

receive salary after resignation, retirement, or failure of reappointment of any district judge for the district of Puerto Rico who is in office on the date of enactment of this Act [Sept. 12, 1966].”

#### APPLICABILITY OF ORDERS UNDER 1954 AMENDMENT

Act Feb. 10, 1954, ch. 6, §2(b)(13)(b), 68 Stat. 12, provided: “Orders made by the judicial councils of the circuits under the second sentence of subsection (c) of section 134 of Title 28, as amended by this section, determining that a specified district judge shall maintain his abode at or near a place or within an area which the council has theretofore designated for the abode of a district judge under the first sentence of such subsection, shall be applicable only to district judges appointed after the enactment of this act [Feb. 10, 1954].”

### § 135. Salaries of district judges

Each judge of a district court of the United States shall receive a salary at an annual rate 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. 897; Mar. 2, 1955, ch. 9, §1(c), 69 Stat. 10; Pub. L. 88-426, title IV, §403(c), Aug. 14, 1964, 78 Stat. 434; Pub. L. 94-82, title II, §205(b)(3), Aug. 9, 1975, 89 Stat. 422.)

#### HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., §5, and District of Columbia Code, 1940 ed., §11-302 (Mar. 3, 1911, ch. 231, §2, 36 Stat. 1087; Feb. 25, 1919, ch. 29, §1, 40 Stat. 1156; Dec. 13, 1926, ch. 6, 44 Stat. 919; May 17, 1932, ch. 190, 47 Stat. 158; July 31, 1946, ch. 704, §1, 60 Stat. 716).

Section consolidates section 5 of title 28, U.S.C., 1940 ed., and section 11-302 of the District of Columbia Code, 1940 ed.

“Chief judge,” in the District of Columbia, was substituted for “Chief Justice” which appeared in section 11-302 of the District of Columbia Code. (See reviser’s note under section 136 of this title.)

Words “to be paid in monthly installments” were omitted, since the time of payment is a matter of administrative convenience. See 20 Comp. Gen. 834.

The provision of section 5 of title 28, U.S.C., 1940 ed., for salaries of judges of the district court of Alaska was omitted as covered by section 101 of Title 48, U.S.C., 1940 ed., Territories and Insular Possessions, as amended by a separate section in the bill to enact this revised title. The provision of said section for salary of the Virgin Islands district judge was omitted as covered by section 5a of title 28, U.S.C., 1940 ed., as amended by a separate section in the bill to enact this revised title. Such section 5a is recommended for transfer to title 48, U.S.C., 1940 ed., because of the dual nature of the Virgin Islands district court.

For salary of the district judge of Canal Zone district court, see section 1348 of title 48, U.S.C., 1940 ed., Territories and Insular Possessions.

Changes were made in phraseology.

#### Editorial Notes

##### 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 provision that each judge of a district court shall receive a salary at an annual rate determined under section 225 of the Federal Salary Act of 1967, as adjusted by section 461 of this title, for provision that each such judge receive a salary of \$30,000.

1964—Pub. L. 88-426 increased the salary of the district court judges from \$22,500 to \$30,000, and that of the chief judge of the District Court for the District of Columbia from \$23,000 to \$30,500.

1955—Act Mar. 2, 1955, increased the salaries of the district court judges from \$15,000 to \$22,500 a year and increased the salary of the chief judge of the District Court for the District of Columbia from \$15,500 to \$23,000 a year.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 1964 AMENDMENT

Amendment by Pub. L. 88-426 effective on the first day of the first pay period which begins on or after July 1, 1964, except to the 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.

#### Statutory Notes and Executive Documents

##### SALARY INCREASES

For adjustment of salaries of district judges 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 judge of District Court for District of Columbia increased from \$10,500 to \$15,500 a year, and salaries of all other district court judges increased from \$10,000 to \$15,000 a year by act July 31, 1946, ch. 704, §1, 60 Stat. 716.

Salary of chief judge of District Court of District of Columbia increased from \$7,500 to \$10,500 a year, and salaries of all other district court judges increased from \$7,500 to \$10,000 a year by act Dec. 13, 1926, ch. 6, §1, 44 Stat. 919.

Salaries of district court judges increased from \$6,000 to \$7,500 a year by act Feb. 25, 1919, ch. 29, §1, 40 Stat. 1156.

Salaries of chief justice and associate justices of Supreme Court of District of Columbia, forerunner of District Court for District of Columbia, were set at \$5,000 by act Mar. 3, 1901, ch. 854, §1, 30 Stat. 1199, and increased to \$7,500 a year by act Feb. 25, 1919, ch. 29, §1, 40 Stat. 1156.

Salaries of district court judges set at \$6,000 a year by Judicial Code of 1911, act Mar. 3, 1911, ch. 231, §1, 36 Stat. 1087.

### § 136. Chief judges; precedence of district judges

(a)(1) In any district having more than one district judge, the chief judge of the district shall be the district judge in regular active service who is senior in commission of those judges who—

(A) are sixty-four years of age or under;

(B) have served for one year or more as a district judge; and

(C) have not served previously as chief judge.

(2)(A) In any case in which no district judge meets the qualifications of paragraph (1), the youngest district judge in regular active service who is sixty-five years of age or over and who has served as district judge for one year or more shall act as the chief judge.