

110TH CONGRESS
1ST SESSION

H. R. 2898

To amend title 28, United States Code, to establish standards for
impeachment of justices and judges of the United States.

IN THE HOUSE OF REPRESENTATIVES

JUNE 28, 2007

Mr. AKIN (for himself, Mr. DOOLITTLE, Mr. MARCHANT, Mr. CHABOT, Mr. GARRETT of New Jersey, Mr. CULBERSON, Mr. WILSON of South Carolina, Mr. POE, Mr. FRANKS of Arizona, Mr. SAM JOHNSON of Texas, Mr. PITTS, Mr. KING of Iowa, Mr. GINGREY, Mr. MCHENRY, Mr. KINGSTON, Mr. NEUGEBAUER, and Mrs. DRAKE) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 28, United States Code, to establish standards for impeachment of justices and judges of the United States.

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 “Judicial Conduct Act
5 of 2007”.

1 **SEC. 2. STANDARDS FOR IMPEACHMENT OF JUSTICES AND**
2 **JUDGES.**

3 (a) IN GENERAL.—Chapter 16 of title 28, United
4 States Code, is amended by adding at the end the fol-
5 lowing new section:

6 **“§ 365. Standards for impeachment**

7 “(a) CONSTITUTIONAL BASIS.—

8 “(1) ARTICLE II, SECTION 4.—A justice or
9 judge of the United States shall be removed from of-
10 fice on impeachment for, and conviction of, treason,
11 bribery, or other high crimes and misdemeanors, as
12 provided in Article II, section 4 of the United States
13 Constitution.

14 “(2) ARTICLE III, SECTION 1.—A justice or
15 judge of the United States shall hold the office dur-
16 ing good behavior as provided in Article III, section
17 1 of the United States Constitution. A justice or
18 judge failing to act during good behavior shall be re-
19 moved from office.

20 “(b) DEFINITIONS.—In this section:

21 “(1) The term ‘treason’ means levying war
22 against the United States or in adhering to its en-
23 emies, giving them aid and comfort.

24 “(2) The term ‘bribery’ means offering, giving,
25 receiving, or soliciting something of value for the

1 purpose of influencing the action of an official in the
2 discharge of his or her public or legal duties.

3 “(3) The term ‘other high crimes and mis-
4 demeanors’ means, with respect to a justice or
5 judge, any act of misbehavior or misconduct by such
6 justice or judge, which evidences an unfitness for the
7 bench, including, but not limited to, the following:

8 “(A) Any criminal offense punishable by
9 death or imprisonment for a term exceeding one
10 year.

11 “(B) Usurpation of power, including the
12 entering or enforcement of orders or decisions
13 based on powers reserved to the Congress under
14 Article I of the United States Constitution.

15 “(C) Unblushing or notorious partiality or
16 favoritism.

17 “(D) Disgraceful or indecent behavior.

18 “(E) Using the office for personal ends.

19 “(F) Entering or enforcement of orders or
20 decisions beyond the jurisdiction of the court in
21 which the justice or judge serves.

22 “(G) Entering or enforcement of orders or
23 decisions based on judgments, laws, agree-
24 ments, or pronouncements of foreign institu-
25 tions, governments, or multilateral organiza-

1 tions, other than orders or decisions based on
2 the common law of the United Kingdom.

3 “(H) Entering or enforcement of orders or
4 decisions that conflict with or are inconsistent
5 with the text of the United States Constitution.

6 “(I) Entering or enforcement of orders or
7 decisions based on precedent from previous
8 Federal court decisions that conflict with or are
9 inconsistent with the text of the United States
10 Constitution.

11 “(4) The term ‘failing to act during good be-
12 havior’ includes committing an act of treason, brib-
13 ery, or any of the other high crimes and mis-
14 demeanors.

15 “(5) The term ‘multilateral organization’ means
16 an international institution of which the govern-
17 ments of countries are members, including, but not
18 limited to, the International Bank for Reconstruc-
19 tion and Development, the International Monetary
20 Fund, the United Nations and its agencies, the Or-
21 ganization for Economic Cooperation and Develop-
22 ment, and the European Union.

23 “(c) PRECEDENCE PRESERVED.—Nothing in this
24 section shall be construed to limit or replace a basis for

1 impeachment accepted before the enactment of this sec-
2 tion.”.

3 (b) CONFORMING AMENDMENT.—The table of sec-
4 tions for chapter 16 of title 28, United States Code, is
5 amended by adding at the end the following new item:

“365. Standards for impeachment.”.

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