. 4663, added item for chapter 44.

1984—Pub. L. 98-473, title II, §217(b), Oct. 12, 1984, 98 Stat. 2026, added item for chapter 58, effective on the first day of the first calendar month beginning twenty-four months after Oct. 12, 1984 (Nov. 1, 1986).

1982—Pub. L. 97-164, title I, §121(g)(1), Apr. 2, 1982, 96 Stat. 35, substituted “United States Claims Court” for “Court of Claims” as item for chapter 51.

Pub. L. 97-164, title I, §122(a), Apr. 2, 1982, 96 Stat. 36, struck out item for chapter 53.

1980—Pub. L. 96-417, title V, §501(13), Oct. 10, 1980, 94 Stat. 1742, substituted “Court of International Trade” for “Customs Court” as item for chapter 55.

1978—Pub. L. 95-598, title II, §233(b), Nov. 6, 1978, 92 Stat. 2667, directed the addition of item for chapter 50, “Bankruptcy Courts”, which amendment did not become effective pursuant to section 402(b) of Pub. L. 95-598, as amended, set out as an Effective Date note preceding section 101 of Title 11, Bankruptcy.

1968—Pub. L. 90-578, title I, §102(a), Oct. 17, 1968, 82 Stat. 1114, substituted “United States Magistrates” for “United States Commissioners” as item for chapter 43.

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

Table with 2 columns: Sec. and Description listing sections 601 through 613 including Creation; Director and Deputy Director, Employees, Salaries, Duties of Director generally, Budget estimates, Duties of Deputy Director, Practice of law prohibited, Seal, Courts' appointive power unaffected, Courts defined, Retirement of Director, Judiciary Automation Fund, and Disbursing and certifying officers.

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 Con-

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

ference. 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”.

#### 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,