

Public Law 90-219

December 20, 1967
[H. R. 6111]

AN ACT

To provide for the establishment of a Federal Judicial Center, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Federal Judicial
Center,
Establishment.

TITLE I—FEDERAL JUDICIAL CENTER

SEC. 101. Title 28, United States Code, is amended by inserting, immediately following chapter 41, a new chapter as follows:

"Chapter 42.—FEDERAL JUDICIAL CENTER

"Sec.

"620. Federal Judicial Center.

"621. Board; composition, tenure of members, compensation.

"622. Meetings; conduct of business.

"623. Duties of the Board.

"624. Powers of the Board.

"625. Director and staff.

"626. Compensation of the Director.

"627. Retirement; employee benefits.

"628. Appropriations and accounting.

"629. Organizational provisions.

"§ 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.

Functions.

"(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, including, but not limited to, judges, referees, clerks of court, probation officers, and United States commissioners; and

"(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.

"§ 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 active judges of the courts of appeals of the United States and three active judges of the district 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

Restriction.

"(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: *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 member elected to serve for an unexpired term arising by virtue of the death, disability, retirement, or resignation of a member shall be elected only for such unexpired term.

Restrictions.

"(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.

"§ 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.

"§ 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; and

"(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.

"(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.

Reports to congressional committees.

“§ 624. Powers of the Board

“The Board is authorized—

“(1) to appoint and fix the duties of the 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, 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 projects 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.

“§ 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, 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 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 and the provisions of chapter 51 and subchapter III of chapter 53 of such title, 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.

“§ 626. Compensation of the 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, governing appointments in competitive service, or the provisions of chapter 51 and subchapter III of chapter 53 of such title, 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.

“§ 627. Retirement; employee benefits

“(a) A Director of the Federal Judicial Center who attains the age of seventy years shall be retired from that office.

80 Stat. 443-
457, 467.

80 Stat. 463.

70 Stat. 743.
5 USC 8331 et
seq.

80 Stat. 581;
Ante, p. 217.

80 Stat. 416.

80 Stat. 467;
Ante, p. 625.
Travel expenses.

"(b) The 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 87 (relating to Federal employees' life insurance program), and chapter 89 (relating to Federal employees' health benefits program) of title 5, United States Code: *Provided, however,* 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.

80 Stat. 564-
585, 592, 599.

"(c) Upon the retirement of a Director who has elected coverage under this section and who has served at least fifteen years and 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.

80 Stat. 569;
Ante, p. 214.

"Upon the retirement of a Director who has elected coverage under this section and who has served at least ten years, 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.

"(d) 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 served at least fifteen years, 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 served less than fifteen years, but in no event less than 50 per centum of such salary.

"(e) 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, or a civilian official appointed by the President, by and with the advice and consent of the Senate.

"Service."

"§ 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.

"§ 629. Organizational provisions

"(a) The terms of office of the members first elected to the Board shall commence on the thirtieth day after the first meeting of the Judicial Conference after the date on which this chapter shall take effect.

Terms of office.

"(b) The members first elected to the Board shall continue in office for terms of one, two, three, three, and four years, respectively, the term of each to be designated by the Judicial Conference of the United States at the time of his election.

"(c) Members first elected to the Board who are designated by the Judicial Conference of the United States to serve terms of office of less than four years shall be eligible for reelection to one full term of office."

TITLE II—ADDITIONAL AMENDMENTS TO TITLE 28, UNITED STATES CODE

SEC. 201. (a) Chapter 41 of title 28, United States Code, is amended by adding at the end thereof a new section as follows:

"§ 611. Retirement of Director

80 Stat. 564.

"(a) The Director may, by written election filed with the Chief Justice of the United States within six months after the date on which he takes office, waive coverage under subchapter III (relating to civil service retirement) of chapter 83, title 5, United States Code, and bring himself within the purview of this section. Such waiver and election shall not operate to foreclose to the Director, upon separation from service other than by retirement, 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.

80 Stat. 569;
Ante, p. 214.

"(b) Upon the retirement of a Director who has elected coverage under this section and who has served at least fifteen years and attained the age of sixty-five years 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 served at least ten years, 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 served at least fifteen years, 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 served less than fifteen years, but in no event less than 50 per centum of such salary.

"Service."

"(d) For the purpose of this section, 'service' means service, whether or not continuous, as Director of the Administrative Office of the United States Courts, and any service, not to exceed five years, as a judge of the United States, a Senator or Representative in Congress, or a civilian official appointed by the President, by and with the advice and consent of the Senate."

(b) The table of contents preceding such chapter is amended by inserting at the end thereof the following new item:

"611. Retirement of Director."

70 Stat. 1021.

SEC. 202. Section 376, title 28, United States Code, is amended by adding the following new subsections:

"(r) The Director of the Federal Judicial Center shall be deemed a judge of the United States for the purposes of this section and shall be entitled to bring himself within the purview of this section by filing an election as provided in subsection (a) of this section within the time therein specified. As applied to a Director of the Federal Judicial Center, the phrase 'retirement from office by resignation on salary under section 371(a) of this title' as used in subsections (b), (c), (g), (i), and (n) of this section shall mean 'retirement from office under subsection (c) or (d) of section 627 of this title or by removal after not less than ten years service', the phrase 'salary paid after retirement' as used in subsection (b) of this section shall mean 'annuity paid after retirement under subsection (c) or (d) of section 627 of this title', and the phrase 'resigns from office other than on salary under section 371(a) of this title' as used in subsection (f) of this section shall mean 'resigns from office otherwise than on retirement under subsection (c) or (d) of section 627 of this title or is removed after less than ten years service'.

70 Stat. 1021.
Definitions.

68 Stat. 12.

Ante, p. 666.

"(s) The Director of the Administrative Office of the United States Courts shall be deemed a judge of the United States for the purposes of this section and shall be entitled to bring himself within the purview of this section by filing an election as provided in subsection (a) of this section within the time therein specified. As applied to a Director of the Administrative Office of the United States Courts, the phrase 'retirement from office by resignation on salary under section 371(a) of this title' as used in subsections (b), (c), (g), (i), and (n) of this section shall mean 'retirement from office under section 611 of this title or by removal after not less than ten years service', the phrase 'salary paid after retirement' as used in subsection (b) of this section shall mean 'annuity paid after retirement under section 611 of this title', and the phrase 'resigns from office other than on salary under section 371(a) of this title' as used in subsection (f) of this section shall mean 'resigns from office otherwise than on retirement under section 611 of this title or is removed after less than ten years service'."

Definitions.

Ante, p. 668.

SEC. 203. Subsection (a) of section 604, title 28, United States Code, is amended by amending:

62 Stat. 914;
70 Stat. 1026.

(a) Paragraph (7) to read as follows:

"(7) Regulate and pay annuities to widows and surviving dependent children of judges, Directors of the Federal Judicial Center, and Directors of the Administrative Office, and necessary travel and subsistence expenses incurred by judges, court officers and employees, and officers and employees of the Administrative Office, and the Federal Judicial Center, while absent from their official stations on official business,";

(b) Paragraph (9), to insert between the word "courts" and the word "and" a comma and the words "the Federal Judicial Center,";

(c) Paragraphs (10) and (11), to insert between the word "courts" and the word "and" a comma and the words "the Federal Judicial Center,".

SEC. 204. The table of contents to "Part III.—COURT OFFICERS AND EMPLOYEES" of title 28, United States Code, is amended by inserting after

"41. Administrative Office of the United States Courts..... 601"

a new chapter reference as follows:

"42. Federal Judicial Center..... 620".

SEC. 205. (a) Except as provided in subsection (b), the amendments made by this title, insofar as they relate to retirement and survivorship benefits of the Director of the Administrative Office of the United States Courts, shall be applicable only with respect to persons first appointed to such office after the date of enactment of this Act.

Ante, pp. 668,
669.

(b) The provisions of section 611(a), the first paragraph of section 611(b), and section 376(s), of title 28, United States Code, as added by such amendments, shall be applicable to a Director or former Director of the Administrative Office of the United States Courts who was first appointed prior to the date of enactment of this Act if at the time such Director or former Director left or leaves such office he had, or shall have, attained the age of sixty-five years and completed fifteen years of service as Director of the Administrative Office of the United States Courts and if, on or before the expiration of six months following the date of enactment of this Act, he makes the election referred to in section 611(a) or section 376(s), or both, as the case may be.

Approved December 20, 1967.