

staff” and “chapter 84 (relating to the Federal Employees’ Retirement System),” after “(relating to civil service retirement),”.

1988—Subsec. (b). Pub. L. 100-702, §1006(a)(2), amended provisions after “*Provided, however,*” generally. Prior to amendment, those provisions read as follows: “That the Director, upon written notice filed with the Director of the Administrative Office of the United States Courts within six months after the date on which he takes office, may waive coverage under subchapter III of chapter 83 of title 5, United States Code (relating to civil service retirement), and elect coverage under the retirement and disability provisions of this section: *And provided further,* That upon his non-retirement separation from the Federal Judicial Center, such waiver and election shall not operate to foreclose to the Director such opportunity as the law may provide to secure civil service retirement credit for service as Director by depositing with interest the amount required by section 8334 of title 5, United States Code.”

Subsec. (f). Pub. L. 100-702, §1004(a), added subsec. (f).

#### EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by section 1004(a) of Pub. L. 100-702 applicable to cost-of-living increases that go into effect on or after Nov. 19, 1988, with respect to any annuity being paid or becoming payable on or after such date, see section 1004(b) of Pub. L. 100-702, set out as a note under section 611 of this title.

Amendment by section 1006(a)(2) of Pub. L. 100-702 applicable to persons holding offices of Director of the Administrative Office of the United States Courts, Director of the Federal Judicial Center, and Administrative Assistant to the Chief Justice on Nov. 19, 1988, see section 1006(b) of Pub. L. 100-702, set out as a note under section 611 of this title.

### § 628. Appropriations and accounting

There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this chapter. The Administrative Office of the United States Courts shall provide accounting, disbursing, auditing, and other fiscal services for the Federal Judicial Center.

(Added Pub. L. 90-219, title I, §101, Dec. 20, 1967, 81 Stat. 667.)

### § 629. Federal Judicial Center Foundation

(a) There is established a private nonprofit corporation which shall be known as the Federal Judicial Center Foundation (hereafter in this section referred to as the “Foundation”) and which shall be incorporated in the District of Columbia. The purpose of the Foundation shall be to have sole authority to accept and receive gifts of real and personal property and services made for the purpose of aiding or facilitating the work of the Federal Judicial Center. The Foundation shall not accept conditional or otherwise restricted gifts, except gifts that are designated for the support of specific projects previously approved by the Board of the Center may be accepted. The Foundation shall have no authority to administer or otherwise determine the use of gifts accepted under this section.

(b) The business of the Foundation shall be conducted by a Board that shall have seven members, including a chairman. Three members, including the chairman, shall be appointed by the Chief Justice of the United States, two by the President Pro Tempore of the Senate, and two by the Speaker of the House of Representatives. The term of office of each member of the

Board shall be 5 years, except that the initial terms shall be 5 years for the chairman, one member appointed by the President Pro Tempore and one member appointed by the Speaker, 3 years for the other member appointed by the President Pro Tempore and the other member appointed by the Speaker, and two years for the two other members appointed by the Chief Justice. Members of the Board shall serve without compensation but, upon authorization of the Director of the Center, shall be reimbursed by the Federal Judicial Center for actual and necessary expenses incurred in the performance of their official duties. No person who is a Federal or State judge in regular active service or otherwise eligible to perform judicial duties shall be eligible for membership on the Board. The Center shall provide all administrative support and facilities necessary for the operation of the Board.

(c) The Federal Judicial Center is authorized to administer and use gifts received by the Foundation under this section. The gifts shall be used to further the goals of the Center as determined by the Board of the Center.

(d) Gifts of money and proceeds from sales of other property received as gifts shall be deposited in a separate fund in the Treasury of the United States and disbursed on the order of the Director of the Center, in accordance with policies established by the Board of the Center.

(e) The Board of the Foundation shall, not later than October 1 of each year, submit to the Committees on the Judiciary of the United States Senate and House of Representatives a report with respect to gifts received under this section during the preceding 12-month period, including the source of each such gift, the amount of each gift of cash or cash equivalent, and a description of any other gift. The Center shall include in its annual report of the activities of the Center under section 623(a)(3) a description of the purposes for which gifts were used during the year covered by the report.

(f) For the purpose of Federal income, estate, and gift taxes, property accepted under this section shall be considered as a gift or bequest to or for the use of the United States.

(Added Pub. L. 100-702, title III, §301(a), Nov. 19, 1988, 102 Stat. 4646.)

#### PRIOR PROVISIONS

A prior section 629, added Pub. L. 90-219, title I, §101, Dec. 20, 1967, 81 Stat. 667, related to organization provisions for the Board, prior to repeal by Pub. L. 95-598, title II, §230(1), Nov. 6, 1978, 92 Stat. 2665, effective Nov. 6, 1978.

### CHAPTER 43—UNITED STATES MAGISTRATE JUDGES

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631.	Appointment and tenure.
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Sec.

## AMENDMENTS

1972—Pub. L. 92-239, § 3, Mar. 1, 1972, 86 Stat. 47, substituted “Jurisdiction, powers, and temporary assignment” for “Jurisdiction and powers” in item 636.

1968—Pub. L. 90-578, title I, § 101, Oct. 17, 1968, 82 Stat. 1108, substituted “MAGISTRATES” for “COMMISSIONERS” in chapter heading, and “Character of service” for “Park commissioners; jurisdiction and powers; procedure” in item 632, “Determination of number, locations, and salaries of magistrates” for “Fees and expenses” in item 633, “Compensation” for “Salaries of park commissioners; disposition of fees” in item 634, “Expenses” for “Park commissioners; residence” in item 635, “Jurisdiction and powers” for “Accounts” in item 636, “Training” for “Oaths, acknowledgments, affidavits and depositions” in item 637, “Dockets and forms; United States Code; seals” for “Seals” in item 638, and “Definitions” for “Dockets and forms; United States Code” in item 639.

1954—Act Aug. 13, 1954, ch. 728, § 1(c), 68 Stat. 704, inserted “and expenses” after “Fees” in item 633.

## CHANGE OF NAME

“UNITED STATES MAGISTRATE JUDGES” substituted for “UNITED STATES MAGISTRATES” in chapter heading and “magistrate judges” substituted for “magistrates” in item 633 pursuant to section 321 of Pub. L. 101-650, set out as a note under section 631 of this title.

**§ 631. Appointment and tenure**

(a) The judges of each United States district court and the district courts of the Virgin Islands, Guam, and the Northern Mariana Islands shall appoint United States magistrate judges in such numbers and to serve at such locations within the judicial districts as the Judicial Conference may determine under this chapter. In the case of a magistrate judge appointed by the district court of the Virgin Islands, Guam, or the Northern Mariana Islands, this chapter shall apply as though the court appointing such a magistrate judge were a United States district court. Where there is more than one judge of a district court, the appointment, whether an original appointment or a reappointment, shall be by the concurrence of a majority of all the judges of such district court, and when there is no such concurrence, then by the chief judge. Where the conference deems it desirable, a magistrate judge may be designated to serve in one or more districts adjoining the district for which he is appointed. Such a designation shall be made by the concurrence of a majority of the judges of each of the district courts involved and shall specify the duties to be performed by the magistrate judge in the adjoining district or districts.

(b) No individual may be appointed or reappointed to serve as a magistrate judge under this chapter unless:

(1) He has been for at least five years a member in good standing of the bar of the highest court of a State, the District of Columbia, the Commonwealth of Puerto Rico, the Territory of Guam, the Commonwealth of the Northern Mariana Islands, or the Virgin Islands of the United States, except that an individual who does not meet the bar membership requirements of this paragraph may be appointed and serve as a part-time magistrate judge if the appointing court or courts and the conference find that no qualified

individual who is a member of the bar is available to serve at a specific location;

(2) He is determined by the appointing district court or courts to be competent to perform the duties of the office;

(3) In the case of an individual appointed to serve in a national park, he resides within the exterior boundaries of that park, or at some place reasonably adjacent thereto;

(4) He is not related by blood or marriage to a judge of the appointing court or courts at the time of his initial appointment; and

(5) He is selected pursuant to standards and procedures promulgated by the Judicial Conference of the United States. Such standards and procedures shall contain provision for public notice of all vacancies in magistrate judge positions and for the establishment by the district courts of merit selection panels, composed of residents of the individual judicial districts, to assist the courts in identifying and recommending persons who are best qualified to fill such positions.

(c) A magistrate judge may hold no other civil or military office or employment under the United States: *Provided, however*, That, with the approval of the conference, a part-time referee in bankruptcy or a clerk or deputy clerk of a court of the United States may be appointed and serve as a part-time United States magistrate judge, but the conference shall fix the aggregate amount of compensation to be received for performing the duties of part-time magistrate judge and part-time referee in bankruptcy, clerk or deputy clerk: *And provided further*, That retired officers and retired enlisted personnel of the Regular and Reserve components of the Army, Navy, Air Force, Marine Corps, and Coast Guard, members of the Reserve components of the Army, Navy, Air Force, Marine Corps, and Coast Guard, and members of the Army National Guard of the United States, the Air National Guard of the United States, and the Naval Militia and of the National Guard of a State, territory, or the District of Columbia, except the National Guard disbursing officers who are on a full-time salary basis, may be appointed and serve as United States magistrate judges.

(d) Except as otherwise provided in sections 375 and 636(h) of this title, no individual may serve under this chapter after having attained the age of seventy years: *Provided, however*, That upon a majority vote of all the judges of the appointing court or courts, which is taken upon the magistrate judge’s attaining age seventy and upon each subsequent anniversary thereof, a magistrate judge who has attained the age of seventy years may continue to serve and may be reappointed under this chapter.

(e) The appointment of any individual as a full-time magistrate judge shall be for a term of eight years, and the appointment of any individuals as a part-time magistrate judge shall be for a term of four years, except that the term of a full-time or part-time magistrate judge appointed under subsection (k)<sup>1</sup> shall expire upon—

(1) the expiration of the absent magistrate judge’s term,

<sup>1</sup> See References in Text note below.