

119TH CONGRESS
2D SESSION

S. _____

To amend chapter 57 of title 28, United States Code, to provide for a code of conduct for justices and judges of the courts of the United States, establish an Ethics Investigations Counsel, and require disclosure of recusals.

IN THE SENATE OF THE UNITED STATES

Mr. MURPHY (for himself, Ms. BALDWIN, Mr. DURBIN, Mr. HICKENLOOPER, Ms. KLOBUCHAR, Mr. MARKEY, Mr. SANDERS, Mrs. SHAHEEN, Ms. SMITH, Mr. VAN HOLLEN, Mr. WYDEN, Mr. WELCH, Mr. HEINRICH, Mr. SCHIFF, and Mrs. GILLIBRAND) introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To amend chapter 57 of title 28, United States Code, to provide for a code of conduct for justices and judges of the courts of the United States, establish an Ethics Investigations Counsel, and require disclosure of recusals.

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 “Supreme Court Ethics
5 Act”.

1 **SEC. 2. CODE OF CONDUCT.**

2 (a) IN GENERAL.—Chapter 57 of title 28, United
3 States Code, is amended by adding at the end the fol-
4 lowing:

5 **“§ 964. Code of conduct**

6 “(a) IN GENERAL.—Not later than 1 year after the
7 date of enactment of this section, the Judicial Conference
8 of the United States shall issue a code of conduct that—

9 “(1) applies to each judge of the courts of the
10 United States; and

11 “(2) at minimum, incorporates the require-
12 ments under section 455.

13 “(b) SUPREME COURT.—Not later than 1 year after
14 the date of enactment of this section, the Supreme Court
15 of the United States shall issue a code of conduct that—

16 “(1) applies to each justice of the Supreme
17 Court; and

18 “(2) at minimum, incorporates the require-
19 ments under section 455.”.

20 (b) TECHNICAL AND CONFORMING AMENDMENT.—
21 The table of sections for chapter 57 of title 28, United
22 States Code, is amended by adding at the end the fol-
23 lowing:

“964. Code of conduct.”.

1 **SEC. 3. ESTABLISHMENT OF ETHICS INVESTIGATIONS**
2 **COUNSEL AND REPORTING PROTOCOL.**

3 (a) IN GENERAL.—Not later than 90 days after the
4 date on which the Supreme Court of the United States
5 issues a code of conduct under section 964(b) of title 28,
6 United States Code, as added by section 2(a) of this Act,
7 the Supreme Court of the United States shall appoint and
8 fix the compensation of an Ethics Investigations Counsel
9 who shall adopt rules providing for the enforcement of the
10 code of conduct, including a process to receive from the
11 public information about potential violations of the code
12 of conduct by justices of the Supreme Court.

13 (b) TERM.—The Ethics Investigation Counsel shall
14 serve for a renewable term of 4 years.

15 (c) REMOVAL.—The Ethics Investigation Counsel
16 may be removed for cause by the Supreme Court of the
17 United States.

18 (d) PROCESS.—The process adopted under subsection
19 (a) shall include the establishment of methods for the sub-
20 mission of the information described in subsection (a) in
21 electronic form and by mail.

22 (e) INVESTIGATIONS.—The Ethics Investigations
23 Counsel appointed under this section shall conduct inves-
24 tigations into potential violations of the code of conduct
25 issued under section 964(b) of title 28, United States
26 Code, as added by section 2(a) of this Act, and other con-

1 duct prejudicial to the ethical, effective, and expeditious
2 administration of the business of the Supreme Court of
3 the United States.

4 (f) ASSISTANTS.—The Ethics Investigations Counsel
5 appointed under this section—

6 (1) may, with the approval of the Chief Justice
7 of the United States, appoint necessary assistants
8 and fix their compensation; and

9 (2) may, at the discretion of the Ethics Inves-
10 tigations Counsel, retain the services of attorneys
11 who are not employees of the Federal Government to
12 assist in investigations conducted by the Ethics In-
13 vestigations Counsel.

14 (g) REPORT.—The Ethics Investigations Counsel ap-
15 pointed under this section shall issue an annual public re-
16 port describing the information about potential violations
17 of the code of conduct described in subsection (a) and any
18 steps taken to investigate, resolve, or rehabilitate the con-
19 duct described in the information.

20 **SEC. 4. RECUSAL OF JUSTICES.**

21 (a) IN GENERAL.—In any case in which a justice of
22 the Supreme Court of the United States disqualifies him-
23 self or herself in a proceeding under section 455 of title
24 28, United States Code, the justice shall disclose in the

1 public record of the proceeding the reasons for the dis-
2 qualification.

3 (b) DENIAL OF MOTION TO DISQUALIFY.—If a jus-
4 tice of the Supreme Court of the United States denies a
5 motion brought by a party to a proceeding before the
6 Court that the justice should be disqualified in the pro-
7 ceeding under section 455 of title 28, United States Code,
8 the justice shall disclose in the public record of the pro-
9 ceeding the reasons for the denial of the motion.