

109TH CONGRESS  
2D SESSION

# S. 2276

To provide for fairness for the Federal judiciary.

---

## IN THE SENATE OF THE UNITED STATES

FEBRUARY 10 (legislative day, FEBRUARY 9), 2006

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

---

## A BILL

To provide for fairness for the Federal judiciary.

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 Judicial Fair-  
5       ness Act of 2006”.

6       **SEC. 2. JUDICIAL COST-OF-LIVING INCREASES.**

7       (a) REPEAL OF STATUTORY REQUIREMENT RELAT-  
8       ING TO JUDICIAL SALARIES.—Section 140 of the resolu-  
9       tion entitled “A Joint Resolution making further con-  
10      tinuing appropriations for the fiscal year 1982, and for  
11      other purposes.”, approved December 15, 1981 (Public

1 Law 97–92; 95 Stat. 1200; 28 U.S.C. 461 note), is re-  
 2 pealed.

3 (b) AUTOMATIC ANNUAL INCREASES.—Section  
 4 461(a) of title 28, United States Code, is amended to read  
 5 as follows:

6 “(a)(1) Subject to paragraph (2), effective on the  
 7 first day of the first applicable pay period beginning on  
 8 or after January 1 of each calendar year, each salary rate  
 9 which is subject to adjustment under this section shall be  
 10 adjusted by an amount, rounded to the nearest multiple  
 11 of \$100 (or if midway between multiples of \$100, to the  
 12 next higher multiple of \$100) equal to the percentage of  
 13 such salary rate which corresponds to the most recent per-  
 14 centage change in the ECI (relative to the date described  
 15 in the next sentence), as determined under section  
 16 704(a)(1) of the Ethics Reform Act of 1989. The appro-  
 17 priate date under this sentence is the first day of the fiscal  
 18 year that begins in the preceding calendar year.

19 “(2) In no event shall the percentage adjustment tak-  
 20 ing effect under paragraph (1) in any calendar year (be-  
 21 fore rounding), in any salary rate, exceed the percentage  
 22 adjustment taking effect in such calendar year under sec-  
 23 tion 5303 of title 5 in the rates of pay under the General  
 24 Schedule.”.

1       (c) JUDICIAL SALARY INCREASES.—Effective on the  
 2 first day of the first applicable pay period that begins on  
 3 or after the date of the enactment of this Act, the rate  
 4 of basic pay for the Chief Justice of the United States,  
 5 an Associate Justice of the Supreme Court of the United  
 6 States, a judge of a United States circuit court, a judge  
 7 of a district court of the United States, a judge of the  
 8 United States Court of International Trade, a bankruptcy  
 9 judge, and a full-time magistrate judge shall be increased  
 10 in the amount of 16.5 percent of their respective rates (as  
 11 last in effect before the increase), rounded to the nearest  
 12 multiple of \$100 (or, if midway between multiples of \$100,  
 13 to the next higher multiple of \$100).

14 **SEC. 3. COORDINATION RULE.**

15       If a pay adjustment under section 2 is to be made  
 16 for an office or position as of the same date as any other  
 17 pay adjustment affecting such office or position, the ad-  
 18 justment under section 2 shall be made first.

○