

# TITLE 28—JUDICIARY AND JUDICIAL PROCEDURE

*This title was enacted by act June 25, 1948, ch. 646, §1, 62 Stat. 869*

Part		Sec.
<b>I.</b>	<b>Organization of Courts .....</b>	<b>1</b>
<b>II.</b>	<b>Department of Justice .....</b>	<b>501</b>
<b>III.</b>	<b>Court Officers and Employees .....</b>	<b>601</b>
<b>IV.</b>	<b>Jurisdiction and Venue .....</b>	<b>1251</b>
<b>V.</b>	<b>Procedure .....</b>	<b>1651</b>
<b>VI.</b>	<b>Particular Proceedings .....</b>	<b>2201</b>

### AMENDMENTS

1966—Pub. L. 89-554, §4(a), Sept. 6, 1966, 80 Stat. 611, substituted "Department of Justice" for "United States Attorneys and Marshals" in item for part II.

TABLE SHOWING DISPOSITION OF ALL SECTIONS OF  
FORMER TITLE 28

<i>Title 28 Former Sections</i>	<i>Title 28 New Sections</i>
1-4bb .....	132-134
1 nt .....	133
5 .....	135
5a .....	T. 48 §1392a
5b .....	Elim.
6, 7 .....	751
8 .....	751, 954
9 .....	604, 755
9a .....	1915
9a(a) .....	753, 1920
9a(b) .....	753
9a(c) .....	550, 604, 753, 1915
9a(d) .....	753
9a(e) .....	1915
9b .....	Rep. See Civ. Proc. R. 75.
10 .....	457
11, 12 .....	Rep. See Civ. Proc. R. 6(c), Cr. Proc. R. 45(c).
13 .....	452
14 .....	Rep. See Cr. Proc. R. 45(c).
15 .....	141
16 .....	140, 296
17 .....	291, 292, 295, 296
18 .....	296
19 .....	Rep.
20 .....	295
21 .....	292
22 .....	291, 296
23 .....	296
24 .....	455
25 .....	144
26 .....	143
27 .....	137
41(1) .....	1331, 1332, 1341, 1342, 1345, 1354, 1359
41(2) .....	Rep.
41(3) .....	1333, 1356
41(4) .....	Rep.
41(5) .....	1340
41(6) .....	1339
41(7) .....	1338
41(8) .....	1337
41(9) .....	1355
41(10) .....	Rep.
41(11) .....	1357
41(12-14) .....	1343
41(15) .....	1344
41(16) .....	1348
41(17) .....	1350
41(18) .....	1351
41(19) .....	1334
41(20) .....	1346, 2401, 2402

TABLE SHOWING DISPOSITION OF ALL SECTIONS OF  
FORMER TITLE 28—Continued

<i>Title 28 Former Sections</i>	<i>Title 28 New Sections</i>
41(21) .....	Rep.
41(22) .....	Rep.
41(23) .....	1337
41(24) .....	1353
41(25) .....	1357, 1399
41(26) .....	1335, 1397, 2361
41(27), (28) .....	1336
42 .....	1349
43 .....	1398
44 .....	2321
45 .....	Rep.
45a .....	2323
46 .....	2324
47 .....	1253, 2101, 2284, 2325
47a .....	1253, 2101, 2284
48 .....	2322
49-51 .....	Rep.
52 .....	Elim.
53 .....	T. 15 §146a
71 .....	1441, 1445, 1447
72 .....	1446, 1447
73 .....	Rep.
74 .....	1443, 1446, 1447
75 .....	1446
76 .....	1442, 1446, 1447
77 .....	1442
78 .....	1449
79 .....	1450
80 .....	1359, 1447, 1919
81 .....	1447
82 .....	Rep.
83 .....	1447, 1448
101 .....	T. 18 §3235
102 .....	T. 18 §3238
103 .....	T. 18 §3237
104 .....	1395
105 .....	1396
106-108 .....	1395
109 .....	1400, 1694
110 .....	1394
111 .....	1391
112 .....	1391, 1401, 1693, 1695
113 .....	1392
114 .....	1393, 1441
115 .....	Rep. See Civ. Proc. R. 4(f).
116 .....	1392
117 .....	754, 1692
118 .....	1655
119 .....	1404
120 .....	Rep.
121 .....	1405; T. 18 §3240
122 .....	1656
123 .....	Rep.
124 .....	959; T. 18 §1911
124a .....	960
125 .....	959
126 .....	458
127 .....	957
128 .....	604, 752
141 .....	Rep.
142 .....	81
143 .....	82
144 .....	83
145 .....	84
146 .....	85, 140
147 .....	86
148 .....	87
149 .....	89

TABLE SHOWING DISPOSITION OF ALL SECTIONS OF FORMER TITLE 28—Continued

TABLE SHOWING DISPOSITION OF ALL SECTIONS OF FORMER TITLE 28—Continued

<i>Title 28 Former Sections</i>	<i>Title 28 New Sections</i>
149a, 149b	Rep.
150	90
150a	Rep.
151	92
152	93
153	94
154, 155	Rep.
156, 156a	95
157	96
158	97
159	98
160	99
161	Rep.
162	Rep.
163	1404
164	Rep. See Civ. Proc. R. 77.
165	Rep.
166	100
167	101
168	102
169	103
170	104
171	105
172	106
173	107
174	108
175	109
176	110
177	111
178, 178a	112
179	113
179a	Elim.
180	114
181	115, 1865
182	116, 138
182a	116
183	117
184	118
184a	Elim.
185	120
186	121
186a	Elim.
187	122
188	123
189	124
189a	Elim.
190	125
191	126
192, 192a	127
193	128
194	129
195	130
196	131
211	41
211a	Rep.
212	43, 46
213	44
213a-213h	Elim.
214	Rep.
215	42
216	45, 47, 292
216a	45
217	Rep.
218	231, 456
219	2071
220	547
221	711, 956
222	711, 954
222a	604, 712
223	48
224	Rep.
225(a)	1291, 1293
225(b)	1292
225(c)	Rep.
225(d)	1294
225(e), (f)	Rep.
226	Rep.
227	1292
227a	1292, 2107
228, 228a	Rep. See Civ. Proc. R. 73.
229	Rep.
230	2107
231	2108
241	171, 173, 453
242	Rep.

<i>Title 28 Former Sections</i>	<i>Title 28 New Sections</i>
243	174, 175
244	791, 795, 956
245	604
246	952
247	Rep.
248	415, 791
249	T. 18 §282
250(1)	1491, 1501
250(2)	1503, 2501
250(3)	1496
250a	1497, 2501
250b	Rep.
251	Rep.
252	2508
253	2512
254	1493, 2510
255	2510
256	Rep.
257	1492, 2509
258	2412
259	1502
259a	T. 25 §70w (Rep. See T. 28 §1505).
260	1500
261	2502
262	2501
263	792, 2071
264	459, 953
265	Rep. See Ct. Claims R. 1, 10, 16 et seq. <sup>1</sup>
266	Rep. See Ct. Claims R. 10. <sup>1</sup>
267, 268	Rep.
268a	604, 793
269	792, 2503
270	456, 792, 794
271	Rep.
272	2507
273	Rep.
274	2504
275, 275a	2505
276	2503
277	Rep. See Ct. Claims R. 40 et seq. <sup>1</sup>
278	2503
278a	604, 793
279, 280	2514
281, 282	2515
283	2520
283a	791, 2520
284	2516
285	2517
286	2519
287	1494, 2511
288	1255
289	791
290, 291	Rep.
292	2506
293	Rep.
296	251-254, 456, 1581, 2071, 2639, 2640
296a	456
297	2636
301	211-213, 215, 293, 296
301a	213
301b	(See former 301a)
302	214, 452, 456, 604
303	604, 832
304	604, 831, 956, 957, 1926
305	604, 831, 833, 834, 956
306	604, 834
307	211, 2071
308	1256, 1541
309	Rep.
309a	1542
310	2601
311	Rep.
312	216
321	1
322	4
323	3
324	5
325	671-673
326	671, 1737
327	671, 954
328	675
329	6
330	1911

TABLE SHOWING DISPOSITION OF ALL SECTIONS OF  
FORMER TITLE 28—Continued

<i>Title 28 Former Sections</i>	<i>Title 28 New Sections</i>
331	672
332, 333	673
334	411
335	412
336	Elim.
337	413
338	2
339, 340	Rep.
341	1251
342	1651
343	1872
344	1257, 2103, 2106
345	Rep.
346, 347	1254
348, 349	Rep.
349a	1252, 2101
350	2101
351	2102
352	Rep. See Sup. Ct. R. 32.
353	Rep.
354	676
371(1)	Rep.
371(2)	1355
371(3)	1333
371(4)	1333, 1356
371(5)	1338
371(6)	1334
371(7)	1251
371(8)	1251, 1351
372	453
373	454
374	456
374a	Elim.
374b	604
374c, 374d	752
375	136, 294, 371
375a	294, 371
375b-375d	372
375e	Rep.
375f	294
375g, 375h	373
376, 377	1651
377a-377c	D.C. Code, §§16-3501 to 16-3503
378	Rep.
379	2283
380	1253, 2101, 2281, 2284
380a	1253, 2101, 2282, 2284
381	Rep. See Civ. Proc. R. 65.
382	Rep. See Civ. Proc. R. 65(c).
383	Rep. See Civ. Proc. R. 65(d).
384	Rep.
385	459; T. 18 § 401
386	T. 18 §§ 402, 3691
387	T. 18 § 402
388	Rep.
389	T. 18 §§ 402, 3691
390	T. 18 § 3285
390a	T. 18 § 402
391	Rep. See Civ. Proc. R. 59, 61; Cr. Proc. R. 33, 52.
392	T. 18 § 3043
393	T. 22 § 258a
394	1654
395	556, 955
396	556, 955
397, 398	Rep.
399	1653
400	2201, 2202
401	2403
402	374
411	1861
412, 412a	1864
413	1865
414	Rep.
415	1861, 1863
416	1867, 1868
417	1866, 1868
417a	Rep. See Cr. Proc. R. 24(c).
418	1866
419	T. 18 § 3321
420	Rep. See Cr. Proc. R. 6(c).
421	Rep. See Cr. Proc. R. 6(a), (g).
422	Rep. See Cr. Proc. R. 6(g).
423	1869
424	1870

TABLE SHOWING DISPOSITION OF ALL SECTIONS OF  
FORMER TITLE 28—Continued

<i>Title 28 Former Sections</i>	<i>Title 28 New Sections</i>
425	Rep. See Cr. Proc. R. 24(b).
426	Rep.
430, 430a	Rep.
431-432a	Rep.
433, 434	Rep.
441-443	Rep.
444	601, 603, 606, 608
445	602, 603, 607
446	604, 609
447	604, 605
448	332
449	333, 456
450	333, 604, 610
451-453	2241
454	2242
455-461	2243
462	2252
463(a)	2253
463(b)-(d)	Rep.
464	Rep. See Civ. Proc. R. 73-75, 81(a)(2).
465	2251
466	2253
481	501
481a	Elim.
482	504
483	502
484	550
485-489	547
490	541
490a	Elim.
491	541
492, 493	542
494	543
495	548
496-498	564
499	564, 1737
500-502	564
503	547
504	549
504a	T. 18 § 3053
505	550
506	546
507	554
508	555
509, 510	Rep.
511	506, 544, 545
512	951
513, 514	952, 1737
515-517	952
518, 519	Rep.
520	Rep. See Civ. Proc. R. 81(b).
521	Rep.
522	T. 18 § 2076
523	953
523a, 523b	457
524	505, 541, 751
525	636, 953
526	631
527	631, 958
528	638
528a	638, 639
529	Rep. See Cr. Proc. R. 55.
530	413, 414
530a	Elim.
531	T. 18 § 1910
541, 542	671
543	1913
544	604, 711, 961, 962
545	604
546	711
547	604, 713
548	Rep.
549	1914
550, 551	Rep.
552	1917
553	1914
554	Rep.
555	1914
556	Rep.
557	604, 751
558	604
559	Rep.
560	604, 962
561, 561a	604

TABLE SHOWING DISPOSITION OF ALL SECTIONS OF  
FORMER TITLE 28—Continued

<i>Title 28 Former Sections</i>	<i>Title 28 New Sections</i>
562	604, 962
563	604, 961
564	Rep.
565, 566	604
567-569	751
570	Rep.
571, 572	1923
572a	T. 18 § 155
573	Rep.
574	553, 1921
575	Rep.
576	553
577	551, 1929
578	1923
578a	551
578b, 578c	Rep.
579	508, 552
580	508
581	Rep.
582, 583	552, 553
584, 584a, 585	553
586	509, 550
586a	Rep.
587	509, 553
588, 589	Rep.
590	T. 18 § 203
591	Rep.
592	509
593	510
594	502
595, 596	604, 755
597-597c	635
598-599a	636
600-600b	1871
600c	1821, 1825
600d	Rep.
601	Elim.
602	1824
603-604a	1823
605	Rep.
606, 607	T. 44 §§ 325, 326 (See Rev. T. 44 Table)
608	1825, 1871
609	Rep.
631	Rep. See Civ. Proc. R. 43.
632	T. 18 § 3481
633	Rep.
634	T. 18 § 3486
635	Rep. See Civ. Proc. R. 43(a).
636	Rep. See Civ. Proc. R. 34, 55.
637	2072, 2073
638	1731
639-641	Note prec. 1781
642	Rep. See Civ. Proc. R. 28.
643, 644	Rep. See Civ. Proc. R. 26 et seq.
645	Rep. See Civ. Proc. R. 27(a)(4).
646	Rep. See Civ. Proc. R. 26 et seq.
647	Rep. See Civ. Proc. R. 45; Cr. Proc. R. 17.
648	Rep. See Civ. Proc. R. 45(d); Cr. Proc. R. 17(f).
649-652	1782
653	1781, 1782
654	Rep. See Civ. Proc. R. 45(e)(1); Cr. Proc. R. 17(e).
655	Rep. See Civ. Proc. R. 45; Cr. Proc. R. 17.
656	Rep. See Cr. Proc. R. 17(b).
657	Rep. See Cr. Proc. R. 46(b).
658	Rep.
659	Rep. See Cr. Proc. R. 46(b).
660	Rep.
661-667	1733
668	T. 18 § 3497
669	Rep.
670	1743
671	1733
672	Rep.
673	1744
674	1745
675	Rep.
676	1736
677	1740
678-680	Rep.
681-684	1734

TABLE SHOWING DISPOSITION OF ALL SECTIONS OF  
FORMER TITLE 28—Continued

<i>Title 28 Former Sections</i>	<i>Title 28 New Sections</i>
685, 686	1735
687	1738
688	1739
689	1742
690	T. 30 § 53
695	1732
695a	T. 18 § 3491
695b	T. 18 § 3492
695c	T. 18 § 3493
695d	T. 18 § 3494
695e	1741
695e-1	T. 22 § 4222
695f	T. 18 § 3495
695g	T. 18 § 3496
695h	Rep.
701	1782
702	1785
703, 704	1782
711-713	1783
714-718	1784
721	1691
722	Rep. See Civ. Proc. R. 4.
723	2071, 2073
723a	T. 18 § 3772
723a-1	T. 18 § 3771
723b, 723c	2072
724	Rep.
725	1652
726	Rep. See Civ. Proc. R. 64.
727	Rep. See Civ. Proc. R. 69.
728	Rep.
729	T. 42 § 1988
730	2072, 2073
731	2071
732-734	Rep.
735	Rep. See Civ. Proc. R. 4; Cr. Proc. R. 4, 9; Adm. R. 1. <sup>2</sup>
736	Rep.
737	See 2710
738	See 2711
739	See 2712
740	See 2713
741	See 2714
742	See 2715
743	See 2716
744	See 2717
745	Rep.
746	Rep. See Civ. Proc. R. 64.
747	2463
748-750	2405
751, 752	Rep.
753	Adm. R. 6-8, 10, 12 <sup>2</sup>
754	2464
755-757	Rep.
758	636
759, 760	Rep.
761	2071, 2072
762	1402
763	Rep. See Civ. Proc. R. 4(d), 12(a), 55(e).
764	Rep. See Civ. Proc. R. 52, 75.
765	2411
766	2409
767	Rep. See Civ. Proc. R. 4(h).
768	Rep. See Sup. Ct. R. 20.
769	Rep. See Civ. Proc. R. 40.
770	1873
771	Adm. R. 46 <sup>1/2</sup> <sup>2</sup>
772	Rep. See Civ. Proc. R. 39(c), 48.
773	Rep. See Civ. Proc. R. 38 et seq.
774	2406
775	Rep.
776	Rep. See Civ. Proc. R. 46, 63, 75.
777	Rep. See Civ. Proc. R. 1, 15, 61.
778-780	Rep. See Civ. Proc. R. 25, 81.
780a	2404
781	2407
782	Rep. See Civ. Proc. R. 12(a).
783	Rep.
784	T. 19 § 579
785	1874
786	Rep.
787	T. 19 § 580
788	See 2718
789	Rep.

TABLE SHOWING DISPOSITION OF ALL SECTIONS OF  
FORMER TITLE 28—Continued

<i>Title 28 Former Sections</i>	<i>Title 28 New Sections</i>
790 .....	Rep. See Civ. Proc. R. 75; Adm. R. 49. <sup>2</sup>
791 .....	2462
792 .....	2284
811 .....	1961
811a .....	Rep.
812 .....	1962
813 .....	Rep.
814 .....	1962
815 .....	Rep. See Civ. Proc. R. 41(d), 42(a), 54(d), 68.
816 .....	Rep.
817 .....	Elim.
818 .....	2465
819 .....	Rep.
820 .....	Rep.
821 .....	1928
822 .....	1918
823, 824 .....	Rep.
825 .....	Rep. See Civ. Proc. R. 42(a).
826 .....	Rep.
827 .....	2465
828 .....	1922
829 .....	1927
830 .....	1920
831 .....	1924
832-836 .....	1915
837 .....	1916
838 .....	Rep. See Civ. Proc. R. 4.
839 .....	2413
840 .....	Rep. See Civ. Proc. R. 59, 62.
841 .....	Rep. See Civ. Proc. R. 62(f).
842 .....	2006
843-845 .....	2007
846 .....	2005
847 .....	2001
848 .....	2004
849 .....	2002
850 .....	2003
851 .....	2041
852 .....	2042
861 .....	Rep.
861a .....	Rep.
861b .....	Elim.
862 .....	Rep.
863 .....	Rep. See Civ. Proc. R. 75; Adm. R. 49. <sup>2</sup>
864 .....	Rep. See Civ. Proc. R. 75(k).
865-867 .....	Rep.
868 .....	Rep. See Sup. Ct. R. 10, 36.
869 .....	Rep.
870 .....	2408
871 .....	2104
872 .....	Rep. See Civ. Proc. R. 73.
873 .....	Rep.
874 .....	Rep. See Civ. Proc. R. 62(d), 73(d); Sup. Ct. R. 36.
875 .....	Rep. See Civ. Proc. R. 46, 52, 73, 75.
876, 877 .....	2106
878 .....	1912
879 .....	2105
880 .....	Rep.
901, 902 .....	2410
903 .....	1444
904, 905 .....	2410
906 .....	Rep.
921 .....	2672
922 .....	2673
931(a) .....	1346, 1402, 2402, 2411, 2412, 2674
931(b) .....	2675, 2676
932 .....	1346, 2411
933(a)(1) .....	1291
933(a)(2) .....	1504, 2110
933(b) .....	Rep.
934 .....	2677
941 .....	2671
942 .....	2401
943 .....	2680
944 .....	2678
945 .....	2679
946 .....	Elim.

<sup>1</sup>Court of Claims Rules were replaced by U.S. Claims Court Rules effective Oct. 1, 1982, and subsequently by United States Court of Federal Claims Rules effective Dec. 4, 1992.

<sup>2</sup>Admiralty Rules were superseded July 1, 1966, by Supplemental Rules for Certain Admiralty and Maritime Claims.

## ENACTMENT INTO LAW; CITATION

Section 1 of act June 25, 1948, ch. 646, 62 Stat. 869, provided in part: "That title 28 of the United States Code, entitled 'Judicial Code and Judiciary' is hereby revised, codified, and enacted into law, and may be cited as 'Title 28, United States Code, section \_\_\_\_\_.'"

## LEGISLATIVE CONSTRUCTION

Section 33 of act June 25, 1948, ch. 646, 62 Stat. 991, provided that: "No inference of a legislative construction is to be drawn by reason of the chapter in Title 28, Judiciary and Judicial Procedure, as set out in section 1 of this Act, in which any section is placed, nor by reason of the catchlines used in such title."

## SEPARABILITY

Section 34 of act June 25, 1948, ch. 646, 62 Stat. 991, provided that: "If any part of Title 28, Judiciary and Judicial Procedure, as set out in section 1 of this Act, shall be held invalid, the remainder shall not be affected thereby."

## EFFECTIVE DATE

Section 38 of act June 25, 1948, ch. 646, 62 Stat. 992, provided that: "The provisions of this Act shall take effect on September 1, 1948."

## REPEALS; RIGHTS AND LIABILITIES SAVED

Act June 25, 1948, ch. 646, §39, 62 Stat. 992, repealed the sections or parts thereof of the Revised Statutes of the United States, Statutes at Large, or the Revised Statutes of the District of Columbia covering provisions codified in this title, but saved any rights or liabilities then existing under said sections or parts thereof.

R.S. §1012 as affected by act Mar. 3, 1911, ch. 231, §291, 36 Stat. 1167 [section 880 of former Title 28, Judicial Code and Judiciary], provided that appeals from district courts shall be subject to the same rules, regulations, and restrictions as are or may be prescribed in law in cases of writs of error. This provision was repealed by act June 25, 1948, ch. 646, §39, 62 Stat. 992. Section 2 of act Jan. 31, 1928, ch. 14, 45 Stat. 54, as amended Apr. 26, 1928, ch. 440, 45 Stat. 466; June 25, 1948, ch. 646, §23, 62 Stat. 990 [section 861b of former Title 28, Judicial Code and Judiciary], provided that: "All Acts of Congress referring to writs of error shall be construed as amended to the extent necessary to substitute appeal for writ of error."

## WRITS OF ERROR

Act Jan. 31, 1928, ch. 14, §1, 45 Stat. 54 [section 861a of former Title 28, Judicial Code and Judiciary], provided that: "The writ of error in cases, civil and criminal, is abolished. All relief which heretofore [Jan. 31, 1928] could be obtained by writ of error shall hereafter be obtainable by appeal." This provision was omitted from the 1948 Revised Judicial Code as obsolete, and repealed by act June 25, 1948, ch. 646, §39, 62 Stat. 992.

## TITLE 28 AS CONTINUATION OF EXISTING LAW; CHANGE OF NAME OF CIRCUIT COURTS OF APPEALS

Act June 25, 1948, ch. 646, §2(b), 62 Stat. 985, provided that: "The provisions of Title 28, Judiciary and Judicial Procedure, of the United States Code, set out in section 1 of this Act, with respect to the organization of each of the several courts therein provided for and of the Administrative Office of the United States Courts, shall be construed as continuations of existing law, and the tenure of the judges, officers, and employees thereof and of the United States attorneys and marshals and their deputies and assistants, in office on the effective date of this Act [Sept. 1, 1948], shall not be affected by its enactment, but each of them shall continue to serve in the same capacity under the appropriate provisions

of title 28, as set out in section 1 of this Act, pursuant to his prior appointment: *Provided, however*, That each circuit court of appeals shall, as in said title 28 set out, hereafter be known as a United States court of appeals. No loss of rights, interruption of jurisdiction, or prejudice to matters pending in any of such courts on the effective date of this Act shall result from its enactment.”

**PART I—ORGANIZATION OF COURTS**

Chap.		Sec.
<b>1.</b>	<b>Supreme Court .....</b>	<b>1</b>
<b>3.</b>	<b>Courts of appeals .....</b>	<b>41</b>
<b>5.</b>	<b>District courts .....</b>	<b>81</b>
<b>6.</b>	<b>Bankruptcy judges .....</b>	<b>151</b>
<b>7.</b>	<b>United States Court of Federal Claims .....</b>	<b>171</b>
<b>[9.</b>	<b>Repealed.]</b>	
<b>11.</b>	<b>Court of International Trade .....</b>	<b>251</b>
<b>13.</b>	<b>Assignment of judges to other courts .....</b>	<b>291</b>
<b>15.</b>	<b>Conferences and councils of judges .....</b>	<b>331</b>
<b>16.</b>	<b>Complaints against judges and judicial discipline .....</b>	<b>351</b>
<b>17.</b>	<b>Resignation and retirement of judges<sup>1</sup> .....</b>	<b>371</b>
<b>19.</b>	<b>Distribution of reports and digests .....</b>	<b>411</b>
<b>21.</b>	<b>General provisions applicable to courts and judges .....</b>	<b>451</b>
<b>23.</b>	<b>Civil justice expense and delay reduction plans .....</b>	<b>471</b>

AMENDMENTS

2002—Pub. L. 107-273, div. C, title I, §11042(b), Nov. 2, 2002, 116 Stat. 1855, added item for chapter 16.

1992—Pub. L. 102-572, title IX, §902(b)(1), Oct. 29, 1992, 106 Stat. 4516, substituted “United States Court of Federal Claims” for “United States Claims Court” in item for chapter 7.

1990—Pub. L. 101-650, title I, §103(d), Dec. 1, 1990, 104 Stat. 5096, added item for chapter 23.

1984—Pub. L. 98-353, title I, §104(b), July 10, 1984, 98 Stat. 342, added item for chapter 6.

1982—Pub. L. 97-164, title I, §§105(b), 106, Apr. 2, 1982, 96 Stat. 28, substituted “United States Claims Court” for “Court of Claims” in item for chapter 7 and struck out item for chapter 9 “Court of Customs and Patent Appeals”.

1980—Pub. L. 96-417, title V, §501(1), Oct. 10, 1980, 94 Stat. 1742, substituted “Court of International Trade” for “Customs Court” in item for chapter 11.

1978—Pub. L. 98-598, title II, §201(b), Nov. 6, 1978, 92 Stat. 2660, directed amendment of analysis of chapters comprising part I by adding item for chapter 6 “Bankruptcy courts”, which amendment did not become effective pursuant to section 402(b) of Pub. L. 95-598, as amended, set out as an Effective Date note preceding section 101 of Title 11, Bankruptcy.

EXECUTIVE ORDER NO. 11992

Ex. Ord. No. 11992, May 24, 1977, 42 F.R. 27195, which established Committee on Selection of Federal Judicial Officers and provided for its membership, functions, etc., was revoked, and Committee terminated, by Ex. Ord. No. 12305, May 5, 1981, 46 F.R. 25421, set out as a note under section 14 of the Federal Advisory Committee Act in the Appendix to Title 5, Government Organization and Employees.

**CHAPTER 1—SUPREME COURT**

Sec.	
1.	Number of justices; quorum.

<sup>1</sup>Chapter heading amended by Pub. L. 92-397 without corresponding amendment of analysis.

Sec.	
2.	Terms of court.
3.	Vacancy in office of Chief Justice; disability.
4.	Precedence of associate justices.
5.	Salaries of justices.
6.	Records of former court of appeals.

**§ 1. Number of justices; quorum**

The Supreme Court of the United States shall consist of a Chief Justice of the United States and eight associate justices, any six of whom shall constitute a quorum.

(June 25, 1948, ch. 646, 62 Stat. 869.)

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., §321 (Mar. 3, 1911, ch. 231, §215, 36 Stat. 1152).

Appointment of “judges of the Supreme Court” by the President by and with the advice and consent of the Senate is provided by U.S. Constitution art. 2, §2, cl. 2.

SHORT TITLE OF 2015 AMENDMENT

Pub. L. 114-74, title VII, §701(a), Nov. 2, 2015, 129 Stat. 599, provided that: “This section [amending and repealing provisions set out as notes under section 2461 of this title] may be cited as the ‘Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015’.”

SHORT TITLE OF 2012 AMENDMENT

Pub. L. 112-188, §1, Oct. 5, 2012, 126 Stat. 1433, provided that: “This Act [amending sections 104 and 105 of this title and enacting provisions set out as a note under section 104 of this title] may be cited as the ‘Divisional Realignment Act of 2012’.”

Pub. L. 112-121, §1, May 25, 2012, 126 Stat. 346, provided that: “This Act [amending sections 589a and 1930 of this title, enacting provisions set out as notes under sections 152, 589a, and 1931 of this title, and amending provisions set out as a note under section 1931 of this title] may be cited as the ‘Temporary Bankruptcy Judgeships Extension Act of 2012’.”

SHORT TITLE OF 2011 AMENDMENT

Pub. L. 112-63, §1(a), Dec. 7, 2011, 125 Stat. 758, provided that: “This Act [enacting sections 1390 and 1455 of this title, amending sections 1332, 1391, 1404, 1441, 1446, and 1453 of this title, repealing section 1392 of this title, and enacting provisions set out as notes under sections 1332 and 1390 of this title] may be cited as the ‘Federal Courts Jurisdiction and Venue Clarification Act of 2011’.”

Pub. L. 112-62, §1, Nov. 29, 2011, 125 Stat. 756, provided that: “This Act [amending section 2107 of this title and enacting provisions set out as notes under section 2107 of this title] may be cited as the ‘Appeal Time Clarification Act of 2011’.”

Pub. L. 112-51, §1, Nov. 9, 2011, 125 Stat. 545, provided that: “This Act [amending sections 1442, 1446, and 1447 of this title] may be cited as the ‘Removal Clarification Act of 2011’.”

Pub. L. 111-369, §1, Jan. 4, 2011, 124 Stat. 4068, provided that: “This Act [amending section 534 of this title] may be cited as the ‘Access to Criminal History Records for State Sentencing Commissions Act of 2010’.”

SHORT TITLE OF 2010 AMENDMENT

Pub. L. 111-342, §1, Dec. 22, 2010, 124 Stat. 3607, provided that: “This Act [amending section 2467 of this title] may be cited as the ‘Preserving Foreign Criminal Assets for Forfeiture Act of 2010’.”

Pub. L. 111-223, §1, Aug. 10, 2010, 124 Stat. 2380, provided that: “This Act [enacting chapter 181 of this title and provisions set out as a note under section 4101 of this title] may be cited as the ‘Securing the Protection of our Enduring and Established Constitutional Heritage Act’ or the ‘SPEECH Act’.”

SHORT TITLE OF 2009 AMENDMENT

Pub. L. 111-122, §1, Dec. 22, 2009, 123 Stat. 3480, provided that: “This Act [enacting section 509B of this