

from appropriation for the Supreme Court, was omitted as surplusage.

The revised section makes specific the implied power to fix the compensation of the reporter's assistants.

The provision in section 332 of title 28, U.S.C., 1940 ed., authorizing the Public Printer to do the printing referred to in such section, was omitted as unnecessary. (See section 111 of title 44, U.S.C., 1940 ed., Public Printing and Documents.)

Authority for making an appropriation to carry into effect the provisions of this section relating to compensation and allowances of the reporter, compensation of his assistants, and preparation of the decisions of the Supreme Court for publication, is contained in section 336 of title 28, U.S.C., 1940 ed. (Acts July 1, 1922, ch. 267, § 5, 42 Stat. 818; May 29, 1926, ch. 425, § 3, 44 Stat. 678), which is omitted, but not repealed, as unnecessary in this revision.

§ 674. Librarian

(a) The Supreme Court may appoint a librarian, whose salary it shall fix, and who shall be subject to removal by the Court.

(b) The librarian shall, with the approval of the Chief Justice, appoint necessary assistants and fix their compensation and make rules governing the use of the library.

(c) He shall select and acquire by purchase, gift, bequest, or exchange, such books, pamphlets, periodicals, microfilm and other processed copy as may be required by the Court for its official use and for the reasonable needs of its bar.

(d) The librarian shall certify to the marshal for payment vouchers covering expenditures for the purchase of such books and other material, and for binding, rebinding and repairing the same.

(June 25, 1948, ch. 646, 62 Stat. 919; Pub. L. 92-310, title II, § 206(d), June 6, 1972, 86 Stat. 203.)

HISTORICAL AND REVISION NOTES

This section gives statutory recognition to the office of librarian. For many years the Court has appointed its librarian directly through the Chief Justice, rather than through the marshal. Other members of the library staff are appointed by the librarian, with the approval of the Chief Justice.

Under this section the marshal will not be required to certify to expenditures for some 2,000 books bought for the library each year but this will be the duty of the librarian.

AMENDMENTS

1972—Subsec. (d). Pub. L. 92-310 struck out sentence which required the librarian to furnish a bond.

§ 675. Law clerks and secretaries

The Chief Justice of the United States, and the associate justices of the Supreme Court may appoint law clerks and secretaries whose salaries shall be fixed by the Court.

(June 25, 1948, ch. 646, 62 Stat. 919.)

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1926 ed., § 328 (June 1, 1922, ch. 204, title II, 42 Stat. 614; Jan. 3, 1923, ch. 21, title II, 42 Stat. 1081; May 28, 1924, ch. 204, title II, 43 Stat. 218; Feb. 27, 1925, ch. 364, title II, 43 Stat. 1028).

Section is derived from Appropriation Acts for fiscal years cited in the credits. It was omitted from the 1934 and 1940 editions of the U.S. Code because it was considered to be probably of a temporary nature. This section is consistent with other provisions authorizing the

appointment of similar personnel for circuit and district judges.

The 1942 appropriation act (July 2, 1942, ch. 472, title IV, 56 Stat. 501) made provision for "all other officers and employees, whose compensation shall be fixed by the Court, except as otherwise provided by law and who may be assigned by the Chief Justice to any office or work of the Court."

The salary limitation of \$3,600 was omitted and the Court authorized to fix law clerks' salaries. Current appropriation acts provide that salaries of the Court's officers and employees, except the clerk and reporter, shall be fixed by the Court.

See section 711 et seq. and section 751 et seq., of this title, relating to appointment of law clerks and secretaries to circuit and district judges.

Changes were made in phraseology.

§ 676. Printing and binding

(a) The printing and binding for the Supreme Court, including the printing and binding of individual copies, advance pamphlet installments, and bound volumes, of its decisions, whether requisitioned or ordered by the Court or any of its officers or by any other office or agency, and whether paid for by, or charged to the appropriation for, the Court or any other office or agency, shall be done by the printer or printers whom the Court or the Chief Justice of the United States may select, unless it shall otherwise order.

(b) Whenever advance pamphlet installments and bound volumes of the Court's decisions are printed by a private printer, an adequate number of copies for distribution in accordance with the requirements of section 411 of this title and for sale to the public shall be provided and made available for these purposes in such manner and at such prices as may be determined from time to time by the Supreme Court or the Chief Justice of the United States, in lieu of compliance by the Director of the Government Publishing Office and the Superintendent of Documents with the requirements of sections 411 and 412 of this title with respect to such copies. Pending distribution or sale, such copies shall be the property of the United States and shall be held in the custody of the marshal or such other person, organization, or agency, as the Supreme Court or the Chief Justice of the United States may designate.

(June 25, 1948, ch. 646, 62 Stat. 919; May 24, 1949, ch. 139, § 74, 63 Stat. 100; Oct. 31, 1951, ch. 655, § 45, 65 Stat. 725; Pub. L. 113-235, div. H, title I, § 1301(d), Dec. 16, 2014, 128 Stat. 2537.)

HISTORICAL AND REVISION NOTES

1948 ACT

Based on title 28, U.S.C., 1940 ed., § 354 (Feb. 27, 1925, ch. 364, title II, 43 Stat. 1028; Apr. 29, 1926, ch. 195, title II, 44 Stat. 344; Feb. 24, 1927, ch. 189, title II, 44 Stat. 1194; Feb. 15, 1928, ch. 57, title II, 45 Stat. 79; Jan. 25, 1929, ch. 102, title II, 45 Stat. 1109; Apr. 18, 1930, ch. 184, title II, 46 Stat. 188; Feb. 23, 1931, ch. 280, title II, 46 Stat. 1323; July 1, 1932, ch. 361, title II, 47 Stat. 490; Mar. 1, 1933, ch. 144, title II, 47 Stat. 1382; Apr. 7, 1934, ch. 104, title II, 48 Stat. 539).

The section was expanded to include the printing and binding of the official edition of the court's decisions, thus making possible an economy in the expenditure of Government funds by having the printing and binding done by the same printer.

Subsection (b) of the revised section was supplied to conform to sections 411 and 412 of this title.

1949 ACT

This section corrects a grammatical error in subsection (a) of section 676 of title 28, U.S.C.

AMENDMENTS

1951—Subsec. (b). Act Oct. 31, 1951, inserted “of this title” in two places.

1949—Subsec. (a). Act May 24, 1949, inserted “whom” between “printers” and “the Court”.

CHANGE OF NAME

“Director of the Government Publishing Office” substituted for “Public Printer” in subsec. (b) on authority of section 1301(d) of Pub. L. 113–235, set out as a note under section 301 of Title 44, Public Printing and Documents.

§ 677. Counselor to the Chief Justice

(a) The Chief Justice of the United States may appoint a Counselor who shall serve at the pleasure of the Chief Justice and shall perform such duties as may be assigned to him by the Chief Justice. The salary payable to the Counselor shall be fixed by the Chief Justice at a rate which shall not exceed the salary payable to the Director of the Administrative Office of the United States Courts. The Counselor may elect to bring himself within the same retirement program available to the Director of the Administrative Office of the United States Courts, as provided by section 611 of this title, by filing a written election with the Chief Justice within the time and in the manner prescribed by section 611.

(b) The Counselor, with the approval of the Chief Justice, may appoint and fix the compensation of necessary employees. The Counselor and his employees shall be deemed employees of the Supreme Court.

(c)(1) Notwithstanding section 1342 of title 31, the Counselor, with the approval of the Chief Justice, may accept voluntary personal services to assist with public and visitor programs.

(2) No person may volunteer personal services under this subsection unless the person has first agreed, in writing, to waive any claim against the United States arising out of or in connection with such services, other than a claim under chapter 81 of title 5.

(3) No person volunteering personal services under this subsection shall be considered an employee of the United States for any purpose other than for purposes of—

- (A) chapter 81 of title 5; or
- (B) chapter 171 of this title.

(4) In the administration of this subsection, the Counselor shall ensure that the acceptance of personal services shall not result in the reduction of pay or displacement of any employee of the Supreme Court.

(Added Pub. L. 92–238, §1, Mar. 1, 1972, 86 Stat. 46; amended Pub. L. 105–233, §1, Aug. 13, 1998, 112 Stat. 1535; Pub. L. 110–402, §1(b)(3)(A), Oct. 13, 2008, 122 Stat. 4254.)

AMENDMENTS

2008—Pub. L. 110–402, §1(b)(3)(A)(i), substituted “Counselor” for “Administrative Assistant” in section catchline.

Subsec. (a). Pub. L. 110–402, §1(b)(3)(A)(ii), substituted “a Counselor” for “an Administrative Assistant” in

first sentence and “Counselor” for “Administrative Assistant” in second and third sentences.

Subsecs. (b), (c). Pub. L. 110–402, §1(b)(3)(A)(iii), substituted “Counselor” for “Administrative Assistant” wherever appearing.

1998—Subsec. (c). Pub. L. 105–233 added subsec. (c).

CHAPTER 47—COURTS OF APPEALS

Sec.

711.	Clerks and employees.
712.	Law clerks and secretaries.
713.	Librarians.
714.	Criers and messengers.
715.	Staff attorneys and technical assistants.

AMENDMENTS

1982—Pub. L. 97–164, title I, §120(b)(2), (c)(2), Apr. 2, 1982, 96 Stat. 33, substituted “Librarians” for “Criers, bailiffs and messengers” in item 713 and added items 714 and 715.

§ 711. Clerks and employees

(a) Each court of appeals may appoint a clerk who shall be subject to removal by the court.

(b) The clerk, with the approval of the court, may appoint necessary deputies, clerical assistants and employees in such number as may be approved by the Director of the Administrative Office of the United States Courts. Such deputies, clerical assistants and employees shall be subject to removal by the clerk with the approval of the court.

(c) The clerk shall pay into the Treasury all fees, costs and other moneys collected by him and make returns thereof to the Director of the Administrative Office of the United States Courts under regulations prescribed by him.

(June 25, 1948, ch. 646, 62 Stat. 920.)

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., §§221 and 222, 544 and 546 and District of Columbia Code, 1940 ed., §§11–204 (Mar. 3, 1891, ch. 517, §2, 26 Stat. 826; Feb. 9, 1893, ch. 74, §4, 27 Stat. 435; July 30, 1894, ch. 172, §1, 28 Stat. 160; June 6, 1900, ch. 791, §1, 31 Stat. 639; Mar. 3, 1901, ch. 854, §224, 31 Stat. 1224; June 30, 1902, ch. 1329, 32 Stat. 528; Mar. 3, 1911, ch. 231, §§124, 125, 36 Stat. 1132; Aug. 23, 1912, ch. 350, 37 Stat. 412; Feb. 22, 1921, ch. 70, §7, 41 Stat. 1144; June 1, 1922, ch. 204, title II, 42 Stat. 616; Mar. 4, 1923, ch. 265, 42 Stat. 1488; May 21, 1928, ch. 659, 45 Stat. 645).

This section consolidates section 546 of title 28, U.S.C., 1940 ed., with parts of sections 221, 222, and 544 of such title and a part of section 11–204 of the District of Columbia Code, 1940 ed. Other provisions of such sections are incorporated in sections 604, 713, 954, 956, 961, and 962 of this title. Some provisions of section 11–204 of the District of Columbia Code, 1940 ed., were retained in that code. (See reviser’s note under section 604 of this title.)

Discrepancies between such section 11–204 of District of Columbia Code, 1940 ed., and the more general provisions of title 28 were eliminated by adopting the more general provisions.

Words “Director of the Administrative Office of the United States Courts” were substituted for “Attorney General,” in view of the act of Aug. 7, 1939, ch. 501, §6, 53 Stat. 1226, 28 U.S.C., 1940 ed., following §446.

A provision that the returns should be filed annually was changed to place the times of accounting within the discretion of the Director of the Administrative Office of the United States Courts, who has supervision over such accounts. (See section 604 of this title.)

This section is in harmony with section 671 of this title as to accounting similarly by the Clerk of the Supreme Court.