

United States Code  
Title 28. Judiciary and Judicial Procedure  
Part III. Court Officers and Employees  
Chapter 42. Federal Judicial Center

(Current through Public Law 109-7, approved 4/15/05)

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28 USCS § 620 (2005)

**§ 620. Federal Judicial Center**

(a) There is established within the judicial branch of the Government a Federal Judicial Center, whose purpose it shall be to further the development and adoption of improved judicial administration in the courts of the United States.

(b) The Center shall have the following functions:

(1) to conduct research and study of the operation of the courts of the United States, and to stimulate and coordinate such research and study on the part of other public and private persons and agencies;

(2) to develop and present for consideration by the Judicial Conference of the United States recommendations for improvement of the administration and management of the courts of the United States;

(3) to stimulate, create, develop, and conduct programs of continuing education and training for personnel of the judicial branch of the Government and other persons whose participation in such programs would improve the operation of the judicial branch, including, but not limited to, judges, United States magistrates [magistrate judges], clerks of court, probation officers, and persons serving as mediators and arbitrators;

(4) insofar as may be consistent with the performance of the other functions set forth in this section, to provide staff, research, and planning assistance to the Judicial Conference of the United States and its committees;

(5) [I]nsofar as may be consistent with the performance of the other functions set forth in this section, to cooperate with the State Justice Institute in the establishment and coordination of research and programs concerning the administration of justice; and

(6) insofar as may be consistent with the performance of the other functions set forth in this section, to cooperate with and assist agencies of the Federal Government and other appropriate organizations in providing information and advice to further improvement in the administration of justice in the courts of foreign countries and to acquire information about judicial administration

in foreign countries that may contribute to performing the other functions set forth in this section.

#### **HISTORY:**

(Added Dec. 20, 1967, P.L. 90-219, Title I, § 101, 81 Stat. 664; Nov. 6, 1978, P.L. 95-598, Title II, § 227, 92 Stat. 2665; Nov. 8, 1984, P.L. 98-620, Title II, § 214, 98 Stat. 3346; June 19, 1986, P.L. 99-336, § 6(b), 100 Stat. 639; Nov. 19, 1988, P.L. 100-702, Title III, § 303, 102 Stat. 4648; Oct. 29, 1992, P.L. 102-572, Title VI, § 602(a), 106 Stat. 4514.)

#### **HISTORY; ANCILLARY LAWS AND DIRECTIVES**

##### Explanatory notes:

The bracketed words "magistrate judge" have been inserted in subsec. (b)(3) on the authority of Act Dec. 1, 1990, P.L. 101-650, Title III, § 321, which appears as 28 USCS § 631 note.

Brackets have been inserted around the "I" in the word "Insofar" in subsec. (b)(5) to indicate that such letter probably should not be capitalized.

Subsec. (b)(3) of this section was amended by Act Nov. 6, 1978, P.L. 95-598, effective as provided by § 402(b), as amended of such Act, which appears as 11 USCS prec. § 101 note. An apparent conflict exists within the amending provisions of Act July 10, 1984, P.L. 98-353 to § 402(b). Section 113 of Act July 10, 1984, provides that the amendment made to subsec. (b)(3) of this section shall not become effective while § 212(a) of such Act provides that the amendments made by Title II of Act Nov. 6, 1978 shall become effective on July 10, 1984. Such amendment was not executed pursuant to § 113. See the 1978 Amendments note to this section.

##### Amendments:

1978. Act Nov. 6, 1978 purported to amend subsec. (b)(3) by deleting "referees," and substituting "magistrates" for "commissioners"; however, such amendment did not become effective pursuant to § 402(b) of such Act, which appears as 11 USCS prec. § 101 note. See the Explanatory note to this section.

1984. Act Nov. 8, 1984 (effective 10/1/85, as provided in § 216 of such Act, which appears as 42 USCS § 10701 note), in subsec. (b), in para. (3), deleted "and" following the semicolon, in para. (4), substituted "; and" for the concluding period, and added para. (5).

1986. Act June 19, 1986 (effective on enactment on 6/19/86, as provided by § 6(c) of such Act, which appears as a note to this section), in subsec. (b)(3), deleted "referees," following "judges," and substituted "magistrates" for "commissioners".

1988. Act Nov. 19, 1988, substituted subsec. (b)(3) for one which read: "to stimulate, create, develop, and conduct programs of continuing education and training for personnel of the judicial branch of the Government, including, but not limited to, judges, clerks of court, probation officers, and United States magistrates;"

1992. Act Oct. 29, 1992 (effective 1/1/93, as provided by § 1101(a) of such Act, which appears as 2 USCS § 905 note), in subsec. (b), in para. (4), deleted "and" following the concluding semicolon, in para. (5), substituted "; and" for a concluding period, and added para. (6).

##### Other provisions:

**Effective date of June 19, 1986 amendments.** Act June 19, 1986, P.L. 99-336, § 6(c), 100 Stat. 639, provides: "The amendments made by this section [amending this section, among other things; for full classification, consult USCS Tables volumes] shall take effect on the date of the enactment of this Act [enacted June 19, 1986]."

**Study of intercircuit conflicts and structural alternatives for the courts of appeals by**

**Federal Judicial Center.** Act Dec. 1, 1990, P.L. 101-650, Title III, § 302, 104 Stat. 5104; Oct. 29, 1992, P.L. 102-572, Title V, § 502(c), 106 Stat. 4513 (effective 1/1/93, as provided by § 1101(a) of such Act, which appears as 2 USCS § 905 note), provides:

"(a) Intercircuit conflicts. The Board of the Federal Judicial Center is requested to conduct a study and submit to the Congress a report by January 1, 1992, on the number and frequency of conflicts among the judicial circuits in interpreting the law that remain unresolved because they are not heard by the Supreme Court.

"(b) Factors to consider in study. In conducting such a study, the Center should consider, to the extent feasible, all relevant factors, such as whether the conflict--

"(1) imposes economic costs or other harm on persons engaging in interstate commerce;

"(2) encourages forum shopping among circuits;

"(3) creates unfairness to litigants in different circuits, as in allowing Federal benefits in one circuit that are denied in other circuits; or

"(4) encourages nonacquiescence by Federal agencies in the holdings of the courts of appeals for different circuits, but is unlikely to be resolved by the Supreme Court.

"(c) Structural alternatives for the courts of appeals. The Board of the Federal Judicial Center is requested to study the full range of structural alternatives for the Federal Courts of Appeals and submit a report on the study to the Congress and the Judicial Conference of the United States, no later than 2 years and 9 months after the date of the enactment of this Act."

28 USCS § 621 (2005)

#### **§ 621. Board; composition, tenure of members, compensation**

(a) The activities of the Center shall be supervised by a Board to be composed of--

(1) the Chief Justice of the United States, who shall be the permanent Chairman of the Board;

(2) two circuit judges, three district judges, one bankruptcy judge, and one magistrate judge, elected by vote of the members of the Judicial Conference of the United States, except that any circuit or district judge so elected may be either a judge in regular active service or a judge retired from regular active service under section 371(b) of this title [28 USCS § 371(b)] but shall not be a member of the Judicial Conference of the United States; and

(3) the Director of the Administrative Office of the United States Courts, who shall be a permanent member of the Board.

(b) The term of office of each elected member of the Board shall be four years. A member elected to serve for an unexpired term arising by virtue of the death, disability, retirement pursuant to section 371(a) [28 USCS § 371(a)] or section 372(a) [28 USCS § 372(a)] of this title, or resignation of a member shall be elected only for such unexpired term.

(c) No member elected for a four-year term shall be eligible for reelection to the Board.

(d) Members of the Board shall serve without additional compensation, but shall be reimbursed for actual and necessary expenses incurred in the performance of their official duties.

#### **HISTORY:**

(Added Dec. 20, 1967, P.L. 90-219, Title I, § 101, 81 Stat. 664; Nov. 6, 1978, P.L. 95-598, Title II, §§ 228, 229, 92 Stat. 2665; Oct. 19, 1996, P.L. 104-317, Title VI, § 601(b), 110 Stat. 3857.)

## **HISTORY; ANCILLARY LAWS AND DIRECTIVES**

### Amendments:

1978. Act Nov. 6, 1978 (effective 10/1/79, as provided by § 402(c) of this Act, which appears as 11 USCS prec. § 101 note), in subsec. (a)(2), substituted ", three active judges of the district courts of the United States, one active judge of the bankruptcy courts of the United States" for "and three active judges of the district courts of the United States"; in subsec. (b), substituted a concluding period and "A" for "; *Provided, however,* That section 629 of this chapter shall govern the terms of office of the first members elected to the Board: *And provided further,* That a".

1996. Act Oct. 19, 1996, in subsec. (a), substituted para. (2) for one which read: "(2) two active judges of the courts of appeals of the United States, three active judges of the district courts of the United States, one active judge of the bankruptcy courts of the United States elected by vote of the members of the Judicial Conference of the United States: *Provided, however,* That the judges so elected shall not be members of the Judicial Conference of the United States; and"; and, in subsec. (b), substituted "retirement pursuant to section 371(a) or section 372(a) of this title," for "retirement,".

### **NOTES:**

Research Guide:

Federal Procedure:

5 Fed Proc L Ed, Bankruptcy § 9:11.

28 USCS § 622 (2005)

### **§ 622. Meetings; conduct of business**

(a) Regular meetings of the Board shall be held quarterly. Special meetings shall be held from time to time upon the call of the Chairman, acting at his own discretion or pursuant to the petition of any four members.

(b) Each member of the Board shall be entitled to one vote. A simple majority of the membership shall constitute a quorum for the conduct of business. The Board shall act upon the concurrence of a simple majority of the members present and voting.

### **HISTORY:**

(Added Dec. 20, 1967, P.L. 90-219, Title I, § 101, 81 Stat. 665.)

28 USCS § 623 (2005)

### **§ 623. Duties of the Board**

(a) In its direction and supervision of the activities of the Federal Judicial Center, the Board shall-

(1) establish such policies and develop such programs for the Federal Judicial Center as will further achievement of its purpose and performance of its functions;

(2) formulate recommendations for improvements in the administration of the courts of the United States, in the training of the personnel of those courts, and in the management of their

resources;

(3) submit to the Judicial Conference of the United States, at least one month in advance of its annual meeting, a report of the activities of the Center and such recommendations as the Board may propose for the consideration of the Conference;

(4) present to other government departments, agencies, and instrumentalities whose programs or activities relate to the administration of justice in the courts of the United States the recommendations of the Center for the improvement of such programs or activities;

(5) study and determine ways in which automatic data processing and systems procedures may be applied to the administration of the courts of the United States, and include in the annual report required by paragraph (3) of this subsection details of the results of the studies and determinations made pursuant to this paragraph;

(6) consider and recommend to both public and private agencies aspects of the operation of the courts of the United States deemed worthy of special study; and

(7) conduct, coordinate, and encourage programs relating to the history of the judicial branch of the United States Government.

(b) The Board shall transmit to Congress and to the Attorney General of the United States copies of all reports and recommendations submitted to the Judicial Conference of the United States. The Board shall also keep the Committees on the Judiciary of the United States Senate and House of Representatives fully and currently informed with respect to the activities of the Center.

#### **HISTORY:**

(Added Dec. 20, 1967, P.L. 90-219, Title I, § 101, 81 Stat. 665; Nov. 19, 1988, P.L. 100-702, Title III, § 302, 102 Stat. 4648.)

#### **HISTORY; ANCILLARY LAWS AND DIRECTIVES**

Amendments:

1988. Act Nov. 19, 1988, in subsec. (a), in para. (5), deleted "and" following the semicolon, in para. (6), substituted "; and" for the concluding period, and added para. (7).

Other provisions:

**Termination of reporting requirements.** For termination, effective May 15, 2000, of provisions in subsec. (b) of this section requiring the Board to transmit to Congress copies of all reports and recommendations submitted to the Judicial Conference of the United States, see § 3003 of Act Dec. 21, 1995, P.L. 104-66, which appears as 31 USCS § 1113 note. See also page 12 of House Document No. 103-7.

28 USCS § 624 (2005)

#### **§ 624. Powers of the Board**

The Board is authorized--

(1) to appoint and fix the duties of the Director and the Deputy Director of the Federal Judicial Center, who shall serve at the pleasure of the Board;

(2) to request from any department, agency, or independent instrumentality of the Government any information it deems necessary to the performance of the functions of the Federal Judicial

Center set forth in this chapter [28 USCS §§ 620 et seq.], and each such department, agency, or instrumentality is directed to cooperate with the Board and, to the extent permitted by law, to furnish such information to the Center upon request of the Chairman or upon request of the Director when the Board has delegated this authority to him;

(3) to contract with and compensate government and private agencies or persons for research and other services, without regard to section 3709 of the Revised Statutes, as amended (41 U.S.C. 5), and to delegate such contract authority to the Director of the Federal Judicial Center, who is hereby empowered to exercise such delegated authority.

**HISTORY:**

(Added Dec. 20, 1967, P.L. 90-219, Title I, § 101, 81 Stat. 666; Nov. 19, 1988, P.L. 100-702, Title III, § 304(a), 102 Stat. 4648.)

**HISTORY; ANCILLARY LAWS AND DIRECTIVES**

Amendments:

1988. Act Nov. 19, 1988, in para. (1), inserted "and the Deputy Director".

28 USCS § 625 (2005)

**§ 625. Director and staff**

(a) The Director shall supervise the activities of persons employed by the Center and perform other duties assigned to him by the Board.

(b) The Director shall appoint and fix the compensation of such additional professional personnel as the Board may deem necessary, without regard to the provisions of title 5, United States Code, governing appointments in competitive service, or the provisions of chapter 51 and subchapter III of chapter 53 of such title [5 USCS §§ 5101 et seq., 5331 et seq.], relating to classification and General Schedule pay rates: *Provided, however,* That the compensation of any person appointed under this subsection shall not exceed the annual rate of basic pay of level V of the Executive Schedule pay rates, section 5316, title 5, United States Code: *And provided further,* That the salary of a reemployed annuitant under the Civil Service [Service] Retirement Act shall be adjusted pursuant to the provisions of section 8344, title 5, United States Code.

(c) The Director shall appoint and fix the compensation of such secretarial and clerical personnel as he may deem necessary, subject to the provisions of title 5, United States Code, governing appointments in competitive service without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title [5 USCS §§ 5101 et seq., 5331 et seq.], relating to classification and General Schedule pay rates.

(d) The Director may procure personal services as authorized by section 3109 of title 5, United States Code, at rates not to exceed the daily equivalent of the highest rate payable under General Schedule pay rates, section 5332, title 5, United States Code.

(e) The Director is authorized to incur necessary travel and other miscellaneous expenses incident to the operation of the Center.

**HISTORY:**

(Added Dec. 20, 1967, P.L. 90-219, Title I, § 101, 81 Stat. 666; Oct. 29, 1992, P.L. 102-572, Title VI, § 602(b), 106 Stat. 4514.)

## **HISTORY; ANCILLARY LAWS AND DIRECTIVES**

### References in text:

"The Civil Service [Service] Retirement Act", referred to in subsec. (b) of this section, was Act May 29, 1930, ch 349, 46 Stat. 468, as amended by Act July 31, 1956, ch 804, § 401, 70 Stat. 743, which was repealed by Act Sept. 6, 1966, P.L. 89-554, § 8(a), 80 Stat. 632 and reenacted as 5 USCS §§ 8301 et seq.

The General Schedule, referred to in this section, appears in 5 USCS § 5332.

### Explanatory notes:

The bracketed word "Service" has been inserted in subsec. (b) of this section as the word probably intended by Congress.

### Amendments:

1992. Act Oct. 29, 1992 (effective 1/1/93, as provided by § 1101(a) of such Act, which appears as 2 USCS § 905 note), in subsec. (c), substituted "competitive service without regard to" for "competitive service and".

### Other provisions:

**GS 16-18 pay rates.** Act Nov. 5, 1990, P.L. 101-509, Title V, § 529 [Title I, § 101(c)-(e)], 104 Stat. 1442, which appears as 5 USCS § 5376 note, provides for the construction of references to rates of pay for GS 16-18 employees.

28 USCS § 626 (2005)

## **§ 626. Compensation of the Director and Deputy Director**

The compensation of the Director of the Federal Judicial Center shall be the same as that of the Director of the Administrative Office of the United States Courts, and his appointment and salary shall not be subject to the provisions of title 5, United States Code [5 USCS §§ 101 et seq.], governing appointments in competitive service, or the provisions of chapter 51 and subchapter III of chapter 53 of such title [5 USCS §§ 5101 et seq., 5331 et seq.], relating to classification and General Schedule pay rates: Provided, however, That any Director who is a justice or judge of the United States in active or retired status shall serve without additional compensation. The compensation of the Deputy Director of the Federal Judicial Center shall be the same as that of the Deputy Director of the Administrative Office of the United States Courts.

### **HISTORY:**

(Added Dec. 20, 1967, P.L. 90-219, Title I, § 101, 81 Stat. 666; Nov. 19, 1988, P.L. 100-702, Title III, § 303(b)(1), 102 Stat. 4648.)

28 USCS § 627 (2005)

## **§ 627. Retirement; employee benefits**

(a) The Director, Deputy Director, the professional staff, and the clerical and secretarial employees of the Federal Judicial Center shall be deemed to be officers and employees of the judicial branch of the United States Government within the meaning of subchapter III of chapter 83 (relating to civil service retirement), chapter 84 (relating to the Federal Employees' Retirement System), chapter 87 (relating to Federal employees' life insurance program), and chapter 89 (relating to Federal employees' health benefits program) of title 5, United States Code [5 USCS §§ 8331 et seq., 8401 et seq., 8701 et seq., 8901 et seq.]: Provided, however, That the Director, upon written notice filed with the Director of the Administrative Office of the United States Courts within 6 months after the date on which he takes office, may waive coverage under chapter 83 of title 5, subchapter III (the Civil Service Retirement System) or chapter 84 of title 5 (the Federal Employees' Retirement System) [5 USCS §§ 8331 et seq., or 8401 et seq.], whichever is applicable, and elect coverage under the retirement and disability provisions of this section. A Director who elects coverage under this section shall be deemed an "employee" for purposes of chapter 84 of title 5, subchapter III [5 USCS §§ 8431 et seq.], regardless of whether he has waived the coverage of chapter 83, subchapter III, or chapter 84 [5 USCS §§ 8331 et seq. or 8401 et seq.]: And provided further, That upon his nonretirement separation from the Federal Judicial Center, waiver of coverage under chapter 83, subchapter III [5 USCS §§ 8331 et seq.], and election of this section shall not operate to foreclose to the Director such opportunity as the law may provide to secure retirement credit under chapter 83 [5 USCS §§ 8301 et seq.] for service as Director by depositing with interest the amount required by section 8334 of title 5. A Director who waives coverage under chapter 84 [5 USCS §§ 8401 et seq.] and elects this section may secure retirement credit under chapter 84 [5 USCS §§ 8401 et seq.] for service as Director by depositing with interest 1.3 percent of basic pay for service from January 1, 1984, through December 31, 1986, and the amount referred to in section 8422(a) of title 5, for service after December 31, 1986. Interest shall be computed under section 8334(e) of title 5.

(b) Upon the retirement of a Director who has elected coverage under this section and who has at least fifteen years of service and has attained the age of sixty-five years the Director of the Administrative Office of the United States Courts shall pay him an annuity for life equal to 80 per centum of the salary of the office at the time of his retirement.

Upon the retirement of a Director who has elected coverage under this section and who has at least ten years of service, but who is not eligible to receive an annuity under the first paragraph of this subsection, the Administrative Office of the United States Courts shall pay him an annuity for life equal to that proportion of 80 per centum of the salary of the office at the time of his retirement that the number of years of his service bears to fifteen, reduced by one-quarter of 1 per centum for each full month, if any, he is under the age of sixty-five at the time of separation from service.

(c) A Director who has elected coverage under this section and who becomes permanently disabled to perform the duties of his office shall be retired and shall receive an annuity for life equal to 80 per centum of the salary of the office at the time of his retirement if he has at least fifteen years of service, or equal to that proportion of 80 per centum of such salary that the aggregate number of years of his service bears to fifteen if he has less than fifteen years of service, but in no event less than 50 per centum of such salary.

(d) For the purpose of this section, "service" means service, whether or not continuous, as Director of the Federal Judicial Center, and any service, not to exceed five years, as a judge of the

United States, a Senator or Representative in Congress, a congressional employee in the capacity of primary administrative assistant to a Member of Congress or in the capacity of staff director or chief counsel for the majority or the minority of a committee or subcommittee of the Senate or House of Representatives, or a civilian official appointed by the President, by and with the advice and consent of the Senate.

(e) Each annuity payable under this section shall be increased by the same percentage amount and effective on the same date as annuities payable under chapter 83 of title 5 [5 USCS §§ 8301 et seq.], are increased as provided by section 8340 of title 5.

**HISTORY:**

(Added Dec. 20, 1967, P.L. 90-219, Title I, § 101, 81 Stat. 666; Nov. 19, 1988, P.L. 100-702, Title X, §§ 1004(a), 1006(a)(2), 102 Stat. 4665, 4666; Oct. 19, 1996, P.L. 104-317, Title VI, § 604, 110 Stat. 3857; Nov. 13, 2000, P.L. 106-518, Title III, §§ 301(b), 312(a), 114 Stat. 2416, 2421.)

28 USCS § 628 (2005)

**§ 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 [28 USCS §§ 620 et seq.]. The Administrative Office of the United States Courts shall provide accounting, disbursing, auditing, and other fiscal services for the Federal Judicial Center.

**HISTORY:**

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

28 USCS § 629 (2005)

**§ 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.

**HISTORY:**

(Added Nov. 19, 1988, P.L. 100-702, Title III, § 301(a), 102 Stat. 4647.)