

Public Law 105-300
105th Congress

An Act

Oct. 27, 1998
[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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

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

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

- (1) by inserting “(a)(1)” before “No person”; and
- (2) by adding at the end the following:

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

“(b)(1) In this subsection, the term—

“(A) ‘same court’ means—

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

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

“(B) ‘member’—

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

- “(ii) shall not include a retired judge, except as described under clause (i).

“(2) No person may be appointed to the position of judge of a court exercising judicial power under article III of the United States Constitution (other than the Supreme Court) who is related by affinity or consanguinity within the degree of first cousin to any judge who is a member of the same court.”.

(b) EFFECTIVE DATE.—This Act shall take effect on the date 28 USC 458 note. of enactment of this Act and shall apply only to any individual whose nomination is submitted to the Senate on or after such date.

Approved October 27, 1998.

LEGISLATIVE HISTORY—S. 1892:
CONGRESSIONAL RECORD, Vol. 144 (1998):
Oct. 6, considered and passed Senate.
Oct. 7, considered and passed House.

