

115TH CONGRESS
1ST SESSION

H. R. 1960

To require the Supreme Court of the United States to promulgate a code of ethics.

IN THE HOUSE OF REPRESENTATIVES

APRIL 5, 2017

Ms. SLAUGHTER (for herself, Mr. BRENDAN F. BOYLE of Pennsylvania, Ms. BROWNLEY of California, Mr. COHEN, Mr. CONNOLLY, Mr. COSTA, Mr. CROWLEY, Mr. CUMMINGS, Mr. HASTINGS, Mr. HUFFMAN, Ms. KELLY of Illinois, Mr. KILDEE, Mr. LANGEVIN, Mr. LIPINSKI, Ms. MICHELLE LUJAN GRISHAM of New Mexico, Ms. MCCOLLUM, Mrs. NAPOLITANO, Mr. PALLONE, Mr. PASCRELL, Mr. QUIGLEY, Mr. SARBANES, Mr. SCOTT of Virginia, Mr. SWALWELL of California, Ms. TSONGAS, Ms. VELÁZQUEZ, and Mr. YARMUTH) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To require the Supreme Court of the United States to promulgate a code of ethics.

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 of 2017”.

6 **SEC. 2. FINDINGS; PURPOSE.**

7 (a) FINDINGS.—Congress finds the following:

1 (1) In *Caperton v. A.T. Massey Coal Co.*, 556
2 U.S. 868 (2009), Justice Kennedy, writing for the
3 Court, stated that “[judicial codes of conduct] serve
4 to maintain the integrity of the judiciary and the
5 rule of law”.

6 (2) The Code of Conduct for United States
7 Judges (referred to in this subsection as the
8 “Code”) applies to all Federal judges except Justices
9 of the Supreme Court. Justices of the Supreme
10 Court are not formally bound by any code of con-
11 duct. Chief Justice John Roberts noted in the 2011
12 Year-End Report on the Federal Judiciary that
13 while the Judicial Conference, which promulgates
14 the Code, does not have authority to bind the Su-
15 preme Court, the Code is nonetheless “the starting
16 point and a key source of guidance for the Justices
17 as well as their lower court colleagues”.

18 (3) Congress has the authority to regulate the
19 administration of the Supreme Court of the United
20 States. For example, Congress sets the number of
21 justices who sit on the Supreme Court and how
22 many constitute a quorum, the term of the court,
23 meaning the dates the court will be in session, and
24 the salaries of the Justices. Additionally, the Ethics
25 in Government Act of 1978 (5 U.S.C. App.) requires

1 most high-level Federal officials in all 3 branches,
2 including the President, Vice President, cabinet
3 members, Justices of the Supreme Court, and Mem-
4 bers of Congress, to file annual financial disclosure
5 statements.

6 (b) PURPOSE.—The purpose of this Act is to apply
7 a code of ethics to Justices who sit on the Supreme Court
8 of the United States, being mindful of their preeminence
9 in the Federal judiciary.

10 **SEC. 3. SUPREME COURT CODE OF ETHICS.**

11 The Supreme Court of the United States shall, not
12 later than 180 days after the date of the enactment of
13 this Act, promulgate a code of ethics for the Justices of
14 the Supreme Court that shall include the 5 canons of the
15 Code of Conduct for United States Judges adopted by the
16 Judicial Conference of the United States, with any amend-
17 ments or modifications thereto that the Supreme Court
18 determines appropriate.

○