

109TH CONGRESS
2D SESSION

S. 2202

To provide for ethics reform of the Federal judiciary and to instill greater public confidence in the Federal courts.

IN THE SENATE OF THE UNITED STATES

JANUARY 26, 2006

Mr. LEAHY (for himself, Mr. KERRY, and Mr. FEINGOLD) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To provide for ethics reform of the Federal judiciary and to instill greater public confidence in the Federal courts.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Federal Judiciary Eth-

5 ics Reform Act of 2006”.

6 **SEC. 2. JUDICIAL EDUCATION FUND.**

7 (a) ESTABLISHMENT.—Chapter 42 of title 28,
8 United States Code, is amended by adding at the end the
9 following:

1 **“§ 630. Judicial Education Fund**

2 “(a) In this section, the term—

3 “(1) ‘institution of higher education’ has the
4 meaning given under section 101(a) of the Higher
5 Education Act of 1965 (20 U.S.C. 1001(a));

6 “(2) ‘private judicial seminar’—

7 “(A) means a seminar, symposia, panel
8 discussion, course, or a similar event that pro-
9 vides continuing legal education to judges; and

10 “(B) does not include—

11 “(i) seminars that last 1 day or less
12 and are conducted by, and on the campus
13 of, an institute of higher education;

14 “(ii) seminars that last 1 day or less
15 and are conducted by national bar associa-
16 tions or State or local bar associations for
17 the benefit of the bar association member-
18 ship; or

19 “(iii) seminars of any length con-
20 ducted by, and on the campus of an insti-
21 tute of higher education or by national bar
22 associations or State or local bar associa-
23 tions, where a judge is a presenter and at
24 which judges constitute less than 25 per-
25 cent of the participants;

1 “(3) ‘national bar association’ means a national
2 organization that is open to general membership to
3 all members of the bar; and

4 “(4) ‘State or local bar association’ means a
5 State or local organization that is open to general
6 membership to all members of the bar in the speci-
7 fied geographic region.

8 “(b) There is established within the United States
9 Treasury a fund to be known as the ‘Judicial Education
10 Fund’ (in this section referred to as the ‘Fund’).

11 “(c) Amounts in the Fund may be made available for
12 the payment of necessary expenses, including reasonable
13 expenditures for transportation, food, lodging, private ju-
14 dicial seminar fees and materials, incurred by a judge or
15 justice in attending a private judicial seminar approved
16 by the Board of the Federal Judicial Center. Necessary
17 expenses shall not include expenditures for recreational ac-
18 tivities or entertainment other than that provided to all
19 attendees as an integral part of the private judicial sem-
20 inar. Any payment from the Fund shall be approved by
21 the Board.

22 “(d) The Board may approve a private judicial sem-
23 inar after submission of information by the sponsor of that
24 private judicial seminar that includes—

1 “(1) the content of the private judicial seminar
2 (including a list of presenters, topics, and course
3 materials); and

4 “(2) the litigation activities of the sponsor and
5 the presenters at the private judicial seminar (in-
6 cluding the litigation activities of the employer of
7 each presenter) on the topic related to those ad-
8 dressed at the private judicial seminar.

9 “(e) If the Board approves a private judicial seminar,
10 the Board shall make the information submitted under
11 subsection (d) relating to the private judicial seminar
12 available to judges and the public by posting the informa-
13 tion on the Internet.

14 “(f) The Judicial Conference shall promulgate guide-
15 lines to ensure that the Board only approves private judi-
16 cial seminars that are conducted in a manner so as to
17 maintain the public’s confidence in an unbiased and fair-
18 minded judiciary.

19 “(g) There are authorized to be appropriated for de-
20 posit in the Fund \$2,000,000 for each of fiscal years
21 2006, 2007, and 2008, to remain available until ex-
22 pended.”.

23 (b) TECHNICAL AND CONFORMING AMENDMENT.—
24 The table of sections for chapter 42 of title 28, United

1 States Code, is amended by adding at the end the fol-
 2 lowing:

“630. Judicial Education Fund.”.

3 **SEC. 3. PRIVATE JUDICIAL SEMINAR GIFTS PROHIBITED.**

4 (a) DEFINITIONS.—In this section, the term—

5 (1) “institution of higher education” has the
 6 meaning given under section 101(a) of the Higher
 7 Education Act of 1965 (20 U.S.C. 1001(a));

8 (2) “private judicial seminar”—

9 (A) means a seminar, symposia, panel dis-
 10 cussion, course, or a similar event that provides
 11 continuing legal education to judges; and

12 (B) does not include—

13 (i) seminars that last 1 day or less
 14 and are conducted by, and on the campus
 15 of, an institute of higher education;

16 (ii) seminars that last 1 day or less
 17 and are conducted by national bar associa-
 18 tions or State or local bar associations for
 19 the benefit of the bar association member-
 20 ship; or

21 (iii) seminars of any length conducted
 22 by, and on the campus of an institute of
 23 higher education or by national bar asso-
 24 ciations or State or local bar associations,
 25 where a judge is a presenter and at which

1 judges constitute less than 25 percent of
2 the participants;

3 (3) “national bar association” means a national
4 organization that is open to general membership to
5 all members of the bar; and

6 (4) “State or local bar association” means a
7 State or local organization that is open to general
8 membership to all members of the bar in the speci-
9 fied geographic region.

10 (b) IN GENERAL.—Not later than 240 days after the
11 date of enactment of this Act, the Judicial Conference of
12 the United States shall promulgate regulations to apply
13 section 7353(a) of title 5, United States Code, to prohibit
14 the solicitation or acceptance of anything of value in con-
15 nection with a private judicial seminar.

16 (c) EXCEPTION.—The prohibition under the regula-
17 tions promulgated under subsection (b) shall not apply
18 if—

19 (1) the judge participates in a private judicial
20 seminar as a speaker, panel participant, or otherwise
21 presents information;

22 (2) Federal judges are not the primary audi-
23 ence at the private judicial seminar; and

24 (3) the thing of value accepted is—

1 (A) reimbursement from the private judi-
2 cial seminar sponsor of reasonable transpor-
3 tation, food, or lodging expenses on any day on
4 which the judge speaks, participates, or pre-
5 sents information, as applicable;

6 (B) attendance at the private judicial sem-
7 inar on any day on which the judge speaks, par-
8 ticipates, or presents information, as applicable;
9 or

10 (C) anything excluded from the definition
11 of a gift under regulations of the Judicial Con-
12 ference of the United States under sections
13 7351 and 7353 of title 5, United States Code,
14 as in effect on the date of enactment of this
15 Act.

16 **SEC. 4. RECUSAL LISTS.**

17 Section 455 of title 28, United States Code, is
18 amended by adding at the end the following:

19 “(g)(1) Each justice, judge, and magistrate of the
20 United States shall maintain a list of all financial interests
21 that would require disqualification under subsection
22 (b)(4).

23 “(2) Each list maintained under paragraph (1) shall
24 be made available to the public at the office of the clerk

- 1 for the court at which a justice, judge, or magistrate is
- 2 assigned.”.

