

1982—Pub. L. 97-164 substituted “Application to other courts” for “Application to Canal Zone, Guam and Virgin Islands” in section catchline, designated existing provisions as subsec. (a), substituted “Sections 452 through 459 and section 462 of this chapter shall also apply to the United States Claims Court, to each court created by Act of Congress in a territory which is invested with any jurisdiction of a district court of the United States, and to the judges thereof” for “Sections 452-459 of this chapter shall also apply to the United States District Court for the District of the Canal Zone, the District Court of Guam and the District Court of the Virgin Islands and the judges thereof”, and added subsec. (b).

1978—Pub. L. 95-598 struck out “Alaska,” after “Application to” in section catchline.

1958—Pub. L. 85-508 struck out provisions which made sections 452 to 459 applicable to the District Court for the Territory of Alaska. See section 81A of this title which establishes a United States District Court for the State of Alaska.

1951—Act Oct. 31, 1951, inserted “, Guam” in section catchline, and inserted reference to the District Court of Guam in text.

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102-572 effective Oct. 29, 1992, see section 911 of Pub. L. 102-572, set out as a note under section 171 of this title.

EFFECTIVE DATE OF 1982 AMENDMENT

Amendment by Pub. L. 97-164 effective Oct. 1, 1982, see section 402 of Pub. L. 97-164, set out as a note under section 171 of this title.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-598 effective Nov. 6, 1978, see section 402(d) of Pub. L. 95-598, set out as an Effective Date note preceding section 101 of Title 11, Bankruptcy.

EFFECTIVE DATE OF 1958 AMENDMENT

Amendment by Pub. L. 85-508 effective Jan. 3, 1959, upon admission of Alaska into the Union pursuant to Proc. No. 3269, Jan. 3, 1959, 24 F.R. 81, 73 Stat. c16, as required by sections 1 and 8(c) of Pub. L. 85-508, see notes set out under section 81A of this title and preceding section 21 of Title 48, Territories and Insular Possessions.

§ 461. Adjustments in certain salaries

(a)(1) Subject to paragraph (2), effective at the beginning of the first applicable pay period commencing on or after the first day of the month in which an adjustment takes effect under section 5303 of title 5 in the rates of pay under the General Schedule (except as provided in subsection (b)), each salary rate which is subject to adjustment under this section shall be adjusted by an amount, rounded to the nearest multiple of \$100 (or if midway between multiples of \$100, to the next higher multiple of \$100) equal to the percentage of such salary rate which corresponds to the most recent percentage change in the ECI (relative to the date described in the next sentence), as determined under section 704(a)(1) of the Ethics Reform Act of 1989. The appropriate date under this sentence is the first day of the fiscal year in which such adjustment in the rates of pay under the General Schedule takes effect.

(2) In no event shall the percentage adjustment taking effect under paragraph (1) in any calendar year (before rounding), in any salary rate, exceed the percentage adjustment taking

effect in such calendar year under section 5303 of title 5 in the rates of pay under the General Schedule.

(b) Subsection (a) shall not apply to the extent it would reduce the salary of any individual whose compensation may not, under section 1 of article III of the Constitution of the United States, be diminished during such individual's continuance in office.

(Added Pub. L. 94-82, title II, §205(a)(1), Aug. 9, 1975, 89 Stat. 422; amended Pub. L. 101-194, title VII, §704(a)(2)(A), Nov. 30, 1989, 103 Stat. 1769; Pub. L. 101-509, title V, §529 [title I, §101(b)(4)(J)], Nov. 5, 1990, 104 Stat. 1427, 1440; Pub. L. 103-356, title I, §101(4), Oct. 13, 1994, 108 Stat. 3411.)

REFERENCES IN TEXT

The General Schedule, referred to in subsec. (a), is set out under section 5332 of Title 5, Government Organization and Employees.

Section 704(a)(1) of the Ethics Reform Act of 1989, referred to in subsec. (a)(1), is section 704(a)(1) of Pub. L. 101-194, which is set out as a note under section 5318 of Title 5.

AMENDMENTS

1994—Subsec. (a). Pub. L. 103-356 designated existing provisions as par. (1), substituted “Subject to paragraph (2), effective” for “Effective”, and added par. (2).
1990—Subsec. (a). Pub. L. 101-509 substituted “5303” for “5305”.

1989—Subsec. (a). Pub. L. 101-194 substituted “corresponds to the most recent percentage change in the ECI (relative to the date described in the next sentence), as determined under section 704(a)(1) of the Ethics Reform Act of 1989. The appropriate date under this sentence is the first day of the fiscal year in which such adjustment in the rates of pay under the General Schedule takes effect” for “corresponds to the overall average percentage (as set forth in the report transmitted to the Congress under such section 5305) of the adjustments in the rates of pay under such Schedule.”

EFFECTIVE DATE OF 1994 AMENDMENT

Pub. L. 103-356, title I, §101, Oct. 13, 1994, 108 Stat. 3410, provided that the amendment made by that section is effective as of Dec. 31, 1994.

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-509 effective on such date as the President shall determine, but not earlier than 90 days, and not later than 180 days, after Nov. 5, 1990, see section 529 [title III, §305] of Pub. L. 101-509, set out as a note under section 5301 of Title 5, Government Organization and Employees.

EFFECTIVE DATE OF 1989 AMENDMENT

Amendment by Pub. L. 101-194 effective Jan. 1, 1991, see section 704(b) of Pub. L. 101-194, set out as a note under section 5318 of Title 5, Government Organization and Employees.

REFERENCES TO “THIS ACT” IN DIV. D OF PUB. L. 111-8

Pub. L. 111-8, div. D, title VII, §750, Mar. 11, 2009, 123 Stat. 693, provided that: “Except as expressly provided otherwise, any reference to ‘this Act’ contained in any title other than title IV [123 Stat. 649] or VIII [123 Stat. 695] shall not apply to such title IV or VIII.”

REFERENCES TO “THIS ACT” IN DIV. D OF PUB. L. 110-161

Pub. L. 110-161, div. D, title VII, §749, Dec. 26, 2007, 121 Stat. 2035, provided that: “Except as expressly provided otherwise, any reference to ‘this Act’ contained in any title other than title IV [121 Stat. 1990] or VIII [121 Stat. 2035] shall not apply to such title IV or VIII.”

SALARY ADJUSTMENTS

Pub. L. 111-8, div. D, title III, §310, Mar. 11, 2009, 123 Stat. 649, provided that: “Pursuant to section 140 of Public Law 97-92 [set out below], and from funds appropriated in this Act [div. D of Pub. L. 111-8, see Tables for classification and see section 750 of Pub. L. 111-8, set out as a note above], Justices and judges of the United States are authorized during fiscal year 2009, to receive a salary adjustment in accordance with 28 U.S.C. 461.”

Pub. L. 110-161, div. D, title III, §305, Dec. 26, 2007, 121 Stat. 1989, provided that: “Pursuant to section 140 of Public Law 97-92 [set out below], and from funds appropriated in this Act [div. D of Pub. L. 110-161, see Tables for classification and see section 749 of Pub. L. 110-161, set out as a note above], Justices and judges of the United States are authorized during fiscal year 2008, to receive a salary adjustment in accordance with 28 U.S.C. 461.”

Pub. L. 109-115, div. A, title IV, §405, Nov. 30, 2005, 119 Stat. 2470, provided that: “Pursuant to section 140 of Public Law 97-92 [set out below], and from funds appropriated in this Act [div. A of Pub. L. 109-115, see Tables for classification], Justices and judges of the United States are authorized during fiscal year 2006, to receive a salary adjustment in accordance with 28 U.S.C. 461.”

Pub. L. 108-491, §1, Dec. 23, 2004, 118 Stat. 3973, provided that: “Pursuant to section 140 of Public Law 97-92 [set out below], Justices and judges of the United States are authorized during fiscal year 2005 to receive a salary adjustment in accordance with section 461 of title 28, United States Code.”

Pub. L. 108-447, div. B, title III, §306, Dec. 8, 2004, 118 Stat. 2895, provided that: “Pursuant to section 140 of Public Law 97-92 [set out below], and from funds appropriated in this Act [div. B of Pub. L. 108-447, see Tables for classification], Justices and judges of the United States are authorized during fiscal year 2005, to receive a salary adjustment in accordance with 28 U.S.C. 461.”

Pub. L. 108-167, Dec. 6, 2003, 117 Stat. 2031, provided that: “Pursuant to section 140 of Public Law 97-92 [set out below], Justices and judges of the United States are authorized during fiscal year 2004 to receive a salary adjustment in accordance with section 461 of title 28, United States Code.”

Pub. L. 108-6, §1, Feb. 13, 2003, 117 Stat. 10, provided that: “Pursuant to section 140 of Public Law 97-92 [set out below], Justices and judges of the United States are authorized during fiscal year 2003 to receive a salary adjustment in accordance with section 461 of title 28, United States Code.”

Pub. L. 107-77, title III, §305, Nov. 28, 2001, 115 Stat. 783, provided in part that: “Pursuant to section 140 of Public Law 97-92 [set out below], Justices and judges of the United States are authorized during fiscal year 2002, to receive a salary adjustment in accordance with 28 U.S.C. 461”.

Pub. L. 106-553, §1(a)(2) [title III, §309], Dec. 21, 2000, 114 Stat. 2762, 2762A-89, provided that: “Pursuant to section 140 of Public Law 97-92 [set out below], Justices and judges of the United States are authorized during fiscal year 2001, to receive a salary adjustment in accordance with 28 U.S.C. 461, only if for the purposes of each provision of law amended by section 704(a)(2) of the Ethics Reform Act of 1989 [Pub. L. 101-194] (5 U.S.C. 5318 note), adjustments under section 5303 of title 5, United States Code, shall take effect in fiscal year 2001”.

Pub. L. 106-113, div. B, §1000(a)(1) [title III, §304], Nov. 29, 1999, 113 Stat. 1535, 1501A-36, provided in part that: “Pursuant to section 140 of Public Law 97-92 [set out below], Justices and judges of the United States are authorized during fiscal year 2000, to receive a salary adjustment in accordance with 28 U.S.C. 461”.

Pub. L. 105-119, title III, §306, Nov. 26, 1997, 111 Stat. 2493, provided in part that: “Pursuant to section 140 of Public Law 97-92 [set out below], justices and judges of the United States are authorized during fiscal year 1998, to receive a salary adjustment in accordance with 28 U.S.C. 461”.

Pub. L. 102-395, title III, §304, Oct. 6, 1992, 106 Stat. 1859, provided that: “Pursuant to section 140 of Public Law 97-92 [set out below], Justices and judges of the United States are authorized during fiscal year 1993, to receive a salary adjustment in accordance with 28 U.S.C. 461.”

Pub. L. 102-140, title III, §305, Oct. 28, 1991, 105 Stat. 810, provided that: “Pursuant to section 140 of Public Law 97-92 [set out below], Justices and judges of the United States are authorized during fiscal year 1992, to receive a salary adjustment in accordance with 28 U.S.C. 461.”

Pub. L. 101-520, title III, §321, Nov. 5, 1990, 104 Stat. 2285, provided that: “Pursuant to section 140 of Public Law 97-92 [set out below], Justices and judges of the United States are authorized during calendar year 1991 to receive a salary adjustment in accordance with 28 U.S.C. section 461.”

Pub. L. 101-194, title VII, §703(a)(3), Nov. 30, 1989, 103 Stat. 1768, set out as a note under section 5318 of Title 5, Government Organization and Employees, provided that effective the first day of the first applicable pay period that begins on or after January 1, 1991, the rate of basic pay for the Chief Justice of the United States, an associate justice of the Supreme Court of the United States, a judge of a United States circuit court, a judge of a district court of the United States, and a judge of the United States Court of International Trade shall be increased in the amount of 25 percent of their respective rates (as last in effect before the increase), rounded to the nearest multiple of \$100 (or, if midway between multiples of \$100, to the next higher multiple of \$100).

For purposes of section 140 of Pub. L. 97-92 (set out below), appropriate salary increases were authorized for Federal judges and Justices of the Supreme Court pursuant to section 702(a) of Pub. L. 101-194 which provided that effective for pay periods beginning on or after Nov. 30, 1989, the rate of basic pay for any office or position in the judicial branch of the Government shall be determined as if section 620(b) of Pub. L. 100-440 (5 U.S.C. 5303 note) and section 619(b) of Pub. L. 101-136 (5 U.S.C. 5303 note) had never been enacted, see section 702 of Pub. L. 101-194, set out as a note under section 5303 of Title 5.

Pub. L. 100-202, §101(a) [title IV, §406], Dec. 22, 1987, 101 Stat. 1329, 1329-26, provided that: “Pursuant to section 140 of Public Law 97-92 [set out below], during fiscal year 1988, justices and judges of the United States shall receive the same percentage increase in salary accorded to employees paid under the General Schedule (pursuant to 5 U.S.C. 5305).”

Pub. L. 99-500, §101(b) [title IV, §406], Oct. 18, 1986, 100 Stat. 1783-39, 1783-64, and Pub. L. 99-591, §101(b) [title IV, §406], Oct. 30, 1986, 100 Stat. 3341-39, 3341-64, provided that: “Pursuant to section 140 of Public Law 97-92 [set out below], during fiscal year 1987, justices and judges of the United States shall receive the same percentage increase in salary accorded to employees paid under the General Schedule (pursuant to 5 U.S.C. 5305).”

Pub. L. 99-88, title I, §100, Aug. 15, 1985, 99 Stat. 310, provided in part that: “Effective on the first day of the first applicable pay period commencing on or after January 1, 1985, each rate of pay subject to adjustment by section 461 of title 28, United States Code, shall be increased by an amount, rounded to the nearest multiple of \$100 (or if midway between multiples of \$100, to the next higher multiple of \$100), equal to the overall percentage of the adjustment taking effect under section 5305 of title 5, United States Code, in the rates of pay under the General Schedule during fiscal year 1985.”

Pub. L. 98-369, div. B, title II, §2207, July 18, 1984, 98 Stat. 1060, provided that: “Effective on the first day of the first applicable pay period commencing on or after January 1, 1984, each rate of pay subject to adjustment by section 461 of title 28, United States Code, shall be increased by an amount, rounded to the nearest multiple of \$100 (or if midway between multiples of \$100, to the next higher multiple of \$100), equal to the overall

percentage of the adjustment taking effect under section 5305 of title 5, United States Code, in the rates of pay under the General Schedule during fiscal year 1984.”

SPECIFIC CONGRESSIONAL AUTHORIZATION REQUIRED FOR SALARY INCREASES FOR FEDERAL JUDGES AND JUSTICES OF THE SUPREME COURT

Pub. L. 97-92, §140, Dec. 15, 1981, 95 Stat. 1200, as amended by Pub. L. 107-77, title VI, §625, Nov. 28, 2001, 115 Stat. 803, provided that: “Notwithstanding any other provision of law or of this joint resolution [Pub. L. 97-92], none of the funds appropriated by this joint resolution or by any other Act shall be obligated or expended to increase, after the date of enactment of this joint resolution [Dec. 15, 1981], any salary of any Federal judge or Justice of the Supreme Court, except as may be specifically authorized by Act of Congress hereafter enacted: *Provided*, That nothing in this limitation shall be construed to reduce any salary which may be in effect at the time of enactment of this joint resolution nor shall this limitation be construed in any manner to reduce the salary of any Federal judge or of any Justice of the Supreme Court. This section shall apply to fiscal year 1981 and each fiscal year thereafter.”

SALARY RATE LIMITATIONS ON USE OF FUNDS

1982—Limitations on use of funds for fiscal year ending Sept. 30, 1983, appropriated by any Act to pay the salary or pay of any individual in legislative, executive, or judicial branch in position equal to or above level V of the Executive Schedule, see section 101(e) of Pub. L. 97-276, as amended, set out as a note under section 5318 of Title 5, Government Organization and Employees.

1981—Limitations on use of funds for fiscal year ending Sept. 30, 1982, appropriated by any Act to pay the salary or pay of any individual in legislative, executive, or judicial branch in position equal to or above level V of the Executive Schedule, see sections 101(g) and 141 of Pub. L. 97-92, set out as a note under section 5318 of Title 5.

1980—Limitations on use of funds for fiscal year ending Sept. 30, 1981, appropriated by any Act to pay the salary or pay of any individual in legislative, executive, or judicial branch in position equal to or above level V of the Executive Schedule, see section 101(c) of Pub. L. 96-536, as amended, set out as a note under section 5318 of Title 5.

1979—Applicability to funds appropriated by any Act for fiscal year ending Sept. 30, 1980, of limitation of section 304 of Pub. L. 95-391 on use of funds to pay the salary or pay of any individual in legislative, executive, or judicial branch in position equal to or above level V of the Executive Schedule, see section 101 of Pub. L. 96-86, set out as a note under section 5318 of Title 5.

1978—Limitations on use of funds for fiscal year ending Sept. 30, 1979, appropriated by any Act to pay the salary or pay of any individual in legislative, executive, or judicial branch in position equal to or above level V of the Executive Schedule, see section 304 of Pub. L. 95-391 and section 613 of Pub. L. 95-429, set out as a note under section 5318 of Title 5.

1977 COMPARABILITY ADJUSTMENT NOT EFFECTIVE FOR JUSTICES, JUDGES, COMMISSIONERS, AND REFEREES

Pub. L. 95-66, §1(3), July 11, 1977, 91 Stat. 270, set out as a note under section 5318 of Title 5, Government Organization and Employees, provided that the first adjustment which, but for the enactment of Pub. L. 95-66, would have been made in the salary and rate of pay of justices, judges, commissioners, and referees under this section after July 11, 1977, would not take effect.

§ 462. Court accommodations

(a) Sessions of courts of the United States (except the Supreme Court) shall be held only at places where the Director of the Administrative

Office of the United States Courts provides accommodations, or where suitable accommodations are furnished without cost to the judicial branch.

(b) The Director of the Administrative Office of the United States Courts shall provide accommodations, including chambers and courtrooms, only at places where regular sessions of court are authorized by law to be held, but only if the judicial council of the appropriate circuit has approved the accommodations as necessary.

(c) The limitations and restrictions contained in subsection (b) of this section shall not prevent the Director from furnishing chambers to circuit judges at places within the circuit other than where regular sessions of court are authorized by law to be held, when the judicial council of the circuit approves.

(d) The Director of the Administrative Office of the United States Courts shall provide permanent accommodations for the United States Court of Appeals for the Federal Circuit and for the United States Court of Federal Claims only at the District of Columbia. However, each such court may hold regular and special sessions at other places utilizing the accommodations which the Director provides to other courts.

(e) The Director of the Administrative Office of the United States Courts shall provide accommodations for probation officers, pretrial service officers, and Federal Public Defender Organizations at such places as may be approved by the judicial council of the appropriate circuit.

(f) Upon the request of the Director, the Administrator of General Services is authorized and directed to provide the accommodations the Director requests, and to close accommodations which the Director recommends for closure with the approval of the Judicial Conference of the United States.

(Added Pub. L. 97-164, title I, §115(c)(1), Apr. 2, 1982, 96 Stat. 31; amended Pub. L. 100-702, title X, §1015, Nov. 19, 1988, 102 Stat. 4669; Pub. L. 102-572, title IX, §902(b)(1), Oct. 29, 1992, 106 Stat. 4516.)

AMENDMENTS

1992—Subsec. (d). Pub. L. 102-572 substituted “United States Court of Federal Claims” for “United States Claims Court”.

1988—Subsec. (c). Pub. L. 100-702 substituted “within the circuit other than where regular sessions of court are authorized by law to be held,” for “where Federal facilities are available”.

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102-572 effective Oct. 29, 1992, see section 911 of Pub. L. 102-572, set out as a note under section 171 of this title.

EFFECTIVE DATE

Section effective Oct. 1, 1982, see section 402 of Pub. L. 97-164, set out as an Effective Date of 1982 Amendment note under section 171 of this title.

§ 463. Expenses of litigation

Whenever a Chief Justice, justice, judge, officer, or employee of any United States court is sued in his official capacity, or is otherwise required to defend acts taken or omissions made in his official capacity, and the services of an attorney for the Government are not reasonably available pursuant to chapter 31 of this title, the