

Title 35, Patents, and enacting provisions set out as notes under section 713 of this title and section 142 of Title 35] may be cited as the ‘Technical Amendments to the Federal Courts Improvement Act of 1982.’”

For short title of Pub. L. 98-353 as the Bankruptcy Amendments and Federal Judgeship Act of 1984, see section 1 of Pub. L. 98-353, set out as a note under section 151 of this title.

#### SHORT TITLE OF 1983 AMENDMENT

Pub. L. 97-409, §1, Jan. 3, 1983, 96 Stat. 2039, provided: “That this Act [amending sections 49, 591, and 592 to 598 of this title and amending provisions set out as a note under section 591 of this title] may be cited as the ‘Ethics in Government Act Amendments of 1982.’”

#### SHORT TITLE OF 1982 AMENDMENTS

For short title of sections 2 to 6 of Pub. L. 97-394 as the Indian Claims Limitation Act of 1982, see section 1 of Pub. L. 97-394, set out as a note under section 2415 of this title.

Pub. L. 97-292, §1, Oct. 12, 1982, 96 Stat. 1259, provided: “That this Act [amending section 534 of this title] may be cited as the ‘Missing Children Act.’”

Pub. L. 97-164, §1, Apr. 2, 1982, 96 Stat. 25, provided: “That this Act [see Tables for classification] may be cited as the ‘Federal Courts Improvement Act of 1982.’”

#### SHORT TITLE OF 1980 AMENDMENTS

Pub. L. 96-486, §1, Dec. 1, 1980, 94 Stat. 2369, provided: “That this Act [amending section 1331 of this title and section 2072 of Title 15, Commerce and Trade, and enacting provisions set out as a note under section 1331 of this title] may be cited as the ‘Federal Question Jurisdictional Amendments Act of 1980.’”

Pub. L. 96-462, §1, Oct. 15, 1980, 94 Stat. 2053, provided that: “This Act [amending sections 84, 95, 105, 113, and 124 of this title and enacting provisions set out as notes under sections 84, 95, 105, and 113 of this title] may be cited as the ‘Federal District Court Organization Act of 1980.’”

Pub. L. 96-458, §1, Oct. 15, 1980, 94 Stat. 2035, provided that: “This Act [amending sections 331, 332, 372, and 604 of this title and enacting provisions set out as notes under section 331 of this title] may be cited as the ‘Judicial Councils Reform and Judicial Conduct and Disability Act of 1980.’”

Pub. L. 96-452, §1, Oct. 14, 1980, 94 Stat. 1994, provided: “That this Act [amending sections 41, 44, and 48 of this title and enacting provisions set out as notes under section 41 of this title] may be cited as the ‘Fifth Circuit Court of Appeals Reorganization Act of 1980.’”

Pub. L. 96-417, §1, Oct. 10, 1980, 94 Stat. 1727, provided: “That this Act [see Tables for classification] may be cited as the ‘Customs Courts Act of 1980.’”

#### SHORT TITLE OF 1979 AMENDMENT

For short title of Pub. L. 96-82, as the “Federal Magistrate Act of 1979”, see section 1 of Pub. L. 96-82, set out as a note under section 631 of this title.

#### SHORT TITLE OF 1978 AMENDMENTS

For short title of Pub. L. 95-572 as the “Jury System Improvements Act of 1978”, see section 1 of Pub. L. 95-572, set out as a note under section 1861 of this title.

Pub. L. 95-539, §1, Oct. 28, 1978, 92 Stat. 2040, provided: “That this Act [enacting sections 1827 and 1828 of this title, amending sections 602 to 604 and 1920 of this title, enacting provisions set out as notes under section 602 of this title, and repealing provisions set out as a note under section 602 of this title] may be cited as the ‘Court Interpreters Act.’”

Pub. L. 95-408, §1, Oct. 2, 1978, 92 Stat. 883, provided that: “This Act [amending sections 89, 93, 97, 98, 104, 112, 114, 133 of this title and enacting provisions set out as a note under section 89 of this title] may be cited as the ‘Federal District Court Organization Act of 1978.’”

#### SHORT TITLE OF 1976 AMENDMENTS

Pub. L. 94-583, §1, Oct. 21, 1976, 90 Stat. 2891, provided: “That this Act [enacting sections 1330 and 1602 to 1611

of this title, amending sections 1332, 1391, and 1441 of this title, and enacting provisions set out as notes under section 1602 of this title] may be cited as the ‘Foreign Sovereign Immunities Act of 1976.’”

Pub. L. 94-554, §1, Oct. 19, 1976, 90 Stat. 2603, provided: “That this Act [amending section 376 of this title and enacting provisions set out as notes under section 376 of this title] may be cited as the ‘Judicial Survivors’ Annuities Reform Act.’”

#### SHORT TITLE OF 1970 AMENDMENT

Pub. L. 91-271, title I, §101, June 2, 1970, 84 Stat. 274, provided that: “This title [enacting sections 256 and 257 of this title, amending sections 253 to 255, 1541, 1582, 2601, 2602, and 2631 to 2639 of this title, repealing sections 1583 and 2640 to 2642 of this title, and enacting provisions set out as a note under section 256 of this title] may be cited as ‘The Customs Courts Act of 1970.’”

#### SHORT TITLE OF 1966 AMENDMENT

Pub. L. 89-504, title II, §201, July 18, 1966, 80 Stat. 293, provided that: “This title [enacting provisions set out as notes under sections 603, 604, and 753 of this title] may be cited as the ‘Federal Judicial Salary Act of 1966.’”

#### SHORT TITLE OF 1964 AMENDMENT

Pub. L. 88-426, title IV, §401, Aug. 14, 1964, 78 Stat. 433, provided that: “This title [amending sections 5, 44, 135, 173, 213, 252, 603, and 792 of this title, section 867 of Title 10, Armed Forces, section 68 of former Title 11, Bankruptcy, and section 7443 of Title 26, Internal Revenue Code, and enacting provisions set out as notes under sections 603, 604 and 753 of this title] may be cited as the ‘Federal Judicial Salary Act of 1964.’”

#### GIFTS TO THE UNITED STATES SUPREME COURT

Pub. L. 108-356, §3, Oct. 21, 2004, 118 Stat. 1416, provided that: “The Chief Justice or his designee is authorized to accept, hold, administer, and utilize gifts and bequests of personal property pertaining to the history of the United States Supreme Court or its justices, but gifts or bequests of money shall be covered into the Treasury.”

## § 2. Terms of court

The Supreme Court shall hold at the seat of government a term of court commencing on the first Monday in October of each year and may hold such adjourned or special terms as may be necessary.

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

#### HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., §338 (Mar. 3, 1911, ch. 231, §230, 36 Stat. 1156; Sept. 6, 1916, ch. 448, §1, 39 Stat. 726).

Minor changes in phraseology were made.

## § 3. Vacancy in office of Chief Justice; disability

Whenever the Chief Justice is unable to perform the duties of his office or the office is vacant, his powers and duties shall devolve upon the associate justice next in precedence who is able to act, until such disability is removed or another Chief Justice is appointed and duly qualified.

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

#### HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., §323 (Mar. 3, 1911, ch. 231, §217, 36 Stat. 1152).

The sentence, “This provision shall apply to every Associate Justice who succeeds to the office of Chief

Justice", was omitted as covered by last portion of revised section.

Minor changes were made in phraseology.

For seniority of commissions, see section 4 of this title.

#### § 4. Precedence of associate justices

Associate justices shall have precedence according to the seniority of their commissions. Justices whose commissions bear the same date shall have precedence according to seniority in age.

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

##### HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., § 322 (Mar. 3, 1911, ch. 231, § 216, 36 Stat. 1152).

Minor changes in phraseology were made.

#### § 5. Salaries of justices

The Chief Justice and each associate justice shall each receive a salary at annual rates determined under section 225 of the Federal Salary Act of 1967 (2 U.S.C. 351-361), as adjusted by section 461 of this title.

(June 25, 1948, ch. 646, 62 Stat. 870; Mar. 2, 1955, ch. 9, § 1(a), 69 Stat. 9; Pub. L. 88-426, title IV, § 403(a), Aug. 14, 1964, 78 Stat. 434; Pub. L. 94-82, title II, § 205(b)(1), Aug. 9, 1975, 89 Stat. 422.)

##### HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., § 324 (Mar. 3, 1911, ch. 231, § 218, 36 Stat. 1152; Dec. 13, 1926, ch. 6, § 1, 44 Stat. 919; July 31, 1946, ch. 704, § 1, 60 Stat. 716).

The provision "to be paid monthly" was omitted since the time of payment of salaries is a matter of administrative convenience. (See 20 Comp. Gen. 834.)

Minor changes in phraseology were made.

##### REFERENCES IN TEXT

Section 225 of the Federal Salary Act of 1967, referred to in text, is section 225 of Pub. L. 90-206, Dec. 16, 1967, 81 Stat. 642, as amended, which is classified to chapter 11 (§ 351 et seq.) of Title 2, The Congress.

##### AMENDMENTS

1975—Pub. L. 94-82 substituted provisions setting the annual salary of the Chief Justice and each associate justice at rates determined under section 225 of the Federal Salary Act of 1967, as adjusted by section 461 of this title, for provisions granting the Chief Justice and each associate justice a salary of \$40,000 and \$39,500 a year, respectively.

1964—Pub. L. 88-426 increased salary of Chief Justice from \$35,500 to \$40,000 and that of Associate Justices from \$35,000 to \$39,500.

1955—Act Mar. 2, 1955, increased salary of Chief Justice from \$25,500 to \$35,500 and salaries of Associate Justices from \$25,000 to \$35,000 a year.

##### EFFECTIVE DATE OF 1964 AMENDMENT

Amendment by Pub. L. 88-426 effective on first day of first pay period which begins on or after July 1, 1964, except to extent provided in section 501(c) of Pub. L. 88-426, see section 501 of Pub. L. 88-426.

##### EFFECTIVE DATE OF 1955 AMENDMENT

Amendment by act Mar. 2, 1955, effective Mar. 1, 1955, see section 5 of act Mar. 2, 1955, set out as a note under section 4501 of Title 2, The Congress.

##### SALARY INCREASES

For adjustment of salaries of Chief Justice and Associate Justices under this section, see the executive

order detailing the adjustment of certain rates of pay set out as a note under section 5332 of Title 5, Government Organization and Employees.

For prior year salary increases per the recommendation of the President, see Prior Salary Recommendations notes under section 358 of Title 2, The Congress.

For miscellaneous provisions dealing with adjustments of pay and limitations on use of funds to pay salaries in prior years, see notes under section 5318 of Title 5, Government Organization and Employees.

Salary of Chief Justice increased from \$20,500 to \$25,500 a year, and salaries of associate justices increased from \$20,000 to \$25,000 a year, by act July 31, 1946, ch. 704, § 1, 60 Stat. 716.

Salary of Chief Justice increased from \$15,000 to \$20,500 a year, and salaries of associate justices increased from \$14,500 to \$20,000 a year, by act Dec. 13, 1926, ch. 6, § 1, 44 Stat. 919.

Salary of Chief Justice set at \$15,000 a year and salaries of associate justices set at \$14,500 a year by Judicial Code of 1911, act Mar. 3, 1911, ch. 231, § 1, 36 Stat. 1152.

#### § 6. Records of former court of appeals

The records and proceedings of the court of appeals, appointed previous to the adoption of the Constitution, shall be kept until deposited with the National Archives of the United States in the office of the clerk of the Supreme Court, who shall furnish copies thereof to any person requiring and paying for them, in the manner provided by law for giving copies of the records and proceedings of the Supreme Court. Such copies shall have the same faith and credit as proceedings of the Supreme Court.

(June 25, 1948, ch. 646, 62 Stat. 870; Oct. 25, 1951, ch. 562, § 4(7), 65 Stat. 640.)

##### HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., § 329 (Mar. 3, 1911, ch. 231, § 222, 36 Stat. 1153).

In a letter dated August 8, 1944, the clerk of the Supreme Court advised that many of the early records mentioned in this section were destroyed by fire. Others are on file in the Clerk's office.

Minor changes in phraseology were made.

##### AMENDMENTS

1951—Act Oct. 25, 1951, inserted "until deposited with the National Archives of the United States" in first sentence.

### CHAPTER 3—COURTS OF APPEALS

Sec.

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| 41. | Number and composition of circuits.                               |
| 42. | Allotment of Supreme Court justices to circuits.                  |
| 43. | Creation and composition of courts.                               |
| 44. | Appointment, tenure, residence and salary of circuit judges.      |
| 45. | Chief judges; precedence of judges.                               |
| 46. | Assignment of judges; panels; hearings; quorum.                   |
| 47. | Disqualification of trial judge to hear appeal.                   |
| 48. | Terms of court.   |
| 49. | Assignment of judges to division to appoint independent counsels. |

##### AMENDMENTS

1983—Pub. L. 97-409, § 2(b)(2), Jan. 3, 1983, 96 Stat. 2039, substituted "independent counsels" for "special prosecutors" in item 49.

1978—Pub. L. 95-521, title VI, § 602(b), Oct. 26, 1978, 92 Stat. 1874, added item 49.

Pub. L. 95-486, § 5(c), Oct. 20, 1978, 92 Stat. 1633, substituted "panels" for "divisions" in item 46.