

(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 31 of Title 2, The Congress.

#### SALARY INCREASES

2003—Salaries of Chief Justice and Associate Justices increased to \$198,600 and \$190,100 per annum, respectively, effective on first day of first pay period beginning on or after Jan. 1, 2003, by Ex. Ord. No. 13282, Dec. 31, 2002, 68 F.R. 1133, as amended by Ex. Ord. No. 13291, § 3, Mar. 21, 2003, 68 F.R. 14525, set out as a note under section 5332 of Title 5, Government Organization and Employees.

2002—Salaries of Chief Justice and Associate Justices increased to \$192,600 and \$184,400 per annum, respectively, effective on first day of first pay period beginning on or after Jan. 1, 2002, by Ex. Ord. No. 13249, Dec. 28, 2001, 67 F.R. 639, formerly set out as a note under section 5332 of Title 5.

2001—Salaries of Chief Justice and Associate Justices increased to \$186,300 and \$178,300 per annum, respectively, effective on first day of first pay period beginning on or after Jan. 1, 2001, by Ex. Ord. No. 13182, Dec. 23, 2000, 65 F.R. 82879, 66 F.R. 10057, formerly set out as a note under section 5332 of Title 5.

2000—Salaries of Chief Justice and Associate Justices increased to \$181,400 and \$173,600 per annum, respectively, effective on first day of first pay period beginning on or after Jan. 1, 2000, by Ex. Ord. No. 13144, Dec. 21, 1999, 64 F.R. 72237, formerly set out as a note under section 5332 of Title 5.

1999—Salaries of Chief Justice and Associate Justices continued at \$175,400 and \$167,900 per annum, respectively, by Ex. Ord. No. 13106, Dec. 7, 1998, 63 F.R. 68151, formerly set out as a note under section 5332 of Title 5.

1998—Salaries of Chief Justice and Associate Justices increased to \$175,400 and \$167,900 per annum, respectively, effective on first day of first pay period beginning on or after Jan. 1, 1998, by Ex. Ord. No. 13071, Dec. 29, 1997, 62 F.R. 68521, formerly set out as a note under section 5332 of Title 5.

1997—Salaries of Chief Justice and Associate Justices continued at \$171,500 and \$164,100 per annum, respectively, by Ex. Ord. No. 13033, Dec. 27, 1996, 61 F.R. 68987, formerly set out as a note under section 5332 of Title 5.

1996—Salaries of Chief Justice and Associate Justices continued at \$171,500 and \$164,100 per annum, respectively, by Ex. Ord. No. 12984, Dec. 28, 1995, 61 F.R. 237, formerly set out as a note under section 5332 of Title 5.

1995—Salaries of Chief Justice and Associate Justices continued at \$171,500 and \$164,100 per annum, respectively, by Ex. Ord. No. 12944, Dec. 28, 1994, 60 F.R. 309, formerly set out as a note under section 5332 of Title 5.

1993—Salaries of Chief Justice and Associate Justices increased to \$171,500 and \$164,100 per annum, respectively, effective on first day of first pay period beginning on or after Jan. 1, 1993, by Ex. Ord. No. 12826, Dec. 30, 1992, 57 F.R. 62909, formerly set out as a note under section 5332 of Title 5.

1992—Salaries of Chief Justice and Associate Justices increased to \$166,200 and \$159,000 per annum, respec-