To amend 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

FEBRUARY 9, 2023

Mr. MURPHY (for himself, Ms. BALDWIN, Mr. BLUMENTHAL, Mr. BOOKER, Mr. BROWN, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Ms. CORTEZ MAStO, Ms. DUCKWORTH, Mr. DURBIN, Mrs. FEINSTEIN, Mr. FETTERMAN, Mr. HICKENLOOPER, Ms. KLOBUCHAR, Mr. LUIJÁN, Mr. MARKEY, Mr. MERKLEY, Mrs. MURRAY, Mr. PETERS, Mr. SANDERS, Mrs. SHAHEEN, Ms. SMITH, Ms. STABENOW, Mr. VAN HOLLEN, Mr. WYDEN, and Ms. HIRONO) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend 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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Supreme Court Ethics Act”.

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SEC. 2. CODE OF CONDUCT.

(a) In General.—Chapter 57 of title 28, United States Code, is amended by adding at the end the following:

“§ 964. Code of conduct

“Not later than 1 year after the date of the enactment of this section, the Judicial Conference of the United States shall issue a code of conduct, which applies to each justice and judge of the courts of the United States, except that the code of conduct may include provisions that are applicable only to certain categories of judges or justices.”.

(b) Technical and Conforming Amendment.—
The table of sections for chapter 57 of title 28, United States Code, is amended by adding after the item related to section 963 the following:

“964. Code of conduct.”.

SEC. 3. ESTABLISHMENT OF ETHICS INVESTIGATIONS COUNSEL AND REPORTING PROTOCOL.

(a) In General.—Not later than 90 days after the date on which the Judicial Conference of the United States issues a code of conduct under section 964 of title 28, United States Code, as added by section 2(a) of this Act, the Supreme Court of the United States shall appoint and fix the compensation of an Ethics Investigations Counsel who shall adopt rules providing for the enforcement of the code of conduct, including a process to receive
from the public information about potential violations of
the code of conduct by justices of the Supreme Court.

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

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

d) PROCESS.—The process shall include the estab-
ishment of a method for the submission of the informa-
tion described in subsection (a) in electronic form.

e) INVESTIGATIONS.—The Ethics Investigations
Counsel appointed under this section shall conduct inves-
tigations into potential violations of the code of conduct
described in section 964 of title 28, United States Code,
as added by section 2(a) of this Act, and other conduct
prejudicial to the ethical, effective, and expeditious admin-
istration of the business of the Supreme Court of the
United States.

(f) ASSISTANTS.—The Ethics Investigations Counsel
appointed under this section may, with the approval of the
Chief Justice of the United States, appoint necessary as-
istants and fix their compensation.

(g) REPORT.—The Ethics Investigations Counsel ap-
pointed under this section shall issue an annual public re-
port describing the complaints described in subsection (a)
and any steps taken to investigate, resolve, or rehabilitate
the conduct detailed in the complaint.

SEC. 4. RECUSAL OF JUSTICES.

(a) IN GENERAL.—In any case in which a justice of
the Supreme Court of the United States disqualifies him-
self or herself in a proceeding under section 455 of title
28, United States Code, the justice shall disclose in the
public record of the proceeding the reasons for the dis-
qualification.

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