

118TH CONGRESS
2D SESSION

S. 5268

To prohibit Federal judges from receiving certain gifts, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 25, 2024

Mr. LUJÁN (for himself, Mr. WELCH, Mr. VAN HOLLEN, and Mr. WYDEN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To prohibit Federal judges from receiving certain gifts, 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. SHORT TITLE.**

4 This Act may be cited as the “High Court Gift Ban
5 Act”.

6 **SEC. 2. PROHIBITION ON GIFTS.**

7 (a) IN GENERAL.—Subchapter V of Chapter 73 of
8 title 5, United States Code, is amended by adding at the
9 end the following:

1 **“§ 7354. Gifts to Federal judges**

2 “(a) DEFINITIONS.—In this section

3 “(1) GIFT.—The term ‘gift’ means any gra-
4 tuity, favor, discount, entertainment, hospitality,
5 loan, forbearance, or other item having monetary
6 value (including services, transportation, local travel,
7 lodgings, and meals) whether provided in-kind, by
8 purchase of a ticket, payment in advance, or reim-
9 bursement after the expense has been incurred.

10 “(2) JUDICIAL OFFICER; RELATIVE.—The
11 terms ‘judicial officer’ and ‘relative’ have the mean-
12 ings given the term in section 13101.

13 “(3) PERSONAL HOSPITALITY FROM AN INDI-
14 VIDUAL.—The term ‘personal hospitality from an in-
15 dividual’ means hospitality extended—

16 “(A) by an individual for a nonbusiness
17 purpose;

18 “(B) at the personal residence, property,
19 or facilities owned by the individual or the fam-
20 ily of the individual;

21 “(C) without payment or reimbursement
22 from any other person (except the judicial offi-
23 cer or a relative of the judicial officer) for such
24 hospitality; and

1 “(D) with the individual or the family of
2 the individual present on the property at the
3 time in which a judicial officer is being hosted.

4 “(4) PROHIBITED SOURCE.—The term ‘prohib-
5 ited source’ means any person—

6 “(A) who has, or is likely to, come before
7 the judicial officer; or

8 “(B) whose interests have, or are likely to,
9 come before the judicial officer.

10 “(b) PROHIBITION.—

11 “(1) IN GENERAL.—A judicial officer may not
12 accept a gift from any source unless—

13 “(A) the judicial officer reasonably and in
14 good faith believes the gift has a value of less
15 than \$50; and

16 “(B) the aggregate value of gifts the judi-
17 cial officer has received from the source in that
18 calendar year is \$100 or less, including the
19 value of the gift.

20 “(2) EXCEPTIONS.—The prohibition under
21 paragraph (1) does not apply to any of the following
22 circumstances:

23 “(A) Anything for which the judicial offi-
24 cer pays the fair market value.

1 “(B) Anything for which the judicial offi-
2 cer does not use and promptly returns to the
3 person who provided the gift to the judicial offi-
4 cer.

5 “(C) A gift from a relative.

6 “(D) A gift from another judicial officer.

7 “(E) Honorary degrees (and associated
8 travel, food, refreshments, and entertainment)
9 and other bona fide, nonmonetary awards pre-
10 sented in recognition of public service (and as-
11 sociated food, refreshments, and entertainment
12 provided in the presentation of such degrees
13 and awards) paid for by an educational institu-
14 tion if the educational institution pays for, or
15 sponsors, the award and invites the judicial offi-
16 cer.

17 “(F) Opportunities and benefits that are—

18 “(i) available to the public or to a
19 class consisting of all employees;

20 “(ii) offered to members of a group or
21 class for which membership in such group
22 or class is unrelated to service as a judicial
23 officer;

24 “(iii) offered to members of an orga-
25 nization open to all judicial officers;

1 “(iv) in the form of loans from banks
2 and other financial institutions on terms
3 generally available to the public; or

4 “(v) in the form of a reduction in
5 membership fees or fees for participation
6 in activities of an organization if such re-
7 duction is offered to all employees and the
8 organization is a professional organization
9 in which its membership is solely contin-
10 gent on professional qualifications of the
11 prospective member.

12 “(G) Reimbursement for reasonable ex-
13 penses for transportation, food, lodging, and en-
14 tertainment at a seminar or event relating to
15 the law, the legal system, or the administration
16 of justice if—

17 “(i) the judicial officer was not invited
18 to the seminar or event by a prohibited
19 source;

20 “(ii) the seminar or event is not orga-
21 nized, paid for, or sponsored by a prohib-
22 ited source; and

23 “(iii) the total amount of reimburse-
24 ment for the seminar or event is—

25 “(I) \$2,000 or less; or

1 “(II) greater than \$2,000 if such
2 judicial officer received a written
3 waiver from—

4 “(aa) in the case of a justice
5 of the Supreme Court of the
6 United States, the Chief Justice
7 of the United States; and

8 “(bb) in the case of a judge,
9 the chief judge of the circuit or
10 district of the judge .

11 “(H) Personal hospitality from an indi-
12 vidual, who is not a prohibited source, in an
13 amount that does not exceed the dollar amount
14 established under paragraph (1) of section
15 2503(b)(as adjusted under paragraph (2) of
16 such section) of the Internal Revenue Code of
17 1986 (26 U.S.C. 2503(b)) with respect to such
18 calendar year.

19 “(3) GIFTS TO RELATIVES.—A gift to a relative
20 of the judicial officer shall be considered a gift to
21 the judicial officer if—

22 “(A) it is given with the knowledge and ac-
23 quiescence of the judicial officer; and

1 “(B) the judicial officer has reason to be-
2 lieve the gift was given because of the official
3 position of the judicial officer.

4 “(c) ENFORCEMENT.—

5 “(1) REFERRAL.—

6 “(A) ATTORNEY GENERAL.—The Judicial
7 Conference of the United States, or any official
8 designated by the Supreme Court of the United
9 States or Congress to assist the justices of the
10 Supreme Court in maintaining compliance with
11 the Code of Conduct for Justices of the Su-
12 preme Court of the United States issued by the
13 Court on November 13, 2023, or any successor
14 rules or regulations governing ethical or con-
15 duct standards for justices, shall refer to the
16 Attorney General the name of any individual
17 who the Conference or the official has reason-
18 able cause to believe has accepted a gift prohib-
19 ited by this section or any other law or regula-
20 tion.

21 “(B) NOTIFICATION OF REFERRAL.—

22 Whenever the Judicial Conference of the United
23 States refers a judicial officer to the Attorney
24 General under this subsection, the Conference

1 shall notify the judicial council of the circuit in
2 which such referred judicial officer serves.

3 “(2) PENALTIES.—

4 “(A) CIVIL PENALTIES.—The Attorney
5 General may bring a civil action in any appro-
6 priate United States district court for a viola-
7 tion of this section. The court in which such ac-
8 tion is brought may assess against such indi-
9 vidual a civil penalty in any amount, not to ex-
10 ceed \$50,000.

11 “(B) CRIMINAL PENALTIES.—Any person
12 who knowingly and willfully violates this section
13 shall be fined under title 18, imprisoned for not
14 more than 1 year, or both.

15 “(d) IMPLEMENTATION.—Within 180 days of the en-
16 actment of the High Court Gift Ban Act, the Supreme
17 Court of the United States and the Judicial Conference
18 of the United States shall each promulgate regulations to
19 carry out this section and ensure compliance.

20 “(e) RULE OF CONSTRUCTION.—Nothing in this sec-
21 tion shall be construed to make it permissible for a judicial
22 officer to accept a gift or other item of value that the judi-
23 cial officer is prohibited from accepting under any other
24 law, rule, or regulation.”.

1 (b) TECHNICAL AND CONFORMING AMENDMENT.—
2 The table of sections for subchapter V of Chapter 73 of
3 title 5, United States Code, is amended by adding at the
4 end the following:

“7354. Gifts to Federal judges.”.

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