

118TH CONGRESS
1ST SESSION

H. R. 3534

To require justices, judges, magistrate judges, or bankruptcy judges and their spouses and dependent children to place certain assets into qualified blind trusts, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 18, 2023

Mr. SCHIFF (for himself, Ms. SPANBERGER, Mr. JOHNSON of Georgia, Ms. NORTON, Ms. JACKSON LEE, Mrs. WATSON COLEMAN, Mr. MULLIN, Mr. LIEU, Ms. LEE of California, Ms. TLAIB, Mr. NICKEL, Mrs. TORRES of California, Mr. SABLAN, Mr. DAVIS of Illinois, Mr. GARCÍA of Illinois, Mr. THOMPSON of Mississippi, Ms. SCANLON, and Mr. GARAMENDI) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To require justices, judges, magistrate judges, or bankruptcy judges and their spouses and dependent children to place certain assets into qualified blind trusts, 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 “Justice is Beneficial
5 Limitation on Investments and Necessary Disclosure Act
6 of 2023” or as the “Justice is BLIND Act of 2023”.

1 **SEC. 2. PLACEMENT OF CERTAIN ASSETS OF JUSTICES,**
 2 **JUDGES, MAGISTRATE JUDGES, OR BANK-**
 3 **RUPTCY JUDGES AND THEIR SPOUSES AND**
 4 **DEPENDENT CHILDREN IN BLIND TRUST.**

5 Section 455 of title 28, United States Code, is
 6 amended—

7 (1) in subsection (e), by inserting the following:

8 “though such efforts should not include seeking in-
 9 formation about the identity of the financial instru-
 10 ments contained in any qualified blind trust other
 11 than the initial assets of the qualified blind trust es-
 12 tablished by a justice, judge, magistrate judge or
 13 bankruptcy judge, or the spouse or dependent child
 14 of such justice, judge, magistrate judge, or bank-
 15 ruptcy judge, to comply with subsection (g)” before
 16 the period at the end; and

17 (2) by adding at the end the following:

18 “(g) PLACEMENT OF CERTAIN ASSETS OF JUSTICES,
 19 JUDGES, MAGISTRATE JUDGES, OR BANKRUPTCY JUDGES
 20 AND THEIR SPOUSES AND DEPENDENT CHILDREN IN
 21 QUALIFIED BLIND TRUST.—

22 “(1) IN GENERAL.—

23 “(A) JUSTICE, JUDGE, MAGISTRATE
 24 JUDGE, OR BANKRUPTCY JUDGE OCCUPYING
 25 OFFICE ON DATE OF ENACTMENT.—Not later
 26 than 90 days after the effective date of this

1 subsection, a justice, judge, magistrate judge,
2 or bankruptcy judge and any spouse or depend-
3 ent child of such justice, judge, magistrate
4 judge, or bankruptcy judge shall place any cov-
5 ered financial interest of such justice, judge,
6 magistrate judge, or bankruptcy judge or by
7 any spouse or dependent child of such justice,
8 judge, magistrate judge, or bankruptcy judge,
9 into a qualified blind trust.

10 “(B) JUSTICE, JUDGE, MAGISTRATE
11 JUDGE, OR BANKRUPTCY JUDGE ASSUMING OF-
12 FICE AFTER DATE OF ENACTMENT.—Not later
13 than 90 days after the date an individual be-
14 comes a justice, judge, magistrate judge, or
15 bankruptcy judge, such individual and any
16 spouse or dependent child of such individual
17 shall place any covered financial interest of
18 such individual, spouse, or dependent child into
19 a qualified blind trust.

20 “(C) MINGLING OF ASSETS.—A spouse or
21 dependent child of a justice, judge, magistrate
22 judge, or bankruptcy judge may place a covered
23 financial interest in a qualified blind trust es-
24 tablished by such justice, judge, magistrate
25 judge, or bankruptcy judge under subparagraph

1 (A) or (B). A justice, judge, magistrate judge,
2 or bankruptcy judge may place a covered finan-
3 cial interest in a qualified blind trust estab-
4 lished by the spouse of such justice, judge,
5 magistrate judge, or bankruptcy judge under
6 subparagraph (A) or (B).

7 “(D) ASSETS UPON SEPARATION.—A jus-
8 tice, judge, magistrate judge, or bankruptcy
9 judge and any spouse or dependent child of
10 such justice, judge, magistrate judge, or bank-
11 ruptcy judge may not dissolve any qualified
12 blind trust in which a covered financial interest
13 has been placed pursuant to subparagraph (A)
14 or (B), or otherwise control such a financial in-
15 terest, until the date that is 180 days after the
16 date such justice, judge, magistrate judge, or
17 bankruptcy judge ceases to be a justice, judge,
18 magistrate judge, or bankruptcy judge.

19 “(2) ACCOUNTABILITY.—

20 “(A) IN GENERAL.—A justice, judge, mag-
21 istrate judge, or bankruptcy judge shall—

22 “(i) not later than 15 days after the
23 date a qualified blind trust is established
24 under paragraph (1), attest in writing that
25 such trust has been established and that

1 any covered financial interest of such jus-
2 tice, judge, magistrate judge, or bank-
3 ruptcy judge or a spouse or dependent
4 child of such justice, judge, magistrate
5 judge, or bankruptcy judge has been
6 placed in such trust; or

7 “(ii) attest in writing that neither
8 such justice, judge, magistrate judge, or
9 bankruptcy judge nor a spouse or depend-
10 ent child of such justice, judge, magistrate
11 judge, or bankruptcy judge have any finan-
12 cial interests.

13 “(B) REPORT.—The Administrative Office
14 of the United States Courts shall make avail-
15 able on the searchable internet database estab-
16 lished under section 105(c) of the Ethics in
17 Government Act of 1978 (5 U.S.C. 13107(e))
18 any attestation made under subparagraph (A).

19 “(3) EXCEPTION.—A spouse or dependent child
20 who receives compensation from their primary occu-
21 pation through any covered financial interest shall
22 not be required to place such covered financial inter-
23 est in a qualified blind trust under this subsection.

24 “(4) DEFINITIONS.—In this subsection:

1 “(A) COMMODITY.—The term ‘commodity’
2 has the meaning given the term in section 1a
3 of the Commodity Exchange Act (7 U.S.C. 1a).

4 “(B) COVERED FINANCIAL INTEREST.—
5 The term ‘covered financial interest’—

6 “(i) means a financial interest in a se-
7 curity, a commodity, or a future, or any
8 comparable economic interest acquired
9 through synthetic means such as the use of
10 a derivative; and

11 “(ii) does not include—

12 “(I) a widely held investment
13 fund described in section 13104(f)(8)
14 of title 5 that is diversified and reg-
15 istered as a management company
16 under the Investment Company Act of
17 1940 (15 U.S.C. 80a–1 et seq.); or

18 “(II) a United States Treasury
19 bill, note, or bond.

20 “(C) DEPENDENT CHILD.—The term ‘de-
21 pendent child’ has the meaning given that term
22 in section 13101 of title 5.

23 “(D) QUALIFIED BLIND TRUST.—The
24 term ‘qualified blind trust’ has the meaning

1 given that term in section 13104(f)(3) of title
2 5.

3 “(5) SEVERABILITY.—If any provision of this
4 subsection or the application of such provision to
5 any person or circumstance is held to be unconstitu-
6 tional, the remainder of this subsection and the ap-
7 plication of the remaining provisions of this sub-
8 section to any person or circumstance, shall not be
9 affected.”.

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