Subsec. (f)(3). Pub. L. 104–317, § 301(a), substituted ''may thereafter receive a certification for that year by satisfying the requirements of subparagraph (A), (B), (C), or (D) of paragraph (1) of this subsection in a subsequent year and attributing a sufficient part of the work performed in such subsequent year to the earlier year so that the work so attributed, when added to the work performed during such earlier year, satisfies the requirements for certification for that year. However, a justice or judge may not receive credit for the same work for purposes of certification for more than 1 year.'' for ''is thereafter ineligible to receive such a certification.''

1989—Subsec. (b). Pub. L. 101–194, § 705(a)(1), designated existing provisions as par. (1), inserted ''or her'' after ''his'', substituted ''of the office if he or she meets the requirements of subsection (f)'' for ''of the office'', and added par. (2).

Subsec. (f). Pub. L. 101–194, § 705(a)(2), added subsec. (f).

1988—Subsec. (e). Pub. L. 100–702 added subsec. (e).

1984—Pub. L. 98–353 substituted ''Retirement on salary; retirement in senior status'' for ''Resignation or retirement for age'' in section catchline.

Subsec. (a). Pub. L. 98–353 amended subsec. (a) generally, substituting ''may retire from the office after attaining the age and meeting the service requirements, whether continuous or otherwise, of subsection (c) and shall, during the remainder of his lifetime, receive an annuity equal to the salary he was receiving at the time he retired'' for ''who resigns after attaining the age of seventy years and after serving at least ten years continuously or otherwise shall, during the remainder of his lifetime, continue to receive the salary which he was receiving when he resigned''.

Subsec. (b). Pub. L. 98–353 amended subsec. (b) generally, substituting ''may retain the office but retire from regular active service after attaining the age and meeting the service requirements, whether continuous or otherwise, of subsection (c) of this section and shall, during the remainder of his lifetime, continue to receive the salary of the office'' for ''may retain his office but retire from regular active service after attaining the age of seventy years and after serving at least ten years continuously or otherwise, or after attaining the age of sixty-five years and after serving at least fifteen years continuously or otherwise. He shall, during the remainder of his lifetime, continue to receive the salary of the office. The President shall appoint, by and with the advice and consent of the Senate, a successor to a justice or judge who retires''.

Subsecs. (c), (d). Pub. L. 98–353 added subsecs. (c) and (d).

1954—Act Feb. 10, 1954, struck out ''; substitute judge on failure to retire'' in section catchline.

Subsec. (a). Act Feb. 10, 1954, reenacted subsec. (a) without change.

Subsec. (b). Act Feb. 10, 1954, in first sentence, inserted provision for retirement after attaining the age of 65 years and after serving 15 years continuously or otherwise.

Subsec. (c). Act Feb. 10, 1954, in general amendment of section, omitted subsec. (c) which related to appointment of substitute judges for disabled judges eligible to resign or retire where the latter fail to resign or retire, and to precedence of such disabled judges who remain on the active list after the appointment of substitutes.

1951—Act Oct. 31, 1951, subdivided section into subsections, and limited second par. of subsec. (c) (as so designated) to judges who remain on the active list but whose disabilities cause the appointment of additional judges as authorized by first par. of such subsec.

EFFECTIVE DATE OF 2000 AMENDMENT

Pub. L. 106–398, § 1 [[div. A], title VI, § 654(c)], Oct. 30, 2000, 114 Stat. 1654, 1654A–165, provided that: ''The amendments made by this section [amending this section and repealing section 180 of this title] shall take effect as of October 1, 1999.''

EFFECTIVE DATE OF 1989 AMENDMENT

Section 705(b) of Pub. L. 101–194 provided that:

''(1) IN GENERAL.—The amendments made by subsection (a) [amending this section] shall first apply with respect to work performed on or after January 1, 1990, by a justice or judge of the United States who has retired under section 371(b) of title 28, United States Code.

''(2) CALENDAR YEAR 1990.—In the case of certifications required by section 371(f) of title 28, United States Code, for calendar year 1990—

''(A) such certifications shall be based on the 10-month period beginning on January 1, 1990, and ending on October 31, 1990, and shall be completed not later than December 15, 1990;

''(B) determinations of work performed under section 371(f) of title 28, United States Code, shall be made pro rata on the basis of such 10-month period; and

''(C) such certifications shall be deemed to be certifications made in calendar year 1991.''

EFFECTIVE DATE OF 1988 AMENDMENT

Section 1005(b) of Pub. L. 100–702 provided that: ''The amendment made by this section [amending this section] shall apply to a justice or judge who retires, or has retired, from the judicial office or from regular active service (into senior status) as such justice or judge of the United States on or after the effective date of section 5532(c) of title 5 [effective 90 days after Oct. 13, 1978, see Effective Date of 1978 Amendment note under section 1101 of Title 5, Government Organization and Employees], and to whom section 5532(c) would otherwise be applicable.''

EFFECTIVE DATE OF 1984 AMENDMENT

Section 204(c) of Pub. L. 98–353 provided that: ''The amendments made by this section [amending this section] shall apply with respect to any justice or judge of the United States appointed to hold office during good behavior who retires on or after the date of enactment of this Act [July 10, 1984].''

COMPUTATION OF JUDICIAL SERVICE, DISTRICT OF ALASKA

Pub. L. 89–70, July 8, 1965, 79 Stat. 213, provided: ''That, notwithstanding any other provision of law, any service as a judge of the District Court for the Territory of Alaska shall be included in computing under sections 371 and 372 of Title 28, United States Code, the aggregate years of judicial service of a United States district judge for the district of Alaska.''

JUDICIAL SERVICE IN HAWAII INCLUDED WITHIN COMPUTATION OF AGGREGATE YEARS OF JUDICIAL SERVICE

Pub. L. 86–3, § 14(d), Mar. 18, 1959, 73 Stat. 10, provided in part: ''That service as a judge of the District Court for the Territory of Hawaii or as a judge of the United States District Court for the District of Hawaii or as a justice of the Supreme Court of the Territory of Hawaii or as a judge of the circuit courts of the Territory of Hawaii shall be included in computing under section 371, 372, or 373 of title 28, United States Code, the aggregate years of judicial service of any person who is in office as a district judge for the District of Hawaii on the date of enactment of this Act [Mar. 18, 1959].''

§ 372. Retirement for disability; substitute judge on failure to retire

(a) Any justice or judge of the United States appointed to hold office during good behavior who becomes permanently disabled from performing his duties may retire from regular active service, and the President shall, by and with the advice and consent of the Senate, appoint a successor.

Any justice or judge of the United States desiring to retire under this section shall certify to the President his disability in writing.

Whenever an associate justice of the Supreme Court, a chief judge of a circuit or the chief judge of the Court of International Trade, desires to retire under this section, he shall furnish to the President a certificate of disability signed by the Chief Justice of the United States.

A circuit or district judge, desiring to retire under this section, shall furnish to the President a certificate of disability signed by the chief judge of his circuit.

A judge of the Court of International Trade desiring to retire under this section, shall furnish to the President a certificate of disability signed by the chief judge of his court.

Each justice or judge retiring under this section after serving ten years continuously or otherwise shall, during the remainder of his lifetime, receive the salary of the office. A justice or judge retiring under this section who has served less than ten years in all shall, during the remainder of his lifetime, receive one-half the salary of the office.

(b) Whenever any judge of the United States appointed to hold office during good behavior who is eligible to retire under this section does not do so and a certificate of his disability signed by a majority of the members of the Judicial Council of his circuit in the case of a circuit or district judge, or by the Chief Justice of the United States in the case of the Chief Judge of the Court of International Trade, or by the chief judge of his court in the case of a judge of the Court of International Trade, is presented to the President and the President finds that such judge is unable to discharge efficiently all the duties of his office by reason of permanent mental or physical disability and that the appointment of an additional judge is necessary for the efficient dispatch of business, the President may make such appointment by and with the advice and consent of the Senate. Whenever any such additional judge is appointed, the vacancy subsequently caused by the death, resignation, or retirement of the disabled judge shall not be filled. Any judge whose disability causes the appointment of an additional judge shall, for purpose of precedence, service as chief judge, or temporary performance of the duties of that office, be treated as junior in commission to the other judges of the circuit, district, or court.

(June 25, 1948, ch. 646, 62 Stat. 903; May 24, 1949, ch. 139, §67, 63 Stat. 99; Feb. 10, 1954, ch. 6, §4(a), 68 Stat. 12; Pub. L. 85–261, Sept. 2, 1957, 71 Stat. 586; Pub. L. 96–417, title V, §501(9), Oct. 10, 1980, 94 Stat. 1742; Pub. L. 96–458, §3(a), (b), Oct. 15, 1980, 94 Stat. 2036, 2040; Pub. L. 97–164, title I, §112, Apr. 2, 1982, 96 Stat. 29; Pub. L. 98–353, title I, §107, July 10, 1984, 98 Stat. 342; Pub. L. 100–702, title IV, §403(c), Nov. 19, 1988, 102 Stat. 4651; Pub. L. 101–650, title IV, §402, Dec. 1, 1990, 104 Stat. 5122; Pub. L. 102–572, title IX, §902(b)(1), Oct. 29, 1992, 106 Stat. 4516; Pub. L. 107–273, div. C, title I, §11043(a)(1), Nov. 2, 2002, 116 Stat. 1855.)

HISTORICAL AND REVISION NOTES

1948 ACT

Based on title 28, U.S.C., 1940 ed., §§375b, 375c, and 375d (Aug. 5, 1939, ch. 433, §§1–3, 53 Stat. 1204, 1205).

This section consolidates sections 375b, 375c, and 375d of title 28, U.S.C., 1940 ed.

Section 375e of title 28, U.S.C., 1940 ed. providing that term ''senior circuit judge'' includes the Chief Justice of the United States Court of Appeals for the District of Columbia, and the term ''judicial circuit'' includes the District of Columbia, was omitted from this revision as unnecessary. Such district is included as a judicial circuit by section 41 of this title.

Words ''justice or judge of the United States'' were used to describe members of all courts who hold office during good behavior. (See reviser's note under section 371 of this title.)

Term ''chief judge'' was substituted for ''Chief Justice'' of the Court of Claims, ''presiding judge'' of the Court of Customs and Patent Appeals and ''senior circuit judge.'' (See Reviser's Note under section 136 of this title.)

For clarity and convenience the requirement that certificates of disability be submitted ''to the President,'' was made explicit.

The revised section requires a judge of the Customs Court to furnish a certificate of disability signed by the chief judge of his court, instead of by the chief judge of the Court of Customs and Patent Appeals as in said section 375c of title 28, U.S.C., 1940 ed. This change insures signing of the certificate of disability by the chief judge possessing knowledge of the facts.

Changes were made in phraseology and arrangement.

1949 ACT

Subsection (a) of this section amends section 372 of title 28, U.S.C., to express the requirement that appointment of successors to justices or judges must be made with confirmation by the Senate. Subsection (b) of this section clarifies the intent of section 372 of title 28, U.S.C., and conforms with the language of section 371 of such title.

AMENDMENTS

2002—Pub. L. 107–273, §11043(a)(1)(A), struck out ''; judicial discipline'' after ''failure to retire'' in section catchline.

Subsec. (c). Pub. L. 107–273, §11043(a)(1)(B), struck out subsec. (c), which had authorized complaints against circuit, district, bankruptcy, and magistrate judges, and set forth procedures for investigation and disposition of complaints. See chapter 16 of this title.

1992—Subsec. (c)(18). Pub. L. 102–572 substituted ''United States Court of Federal Claims'' for ''United States Claims Court''.

1990—Subsec. (c)(1). Pub. L. 101–650, §402(a), inserted at end ''In the interests of the effective and expeditious administration of the business of the courts and on the basis of information available to the chief judge of the circuit, the chief judge may, by written order stating reasons therefor, identify a complaint for purposes of this subsection and thereby dispense with filing of a written complaint.''

Subsec. (c)(3)(B). Pub. L. 101–650, §402(f), inserted before period at end ''or that action on the complaint is no longer necessary because of intervening events''.

Subsec. (c)(4). Pub. L. 101–650, §402(b), inserted at end ''A judge appointed to a special committee under this paragraph may continue to serve on that committee after becoming a senior judge or, in the case of the chief judge of the circuit, after his or her term as chief judge terminates under subsection (a)(3) or (c) of section 45 of this title. If a judge appointed to a committee under this paragraph dies, or retires from office under section 371(a) of this title, while serving on the committee, the chief judge of the circuit may appoint another circuit or district judge, as the case may be, to the committee.''

Subsec. (c)(6). Pub. L. 101–650, §402(g), added subpar. (C) and redesignated former subpar. (C) as (D).

Subsec. (c)(7)(B). Pub. L. 101–650, §402(i)(1), substituted ''may have engaged in conduct'' for ''has engaged in conduct'' in introductory provisions and ''article II'' for ''article I'' in cl. (i).

Subsec. (c)(8). Pub. L. 101–650, §402(d), designated existing provisions as subpar. (A) and added subpar. (B).

Pub. L. 101–650, §402(c)(1), inserted at end ''Upon receipt of the determination and record of proceedings in

the House of Representatives, the Clerk of the House of Representatives shall make available to the public the determination and any reasons for the determination.''

Subsec. (c)(11). Pub. L. 101–650, § 402(e), inserted at end ''No rule promulgated under this subsection may limit the period of time within which a person may file a complaint under this subsection.''

Subsec. (c)(14). Pub. L. 101–650, § 402(c)(2)(A), (B), substituted ''Except as provided in paragraph (8), all'' for ''All'' and ''except to the extent that'' for ''unless'' in introductory provisions.

Subsec. (c)(14)(A). Pub. L. 101–650, § 402(c)(2)(E), added subpar. (A). Former subpar. (A) redesignated (B).

Subsec. (c)(14)(B). Pub. L. 101–650, § 402(c)(2)(D), redesignated subpar. (A) as (B). Former subpar. (B) redesignated (C).

Pub. L. 101–650, § 402(c)(2)(C), inserted ''such disclosure is'' before ''authorized''.

Subsec. (c)(14)(C). Pub. L. 101–650, § 402(c)(2)(D), (i)(2), redesignated subpar. (B) as (C) and substituted ''subject of the complaint'' for ''subject to the complaint''.

Subsec. (c)(16) to (18). Pub. L. 101–650, § 402(h), added par. (16) and redesignated former pars. (16) and (17) as (17) and (18), respectively.

1988—Subsec. (c)(11). Pub. L. 100–702 inserted before last sentence ''Any such rule shall be made or amended only after giving appropriate public notice and an opportunity for comment.''

1984—Subsec. (c)(6)(B)(vii). Pub. L. 98–353 substituted ''section 152'' for ''section 153''.

1982—Subsec. (a). Pub. L. 97–164, § 112(a), struck out ''Court of Claims, Court of Customs and Patent Appeals, or'' before ''Court of International Trade'' in third and fifth pars.

Subsec. (b). Pub. L. 97–164, § 112(b), struck out ''Court of Claims, Court of Customs and Patent Appeals, or'' before ''Court of International Trade'' wherever appearing.

Subsec. (c)(17). Pub. L. 97–164, § 112(c), substituted ''United States Claims Court, the Court of International Trade, and the Court of Appeals for the Federal Circuit'' for ''Court of Claims, the Court of Customs and Patent Appeals, and the Customs Court''.

1980—Pub. L. 96–458, § 3(b), inserted ''judicial discipline'' in section catchline.

Subsecs. (a), (b). Pub. L. 96–417 redesignated the Customs Court as the Court of International Trade.

Subsec. (c). Pub. L. 96–458, § 3(a), added subsec. (c).

1957—Subsec. (b). Pub. L. 85–261 added subsec. (b).

1954—Act Feb. 10, 1954, inserted ''; substitute judge on failure to retire'' in section catchline (but without adding any provisions on such subject to the text of the section, see 1957 amendment), and inserted ''under this section'' after ''retire'' in third, fourth, and fifth pars.

1949—Act May 24, 1949, amended section to include provision that appointment of successors to justices or judges must be made with consent of Senate, and inserted ''continuously or otherwise'' after ''Each justice or judge'' in last par.

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 1990 AMENDMENT

Amendment by Pub. L. 101–650 effective 90 days after Dec. 1, 1990, see section 407 of Pub. L. 101–650, set out as a note under section 332 of this title.

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100–702 effective Dec. 1, 1988, see section 407 of Pub. L. 100–702, set out as a note under section 2071 of this title.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98–353 effective July 10, 1984, see section 122(a) of Pub. L. 98–353, set out as an Effective Date note under section 151 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 1980 AMENDMENTS

Amendment by Pub. L. 96–458 effective Oct. 1, 1981, see section 7 of Pub. L. 96–458, set out as a note under section 331 of this title.

Amendment by Pub. L. 96–417 effective Nov. 1, 1980, and applicable with respect to civil actions pending on or commenced on or after such date, see section 701(a) of Pub. L. 96–417, set out as a note under section 251 of this title.

NATIONAL COMMISSION ON JUDICIAL DISCIPLINE AND REMOVAL

Pub. L. 102–368, title I, Sept. 23, 1992, 106 Stat. 1118, provided in part that the National Commission on Judicial Discipline and Removal was to submit to Congress, the Chief Justice of the United States, and the President, the report mandated in subtitle II of title IV of Pub. L. 101–650 no later than Aug. 1, 1993.

Subtitle II of title IV of Pub. L. 101–650, Dec. 1, 1990, 104 Stat. 5124, as amended by Pub. L. 102–198, § 8(a), (b)(2), Dec. 9, 1991, 105 Stat. 1625, 1626, known as the National Commission on Judicial Discipline and Removal Act, established the National Commission on Judicial Discipline and Removal to study the problems involved in the tenure of article III judges and submit to Congress, the Chief Justice of the United States, and the President, not later than one year after the Commission's first meeting, a report of its findings, conclusions, and recommendations, and provided that the Commission was to terminate 30 days after submission of the report.

COMPUTATION OF JUDICIAL SERVICE, DISTRICT OF ALASKA

Inclusion of service as judge of the District Court for the Territory of Alaska in the computation of years of judicial service for judges of the United States District Court for the District of Alaska, see Pub. L. 89–70, set out as a note under section 371 of this title.

JUDICIAL SERVICE IN HAWAII

Certain judicial service in Hawaii included within computation of aggregate years of judicial service, see section 14(d) of Pub. L. 86–3, set out as a note under section 371 of this title.

§ 373. Judges in territories and possessions

(a) Any judge of the District Court of Guam, the District Court of the Northern Mariana Islands, or the District Court of the Virgin Islands who retires from office after attaining the age and meeting the service requirements whether continuous or otherwise, of subsection (b) shall, during the remainder of his lifetime, receive an annuity equal to the salary he is receiving at the time he retires.

(b) The age and service requirements for retirement under subsection (a) of this section are as follows:

Attained age:	Years of service:
65	15
66	14
67	13
68	12
69	11
70	10

(c)(1) Any judge or former judge who is receiving an annuity pursuant to this section may elect to become a senior judge of the court upon which he served before retiring.