

118TH CONGRESS  
1ST SESSION

# S. 325

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.

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## 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. LUJÁN, 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

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## 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.

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

12 (b) TECHNICAL AND CONFORMING AMENDMENT.—  
13 The table of sections for chapter 57 of title 28, United  
14 States Code, is amended by adding after the item related  
15 to section 963 the following:

“964. Code of conduct.”.

16 **SEC. 3. ESTABLISHMENT OF ETHICS INVESTIGATIONS**  
17 **COUNSEL AND REPORTING PROTOCOL.**

18 (a) IN GENERAL.—Not later than 90 days after the  
19 date on which the Judicial Conference of the United  
20 States issues a code of conduct under section 964 of title  
21 28, United States Code, as added by section 2(a) of this  
22 Act, the Supreme Court of the United States shall appoint  
23 and fix the compensation of an Ethics Investigations  
24 Counsel who shall adopt rules providing for the enforce-  
25 ment of the code of conduct, including a process to receive

1 from the public information about potential violations of  
2 the code of conduct by justices of the Supreme Court.

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

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

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

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

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

23 (g) REPORT.—The Ethics Investigations Counsel ap-  
24 pointed under this section shall issue an annual public re-  
25 port describing the complaints described in subsection (a)

1 and any steps taken to investigate, resolve, or rehabilitate  
2 the conduct detailed in the complaint.

3 **SEC. 4. RECUSAL OF JUSTICES.**

4 (a) IN GENERAL.—In any case in which a justice of  
5 the Supreme Court of the United States disqualifies him-  
6 self or herself in a proceeding under section 455 of title  
7 28, United States Code, the justice shall disclose in the  
8 public record of the proceeding the reasons for the dis-  
9 qualification.

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

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