

105TH CONGRESS
2D 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

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,*

3 **SECTION 1. LIMITATION ON CLOSELY RELATED PERSONS**

4 **SERVING AS FEDERAL JUDGES ON THE SAME**
5 **COURT.**

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

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

2 and

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

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

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

10 “(A) ‘same court’ means—

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

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

15 “(B) ‘member’—

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

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

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

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

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