

Calendar No. 381

105TH CONGRESS
2^D SESSION

S. 1892

To provide that a person closely related to a judge of a court exercising judicial power under article III of the United States Constitution (other than the Supreme Court) may not be appointed as a judge of the same court, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 31, 1998

Mr. KYL introduced the following bill; which was read twice and referred to the Committee on the Judiciary

MAY 21, 1998

Reported by Mr. HATCH, without amendment

A BILL

To provide that a person closely related to a judge of a court exercising judicial power under article III of the United States Constitution (other than the Supreme Court) may not be appointed as a judge of the same court, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. LIMITATION ON CLOSELY RELATED PERSONS**
 2 **SERVING AS FEDERAL JUDGES ON THE SAME**
 3 **COURT.**

4 (a) IN GENERAL.—Section 458 of title 28, United
 5 States Code, is amended—

6 (1) by inserting “(a)(1)” before “No person”;

7 and

8 (2) by adding at the end the following:

9 “(2) With respect to the appointment of a judge of
 10 a court exercising judicial power under article III of the
 11 United States Constitution (other than the Supreme
 12 Court), subsection (b) shall apply in lieu of this sub-
 13 section.

14 “(b)(1) In this subsection, the term—

15 “(A) ‘same court’ means—

16 “(i) in the case of a district court, the
 17 court of a single judicial district; and

18 “(ii) in the case of a court of appeals, the
 19 court of appeals of a single circuit; and

20 “(B) ‘member’—

21 “(i) means an active judge or a judge re-
 22 tired in senior status under section 371(b); and

23 “(ii) shall not include a retired judge, ex-
 24 cept as described under clause (i).

25 “(2) No person may be appointed to the position of
 26 judge of a court exercising judicial power under article III

1 of the United States Constitution (other than the Supreme
2 Court) who is related by affinity or consanguinity within
3 the degree of first cousin to any judge who is a member
4 of the same court.”.

5 (b) EFFECTIVE DATE.—This Act shall take effect on
6 the date of enactment of this Act and shall apply only
7 to any individual whose nomination is submitted to the
8 Senate on or after such date.

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