

117TH CONGRESS  
2D SESSION

# S. 4177

To establish judicial ethics.

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IN THE SENATE OF THE UNITED STATES

MAY 10, 2022

Ms. WARREN (for herself, Mr. WYDEN, Mr. MARKEY, Mr. SANDERS, Mr. MERKLEY, Mr. PADILLA, and Ms. SMITH) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To establish judicial 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 “Judicial Ethics and  
5 Anti-Corruption Act of 2022”.

6 **SEC. 2. CONFLICTS OF INTEREST RULES FOR JUDGES AND**

7 **JUSTICES AND NONCONFLICTED FEDERAL**

8 **EMPLOYEE INVESTMENT ACCOUNTS.**

9 (a) REQUIRED DIVESTMENTS OF CONFLICTED AS-  
10 SETS.—

1           (1) STOCKS AND SECURITIES.—No judge or  
2 justice may own an interest in or trade (except a di-  
3 vestment required or approved by the Judicial Con-  
4 ference of the United States) any stock, bond, com-  
5 modity, future, and other form of security, including  
6 an interest in a hedge fund, a derivative, option, or  
7 other complex investment vehicle, except noncon-  
8 flicted assets allowed under subsection (b).

9           (2) COMMERCIAL REAL ESTATE.—No judge or  
10 justice may maintain ownership in commercial real  
11 estate, unless ownership of such commercial real es-  
12 tate is necessary for an entity described in para-  
13 graph (4)(C).

14           (3) TRUSTS.—

15           (A) IN GENERAL.—No judge or justice  
16 may maintain a financial interest in any trust,  
17 including a family trust, if the Judicial Con-  
18 ference of the United States determines that  
19 the trust includes any—

20                   (i) asset that might present a conflict  
21 of interest; or

22                   (ii) stock, bond, commodity, future,  
23 and other form of security, including an in-  
24 terest in a hedge fund, a derivative, option,  
25 or other complex investment vehicle, except

1 nonconflicted assets allowed under sub-  
2 section (b).

3 (B) EXCEPTION.—Subparagraph (A) shall  
4 not apply to a trust described in section  
5 102(f)(2) of the Ethics in Government Act of  
6 1978 (5 U.S.C. App.).

7 (4) BUSINESSES AND COMPANIES.—

8 (A) PRIVATELY OWNED OR CLOSELY HELD  
9 CORPORATION.—No judge or justice may main-  
10 tain ownership in a privately owned or closely  
11 held corporation, company, firm, partnership, or  
12 other business enterprise.

13 (B) BOARD MEMBERS.—No judge or jus-  
14 tice may serve on the board of directors of any  
15 for-profit entity, including any corporation,  
16 company, firm, partnership, or other business  
17 enterprise.

18 (C) EXCEPTION.—Subparagraphs (A) and  
19 (B) shall not apply to a corporation, company,  
20 firm, partnership, or other business enterprise  
21 that has gross receipts for the previous taxable  
22 year of less than \$5,000,000.

23 (b) NONCONFLICTED ASSETS.—

1           (1) IN GENERAL.—A judge or justice may  
2 maintain assets that do not present a conflict of in-  
3 terest, including—

4           (A) a widely held investment fund—

5                 (i) described in section 102(f)(8) of  
6 the Ethics in Government Act of 1978 (5  
7 U.S.C. App.);

8                 (ii) that meets the requirements de-  
9 scribed in paragraph (2); and

10                (iii) that is diversified because the  
11 fund does not have a stated policy of con-  
12 centrating the investments of the fund in  
13 any industry, business, single country  
14 other than the United States, or bonds of  
15 any single State;

16           (B) noncommercial real estate, including  
17 real estate used solely as a personal residence;

18           (C) cash, certificates of deposit, or other  
19 forms of savings accounts;

20           (D) a federally managed asset, including—

21                 (i) financial interests in or income de-  
22 rived from—

23                         (I) any retirement system under  
24 title 5, United States Code (including  
25 the Thrift Savings Plan under sub-

1 chapter III of chapter 84 of such  
2 title); or

3 (II) any other retirement system  
4 maintained by the United States for  
5 officers or employees of the United  
6 States, including the President, or for  
7 members of the uniformed services;

8 (ii) benefits received under the Social  
9 Security Act (42 U.S.C. 301 et seq.); and

10 (iii) an asset in the Federal Employee  
11 Investment Account described in para-  
12 graph (3);

13 (E) bonds, bills, and notes issued by gov-  
14 ernmental sources, such as the Federal Govern-  
15 ment, State, or other municipality;

16 (F) shares of Settlement Common Stock  
17 issued under section 7(g)(1)(A) of the Alaska  
18 Native Claims Settlement Act (43 U.S.C.  
19 1606(g)(1)(A)); and

20 (G) shares of Settlement Common Stock,  
21 as defined in section 3 of the Alaska Native  
22 Claims Settlement Act (43 U.S.C. 1602).

23 (2) WIDELY HELD INVESTMENT FUND RE-  
24 QUIREMENTS.—A judge or justice may not maintain  
25 a widely held investment fund described in section

1 102(f)(8) of the Ethics in Government Act of 1978  
2 (5 U.S.C. App.), unless—

3 (A) the widely held investment fund is di-  
4 versified, as described in paragraph (1)(A)(iii);

5 (B) the widely held investment fund does  
6 not present a conflict of interest; and

7 (C) any instructions to a manager of the  
8 widely held investment fund are shared with the  
9 Judicial Conference of the United States.

10 (3) FEDERAL EMPLOYEE INVESTMENT AC-  
11 COUNT.—Section 8472 of title 5, United States  
12 Code, is amended—

13 (A) in subsection (f)—

14 (i) in paragraph (2), by striking  
15 “and” at the end;

16 (ii) in paragraph (3), by striking the  
17 period at the end and inserting a semi-  
18 colon; and

19 (iii) by adding at the end the fol-  
20 lowing:

21 “(4) not later than 3 years after the date of en-  
22 actment of this paragraph, establish Federal Em-  
23 ployee Investment Accounts in the Treasury of the  
24 United States accounts for judges and justices to

1 maintain investments in the stock and securities  
2 markets in which a judge or justice may—

3 “(A) sell an asset or security, including  
4 those assets or securities that present a conflict  
5 of interest under section 2(a) of the Judicial  
6 Ethics and Anti-Corruption Act of 2022, and  
7 invest the resulting funds into the Federal Em-  
8 ployee Investment Accounts; and

9 “(B) withdraw funds from their Federal  
10 Employee Investment Account at any time;

11 “(5) act in the interest of the plan participants  
12 and beneficiaries of Federal Employee Investment  
13 Accounts when making decisions for the purpose of  
14 providing benefits to those participants and bene-  
15 ficiaries;

16 “(6) establish a new and parallel system for  
17 recordkeeping with respect to Federal Employee In-  
18 vestment Accounts; and

19 “(7) establish a Federal Employee Investment  
20 Fund to fully cover administrative costs associated  
21 with managing Federal Employee Investment Ac-  
22 counts, which—

23 “(A) shall be separate from the Thrift Sav-  
24 ings Fund established under section 8437, ex-

1           cept with respect to administrative costs for  
2           common resources; and

3           “(B) may be used for compensation to pay  
4           new employees, additional resources for infor-  
5           mation technology, additional call center capac-  
6           ity, and any other new capacity to handle the  
7           administration of Federal Employee Investment  
8           Accounts.”;

9           (B) in subsection (g)(1)—

10           (i) in subparagraph (C), by striking  
11           “and” at the end;

12           (ii) by striking the period at the end  
13           and inserting “; and”; and

14           (iii) by adding at the end the fol-  
15           lowing:

16           “(E) promulgate regulations for the ad-  
17           ministration of Federal Employee Investment  
18           Accounts.”; and

19           (C) by adding at the end the following:

20           “(k) AUTHORIZATION OF APPROPRIATIONS.—There  
21           is authorized to be appropriated such sums as may be nec-  
22           essary to establish and maintain Federal Employee Invest-  
23           ment Accounts established under subsection (f), including  
24           for the purpose of reducing any fees paid by participants  
25           in the Federal Employee Investment Accounts.”.



1           (c) CIVIL FINES.—The Attorney General or the Spe-  
2 cial Counsel may bring a civil action in the appropriate  
3 United States district court against any judge or justice  
4 who engages in conduct constituting a violation of this sec-  
5 tion and, upon proof of such conduct by a preponderance  
6 of the evidence, such judge or justice shall be subject to  
7 a civil penalty of not more than \$50,000 for each violation.  
8 The imposition of a civil penalty under this subsection  
9 does not preclude any other criminal or civil statutory,  
10 common law, or administrative remedy, which is available  
11 by law to the United States or any other person.

12 **SEC. 3. CLARIFICATION OF GIFT BAN.**

13           (a) IN GENERAL.—Section 7353 of title 5, United  
14 States Code, is amended—

15                 (1) in subsection (a), in the matter preceding  
16 paragraph (1), by striking “anything of value” and  
17 inserting “a gift”; and

18                 (2) in subsection (d)—

19                         (A) in paragraph (1), by striking “and” at  
20 the end;

21                         (B) in paragraph (2), by striking the pe-  
22 riod at the end and inserting “; and”; and

23                         (C) by adding at the end the following:

24                                 “(3) the term ‘gift’ means anything of value, in-  
25 cluding transportation, travel, lodgings and meals,

1 whether provided in-kind, by purchase of a ticket,  
 2 payment in advance, or reimbursement after the ex-  
 3 pense has been incurred.”.

4 (b) REGULATIONS.—The Judicial Conference of the  
 5 United States shall promulgate regulations to carry out  
 6 the amendment made by subsection (a) with respect to  
 7 the judicial branch.

8 **SEC. 4. RESTRICT PRIVATELY FUNDED EDUCATIONAL**  
 9 **EVENTS AND SPEECHES.**

10 (a) JUDICIAL EDUCATION FUND.—

11 (1) ESTABLISHMENT.—Chapter 42 of title 28,  
 12 United States Code, is amended by adding at the  
 13 end the following:

14 **“§ 630. Judicial Education Fund**

15 “(a) DEFINITIONS.—In this section—

16 “(1) the term ‘Board’ means the Board of the  
 17 Federal Judicial Center established in section 621;

18 “(2) the term ‘Fund’ means the Judicial Edu-  
 19 cation Fund established under subsection (b);

20 “(3) the term ‘institution of higher education’  
 21 has the meaning given that term under section  
 22 101(a) of the Higher Education Act of 1965 (20  
 23 U.S.C. 1001(a));

1           “(4) the term ‘national bar association’ means  
2 a national organization that is open to general mem-  
3 bership to all members of the bar;

4           “(5) the term ‘private judicial seminar’—

5           “(A) means a seminar, symposia, panel  
6 discussion, course, or a similar event that pro-  
7 vides continuing legal education to judges and  
8 justices; and

9           “(B) does not include—

10           “(i) seminars that last 1 day or less  
11 and are conducted by, and on the campus  
12 of, an institute of higher education;

13           “(ii) seminars that last 1 day or less  
14 and are conducted by a national bar asso-  
15 ciation or State or local bar association for  
16 the benefit of the bar association member-  
17 ship; or

18           “(iii) seminars of any length con-  
19 ducted by, and on the campus of an insti-  
20 tute of higher education or by a national  
21 bar association or State or local bar asso-  
22 ciation, where a judge or justice is a pre-  
23 senter and at which judges and justices  
24 constitute less than 25 percent of the par-  
25 ticipants; and

1           “(6) the term ‘State or local bar association’  
2           means a State or local organization that is open to  
3           general membership to all members of the bar in the  
4           specified geographic region.

5           “(b) FUND.—There is established within the United  
6 States Treasury a fund to be known as the ‘Judicial Edu-  
7 cation Fund’.

8           “(c) USE OF AMOUNTS.—Amounts in the Fund may  
9 be made available for the payment of necessary expenses,  
10 including reasonable expenditures for transportation, food,  
11 lodging, private judicial seminar fees and materials, in-  
12 curred by a judge or justice in attending a private judicial  
13 seminar approved by the Board. Necessary expenses shall  
14 not include expenditures for recreational activities or en-  
15 tertainment other than that provided to all attendees as  
16 an integral part of the private judicial seminar. Any pay-  
17 ment from the Fund shall be approved by the Board.

18           “(d) REQUIRED INFORMATION.—The Board may ap-  
19 prove a private judicial seminar after submission of infor-  
20 mation by the sponsor of that private judicial seminar that  
21 includes—

22           “(1) the content of the private judicial seminar  
23           (including a list of presenters, topics, and course  
24           materials); and

1           “(2) the litigation activities of the sponsor (in-  
2           cluding any amicus briefs submitted by the sponsor)  
3           and the presenters at the private judicial seminar  
4           (including the litigation activities of the employer of  
5           each presenter) on the topic related to those ad-  
6           dressed at the private judicial seminar.

7           “(e) PUBLIC AVAILABILITY.—If the Board approves  
8           a private judicial seminar, the Board shall make the infor-  
9           mation submitted under subsection (d) relating to the pri-  
10          vate judicial seminar available to judges, justices, and the  
11          public by posting the information online.

12          “(f) GUIDELINES.—The Judicial Conference shall  
13          promulgate guidelines to ensure that the Board only ap-  
14          proves private judicial seminars that are conducted in a  
15          manner so as to maintain the public’s confidence in an  
16          unbiased and fair-minded judiciary.

17          “(g) AUTHORIZATION OF APPROPRIATIONS.—There  
18          are authorized to be appropriated for deposit in the Fund  
19          \$3,000,000 for each of fiscal years 2022, 2023, and 2024,  
20          to remain available until expended.”.

21                 (2) TECHNICAL AND CONFORMING AMEND-  
22          MENT.—The table of sections for chapter 42 of title  
23          28, United States Code, is amended by adding at  
24          the end the following:

“630. Judicial Education Fund.”.

1 (b) PRIVATE JUDICIAL SEMINAR GIFTS PROHIB-  
2 ITED.—

3 (1) DEFINITIONS.—In this subsection—

4 (A) the term “gift” has the meaning given  
5 that term under section 7353 of title 5, United  
6 States Code, as amended by section 3;

7 (B) the term “institution of higher edu-  
8 cation” has the meaning given that term under  
9 section 101(a) of the Higher Education Act of  
10 1965 (20 U.S.C. 1001(a)); and

11 (C) the terms “national bar association”,  
12 “private judicial seminar”, and “State or local  
13 bar association” have the meanings given those  
14 terms under section 630 of title 28, United  
15 States Code, as added by subsection (a).

16 (2) REGULATIONS.—Not later than 180 days  
17 after the date of enactment of this Act, the Judicial  
18 Conference of the United States shall promulgate  
19 regulations to apply section 7353(a) of title 5,  
20 United States Code, to prohibit the solicitation or  
21 acceptance of a gift in connection with a private ju-  
22 dicial seminar.

23 (3) EXCEPTION.—The prohibition under the  
24 regulations promulgated under paragraph (2) shall  
25 not apply if—

1 (A) the judge or justice participates in a  
2 private judicial seminar as a speaker, panel par-  
3 ticipant, or otherwise presents information;

4 (B) Federal judges and justices are not the  
5 primary audience at the private judicial sem-  
6 inar; and

7 (C) the gift accepted is—

8 (i) reimbursement from the private ju-  
9 dicial seminar sponsor of reasonable trans-  
10 portation, food, or lodging expenses on any  
11 day on which the judge or justice speaks,  
12 participates, or presents information, as  
13 applicable;

14 (ii) attendance at the private judicial  
15 seminar on any day on which the judge or  
16 justice speaks, participates, or presents in-  
17 formation, as applicable; or

18 (iii) anything excluded from the defi-  
19 nition of a gift under regulations of the  
20 Judicial Conference of the United States  
21 under sections 7351 and 7353 of title 5,  
22 United States Code, as in effect on the  
23 date of enactment of this Act.

1 **SEC. 5. CODE OF CONDUCT.**

2 (a) SENSE OF CONGRESS.—It is the sense of Con-  
3 gress that in order for justices and judges, both of the  
4 supreme and inferior courts, to hold their offices during  
5 “good behaviour” under section 1 of article III of the Con-  
6 stitution of the United States, the judges and justices  
7 shall, among other requirements, adhere to the Code of  
8 Conduct for United States Judges adopted by the Judicial  
9 Conference of the United States described in this section.

10 (b) APPLICABILITY.—The Code of Conduct for  
11 United States Judges adopted by the Judicial Conference  
12 of the United States shall apply to the justices of the Su-  
13 preme Court of the United States to the same extent as  
14 such Code applies to circuit and district judges.

15 (c) ENFORCEMENT.—The Judicial Conference shall  
16 establish procedures, modeled after the procedures set  
17 forth in chapter 16 of title 28, United States Code, under  
18 which—

19 (1) complaints alleging that a justice of the Su-  
20 preme Court of the United States has violated the  
21 Code of Conduct referred to in subsection (a) may  
22 be filed with or identified by the Conference;

23 (2) such material, nonfrivolous complaints and  
24 any accompanying material are immediately referred  
25 to the Supreme Court Review Committee established  
26 in section 10; and



1           (3) further action, where appropriate, is taken  
2 by the Conference, with respect to such complaints.

3           (d) **SUBMISSION TO CONGRESS; EFFECTIVE DATE.**—

4           (1) **SUBMISSION TO CONGRESS.**—Not later than  
5 180 days after the date of enactment of this Act, the  
6 Judicial Conference shall submit to Congress the  
7 procedures established under subsection (b).

8           (2) **EFFECTIVE DATE.**—The procedures estab-  
9 lished under subsection (b) shall take effect 1 year  
10 after the date of enactment of this Act.

11 **SEC. 6. IMPROVING DISCLOSURE.**

12           (a) **RECUSAL DECISIONS.**—Section 455 of title 28,  
13 United States Code, is amended by adding at the end the  
14 following:

15           “(g) **RECUSAL LISTS.**—

16           “(1) Each justice, judge, and magistrate judge  
17 of the United States shall maintain and submit to  
18 the Judicial Conference a list of each association or  
19 interest that would require the justice, judge, or  
20 magistrate to be recused under subsection (b)(4), in-  
21 cluding any financial interests of the judge, the  
22 spouse of the judge, or any minor child of the judge  
23 residing in the household of the judge.

24           “(2) The Judicial Conference shall maintain  
25 and make publicly available online, at no cost, each

1 list required under this subsection that is filed with  
2 the Judicial Conference in a format that is search-  
3 able, sortable, machine-readable, downloadable, and  
4 accessible format, and accessible in multiple lan-  
5 guages and to individuals with disabilities.

6 “(3) The Judicial Conference may issue public  
7 or private guidance to justices, judges, and mag-  
8 istrate judges of the United States regarding the  
9 contents of the lists under this subsection to ensure  
10 such lists comply with the disqualification require-  
11 ments of (b)(4).”.

12 (b) SPEECHES.—

13 (1) IN GENERAL.—Each justice, judge, and  
14 magistrate judge of the United States shall maintain  
15 and submit to the Judicial Conference of the United  
16 States a copy of each speech or other significant oral  
17 communication made by the justice, judge, or mag-  
18 istrate.

19 (2) AVAILABILITY.—The Judicial Conference of  
20 the United States shall maintain and make each  
21 speech or other significant oral communication sub-  
22 mitted under paragraph (1) available to the public  
23 in printed form, upon request, and online, at no  
24 cost, in a format that is searchable, sortable, ma-

1 chine-readable, downloadable, and accessible in mul-  
2 tiple languages and to individuals with disabilities.

3 (3) REGULATIONS.—Not later than 180 days  
4 after the date of enactment of this Act, the Judicial  
5 Conference of the United States shall promulgate  
6 regulations regarding the types of oral communica-  
7 tions that are required to be maintained, submitted,  
8 and made publicly available under this subsection.

9 (c) LIVESTREAMING JUDICIAL PROCEEDINGS.—

10 (1) DEFINITION.—In this section, the term  
11 “appellate court of the United States” means any  
12 United States circuit court of appeals and the Su-  
13 preme Court of the United States.

14 (2) STREAMING OF COURT PROCEEDINGS.—In  
15 accordance with procedures established by the Judi-  
16 cial Conference of the United States, the audio of  
17 each open session conducted by an appellate court of  
18 the United States shall be made available online con-  
19 temporaneously with the session, unless the appel-  
20 late court of the United States, by a majority vote,  
21 determines that making audio of the session avail-  
22 able online would violate the constitutional rights or  
23 threaten the safety of any party to the proceeding.

24 (d) PUBLICIZING CASE ASSIGNMENT INFORMA-  
25 TION.—

1           (1) IN GENERAL.—Not later than 180 days  
2 after the date of enactment of this Act, the Judicial  
3 Conference of the United States shall promulgate  
4 regulations requiring each court of the United States  
5 to make case assignment data available to the public  
6 online, at no cost, in a format that is searchable,  
7 sortable, machine-readable, downloadable, and acces-  
8 sible in multiple languages and to individuals with  
9 disabilities.

10           (2) CONTENTS.—The case assignment data  
11 made available under paragraph (1) shall include, at  
12 a minimum, and to the extent available, the case  
13 title, docket number, case origin, filing date, and  
14 name of each authoring judge, concurring judge, and  
15 dissenting judge for each opinion issued in the case.

16           (e) MAKING WEBSITES USER-FRIENDLY.—Not later  
17 than 180 days after the date of enactment of this Act,  
18 the Judicial Conference of the United States shall promul-  
19 gate regulations requiring an evaluation of, and improve-  
20 ments to, the website of each district court of the United  
21 States to ensure the website is easy to understand, includ-  
22 ing that it is clear how to file a complaint relating to a  
23 judge or an employee of the district court.

24           (f) ACCESSIBILITY.—The Judicial Conference shall  
25 make efforts to ensure that any disclosures required under

1 this section are made available to the public in plain lan-  
2 guage, in a variety of languages, and accessible to individ-  
3 uals with disabilities.

4 **SEC. 7. OVERSIGHT PROCESS FOR DISQUALIFICATION OF**  
5 **JUSTICE, JUDGE, OR MAGISTRATE JUDGE.**

6 Section 455 of title 28, United States Code, as  
7 amended by section 6 of this Act, is amended by adding  
8 at the end the following:

9 “(h)(1) Any litigant appearing before a justice, judge,  
10 or magistrate judge of the United States may file a peti-  
11 tion that the justice, judge, or magistrate judge of the  
12 United States, as applicable, shall be disqualified based  
13 on the criteria described in subsection (b).

14 “(2)(A) Any judge or magistrate judge of the United  
15 States subject to a petition under paragraph (1) may pro-  
16 vide a public, written response to the petition that provides  
17 a written explanation relating to any disqualification deci-  
18 sion.

19 “(B) Any justice of the Supreme Court of the United  
20 States subject to a petition under paragraph (1) shall pro-  
21 vide a public, written response to the petition that provides  
22 a written explanation relating to any disqualification deci-  
23 sion.

24 “(3) If a litigant makes a petition under paragraph  
25 (1) relating to a justice of the Supreme Court of the

1 United States, the Judicial Conference of the United  
2 States shall issue a nonbinding, public advisory opinion  
3 with its recommendation, which shall be shared with the  
4 Supreme Court Review Committee established in section  
5 10 of the Judicial Ethics and Anti-Corruption Act of  
6 2022.

7 “(4) If the Judicial Conference of the United States  
8 recommends that a justice of the Supreme Court of the  
9 United States be disqualified under this section, the jus-  
10 tice shall publicly explain a final disqualification decision  
11 in writing, which shall be shared with the Supreme Court  
12 Review Committee established in section 10 of the Judicial  
13 Ethics and Anti-Corruption Act of 2022.

14 “(5)(A) For any judge or magistrate judge of the  
15 United States, the Judicial Conference of the United  
16 States shall—

17 “(B) establish a written process to determine whether  
18 a judge meets 1 or more of the criteria in subsection (b);

19 “(C) use any administrative procedures which may be  
20 necessary to aid in the execution of the written process  
21 described in subparagraph (B), which may include any  
22 procedures or software that may be necessary to determine  
23 whether a judge meets 1 or more of the criteria in sub-  
24 section (b); and

1 “(D) the process described in subparagraph (B) shall  
2 be made publicly available and, at a minimum—

3 “(i) include how an individual may make a peti-  
4 tion under paragraph (1) for a judge to be disquali-  
5 fied;

6 “(ii) ensure that a judge or group of judges  
7 other than the judge who is the subject of the in-  
8 quiry determines whether the judge shall be disquali-  
9 fied;

10 “(iii) allow the judge or group of judges making  
11 the disqualification determination to receive the ex-  
12 pert advice of ethics personnel and officials, includ-  
13 ing individuals with expertise in ethics at the Judi-  
14 cial Conference;

15 “(iv) require that the judge be disqualified  
16 should another judge or group of judges determine  
17 that the judge must be disqualified in accordance  
18 with this subsection; and

19 “(v) require that all recusal decisions be made  
20 publicly available and be accompanied by a written  
21 explanation for the recusal decision.”.

22 **SEC. 8. COMPLAINTS AGAINST RETIRED JUDGES AND JUDI-**  
23 **CIAL DISCIPLINE.**

24 (a) COMPLAINTS.—Section 351(d) of title 28, United  
25 States Code, is amended—

1 (1) by striking paragraph (1) and inserting the  
2 following:

3 “(1) the term ‘judge’—

4 “(A) means a circuit judge, district judge,  
5 bankruptcy judge, or magistrate judge; and

6 “(B) includes a retired judge described in  
7 subparagraph (A);”;

8 (2) in paragraph (2), by striking the period at  
9 the end and inserting “; and”; and

10 (3) by adding at the end the following:

11 “(3) the term ‘retired judge’ means any judge  
12 of the United States who has retired from regular  
13 active service under section 371(b) or 372(a).”.

14 (b) REVIEW OF COMPLAINT BY CHIEF JUDGE.—Sec-  
15 tion 352 of title 28, United States Code, is amended by  
16 adding at the end the following:

17 “(e) DEFINITION.—In this section, the term ‘inter-  
18 vening events’ does not include the retirement of the judge  
19 whose conduct is complained of or the nomination or con-  
20 firmation of the judge to the Supreme Court of the United  
21 States.”.

22 **SEC. 9. ACTION BY JUDICIAL COUNCIL IN RESPONSE TO**  
23 **MISCONDUCT BY JUDGES.**

24 Section 354 of title 28, United States Code, is  
25 amended—



1           (1) in subsection (a)(2), by adding at the end  
2 the following:

3           “(D) RETIRED JUDGES.—If the conduct of  
4 a retired judge is the subject of the complaint,  
5 action by the judicial council under paragraph  
6 (1)(C) may include—

7                   “(i) censuring or reprimanding the  
8 judge by means of public announcement;  
9 and

10                   “(ii) reducing or rescinding the non-  
11 vested pension benefits of the retired  
12 judge.

13           “(E) REMEDIAL ACTIONS FOR CERTAIN  
14 CONDUCT.—

15                   “(i) DEFINITION.—In this subpara-  
16 graph, the term ‘covered judge’ does not  
17 include a retired judge.

18                   “(ii) CONDUCT.—If the conduct of a  
19 covered judge is the subject of the com-  
20 plaint, action by the judicial council under  
21 paragraph (1)(C) may include mandating  
22 that the covered judge participate in pro-  
23 fessional counseling, treatment, education,  
24 or mentoring to address the misconduct at  
25 issue.”; and

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

2 “(c) REPORT.—

3 “(1) SUBMISSION TO JUDICIAL CONFERENCE  
4 OF THE UNITED STATES.—Each chief judge of the  
5 circuit shall submit to the Judicial Conference of the  
6 United States an annual report on, with respect to  
7 the previous year—

8 “(A) the number of complaints filed under  
9 section 351 against judges in the circuit; and

10 “(B) the outcome of the complaints de-  
11 scribed in subparagraph (A).

12 “(2) SUBMISSION TO CONGRESS.—The Judicial  
13 Conference of the United States shall submit to the  
14 Committee on the Judiciary of the Senate and the  
15 Committee on the Judiciary of the House of Rep-  
16 resentatives each report submitted under paragraph  
17 (1).

18 “(3) PUBLIC AVAILABILITY.—No later than 30  
19 days after submitting to Congress each report under  
20 paragraph (1), the Judicial Conference of the United  
21 States shall make the report available to the pub-  
22 lic.”.

23 **SEC. 10. SUPREME COURT COMPLAINTS REVIEW COM-**  
24 **MITTEE.**

25 (a) DEFINITIONS.—In this section:

1           (1) REVIEW COMMITTEE.—The term “Review  
2           Committee” means the Supreme Court Complaints  
3           Review Committee.

4           (2) CLOSE FAMILY MEMBER.—The term “close  
5           family member” includes—

6                   (A) a parent of the reporting individual;

7                   (B) a spouse of the reporting individual;

8                   and

9                   (C) an adult child of the reporting indi-  
10           vidual.

11          (b) ESTABLISHMENT.—For the purpose of assisting  
12          the House of Representatives in carrying out its respon-  
13          sibilities under section 2 of article I and section 4 of article  
14          II of the Constitution of the United States, there is estab-  
15          lished in the legislative branch to be known as the Su-  
16          preme Court Complaints Review Committee under the  
17          general supervision of the Committee on the Judiciary of  
18          the House of Representatives.

19          (c) MEMBERS.—

20               (1) IN GENERAL.—The Review Committee shall  
21               consist of 5 members, of whom—

22                   (A) 2 shall be appointed by the Speaker of  
23                   the House of Representatives;

24                   (B) 2 shall be appointed by the minority  
25                   leader of the House of Representatives; and

1           (C) 1 shall be appointed by agreement of  
2 the Speaker of the House of Representatives  
3 and the minority leader of the House of Rep-  
4 resentatives.

5           (2) QUALIFICATIONS OF REVIEW COMMITTEE  
6 MEMBERS.—

7           (A) EXPERTISE.—Each member of the Re-  
8 view Committee shall be an individual of excep-  
9 tional public standing who is specifically quali-  
10 fied to serve on the Review Committee by virtue  
11 of the individual's education, training, or expe-  
12 rience in 1 or more of the following fields:

13                   (i) Constitutional law.

14                   (ii) Impeachment.

15                   (iii) Judicial ethics.

16                   (iv) Professional ethics.

17                   (v) Legal history.

18                   (vi) Judicial service.

19           (B) SELECTION BASIS.—Selection and ap-  
20 pointment of each member of the Review Com-  
21 mittee shall be without regard to political affili-  
22 ation and solely on the basis of fitness to per-  
23 form the duties of a member of the Review  
24 Committee.

1 (C) CITIZENSHIP.—Each member of the  
2 Review Committee shall be a United States cit-  
3 izen.

4 (D) DISQUALIFICATIONS.—No individual  
5 shall be eligible for appointment to, or service  
6 on, the Review Committee who—

7 (i) has ever been registered, or re-  
8 quired to be registered, as a lobbyist under  
9 the Lobbying Disclosure Act of 1995 (2  
10 U.S.C. 1601 et seq.);

11 (ii) engages in, or is otherwise em-  
12 ployed in, lobbying of the Congress;

13 (iii) is registered or is required to be  
14 registered as an agent of a foreign prin-  
15 cipal under the Foreign Agents Registra-  
16 tion Act of 1938 (22 U.S.C. 611 et seq.);

17 (iv) is a currently serving judge, jus-  
18 tice, or employee of the Federal courts;

19 (v) is an officer or employee of the  
20 Federal Government;

21 (vi) is a close family member of any  
22 judge or justice of the Federal courts;

23 (vii) during the 4 years preceding the  
24 date of appointment, engaged in any sig-  
25 nificant political activity (including being a

1 candidate for public office, fundraising for  
2 a candidate for public office or a political  
3 party, or serving as an officer or employee  
4 of a political campaign or party);

5 (viii) during the 2 years preceding the  
6 date of appointment, served as a fiduciary  
7 or personal attorney for a judge, justice, or  
8 employee of the Federal courts, including  
9 any judge or justice; or

10 (ix) any currently serving Senator or  
11 Representative in, or Delegate or Resident  
12 Commissioner to, the Congress.

13 (3) TERM AND REMOVAL.—

14 (A) LENGTH OF TERM.—The term of a  
15 member of the Review Committee shall be for  
16 2 Congresses.

17 (B) TERM LIMITS.—A member of the Re-  
18 view Committee may not serve during 4 con-  
19 secutive Congresses.

20 (C) REMOVAL.—A member of the Review  
21 Committee may be removed upon unanimous  
22 agreement among the Speaker and the minority  
23 leader of the House of Representatives or by an  
24 affirmative vote of  $\frac{2}{3}$  of the members of the

1           Committee on the Judiciary of the House of  
2           Representatives.

3                   (D) VACANCIES.—Any vacancy on the Re-  
4           view Committee shall be filled for the unexpired  
5           portion of the term in the same manner, and by  
6           the same appointing authority, as the original  
7           appointment under paragraph (2).

8           (d) CHAIRPERSON AND VICE-CHAIRPERSON.—

9                   (1) IN GENERAL.—The members of the Review  
10          Committee shall elect a chairperson and a vice-chair-  
11          person of the Review Committee by a majority vote.  
12          The chairperson and the vice-chairperson shall serve  
13          a 1-year term, and may be reelected for additional  
14          1-year terms.

15                  (2) DUTIES.—The chairperson of the Review  
16          Committee shall preside at the meetings of the Re-  
17          view Committee, and the vice-chairperson shall pre-  
18          side in the absence or disability of the chairperson.

19          (e) MEETINGS.—

20                  (1) QUORUM.—A majority of the members of  
21          the Review Committee shall constitute a quorum.

22                  (2) MEETINGS.—The Review Committee shall  
23          meet at the call of the chairperson, the chair of the  
24          Committee on the Judiciary of the House of Rep-

1        representatives, or the call of a majority of its mem-  
2        bers, pursuant to the rules of the Review Committee.

3            (3) VOTING.—Except as otherwise specifically  
4        provided, a majority vote of the Review Committee  
5        under this subtitle shall require an affirmative vote  
6        of 3 or more members.

7            (f) COMPENSATION.—A member of the Review Com-  
8        mittee shall not be considered to be an officer or employee  
9        of the House or Senate, but shall be compensated at a  
10       rate equal to the daily equivalent of the minimum annual  
11       rate of basic pay prescribed for GS–15 of the General  
12       Schedule under section 5107 of title 5, United States  
13       Code, for each day (including travel time) during which  
14       such member is engaged in the performance of the duties  
15       of the Review Committee.

16            (g) DUTIES OF REVIEW COMMITTEE.—

17            (1) IN GENERAL.—The Review Committee shall  
18        review each complaint made against the Chief Jus-  
19        tice of the United States or a Justice of the Su-  
20        preme Court of the United States through the re-  
21        view process described in subsection (m).

22            (2) HEARINGS.—The Review Committee may  
23        hold such hearings as are necessary and may sit and  
24        act only in executive session at such times and  
25        places, solicit such testimony, and receive such rel-



1 evant evidence, as may be necessary to carry out its  
2 duties.

3 (h) FINANCIAL DISCLOSURE REPORTS.—

4 (1) IN GENERAL.—Each member of the Review  
5 Committee shall file an annual financial disclosure  
6 report with the Clerk of the House of Representa-  
7 tives on or before May 15 of each calendar year im-  
8 mediately following any year in which the member  
9 served on the Review Committee. Each such report  
10 shall be on a form prepared by the Clerk that is sub-  
11 stantially similar to the form required for individuals  
12 at the executive branch who must complete a con-  
13 fidential financial disclosure report under section  
14 102 of the Ethics in Government Act of 1978 (5  
15 U.S.C. App.).

16 (2) DISTRIBUTION OF REPORT.—The Clerk of  
17 the House of Representatives shall—

18 (A) not later than 7 days after the date  
19 each financial disclosure report under para-  
20 graph (1) is filed, send a copy of each such re-  
21 port to the Committee on the Judiciary of the  
22 House of Representatives; and

23 (B) annually print all such financial disclo-  
24 sure reports as a document of Congress, and  
25 make the document available to the public.

1 (i) DUTIES AND POWERS OF THE REVIEW COM-  
2 MITTEE.—

3 (1) IN GENERAL.—The Review Committee is  
4 authorized—

5 (A) to establish a process for receiving and  
6 reviewing complaints from any person regarding  
7 allegations of misconduct by a justice of the Su-  
8 preme Court of the United States;

9 (B) to conduct a review of material com-  
10 plaints regarding alleged misconduct by a jus-  
11 tice of the Supreme Court of the United States;  
12 and

13 (C) in any case where the Review Com-  
14 mittee determines, on the basis of the review  
15 described in subsection (m), that a justice may  
16 have engaged in conduct which might violate  
17 the Code of Conduct for United States Judges  
18 adopted by the Judicial Conference of the  
19 United States or constitute 1 or more grounds  
20 for impeachment under article II of the Con-  
21 stitution of the United States, or which, in the  
22 interest of justice, is not amenable to resolution  
23 by the Review Committee, the Review Com-  
24 mittee shall promptly certify such determina-  
25 tion, together with any complaint and a record

1 of any associated proceedings to the Committee  
2 on the Judiciary of the House of Representa-  
3 tives.

4 (2) REFERRALS TO LAW ENFORCEMENT OFFI-  
5 CIALS.—

6 (A) IN GENERAL.—Upon a majority vote  
7 of the Review Committee, the Review Com-  
8 mittee may refer potential legal violations com-  
9 mitted by a justice to the Department of Jus-  
10 tice or other relevant Federal or State law en-  
11 forcement officials, which referral shall include  
12 all appropriate evidence gathered during any re-  
13 view or preliminary investigation conducted  
14 under this subtitle.

15 (B) NOTIFICATION.—The Review Com-  
16 mittee shall notify the Committee on the Judici-  
17 ary of the Senate and the Committee on the  
18 Judiciary of the House of Representatives of all  
19 referrals under this subsection.

20 (3) LIMITATIONS ON REVIEW.—No review may  
21 be undertaken by the Review Committee of any com-  
22 plaint—

23 (A) that is primarily concerned with chal-  
24 lenging the merits of a decision or procedural  
25 ruling;

1 (B) that is frivolous, lacking sufficient evi-  
2 dence to raise an inference that misconduct has  
3 occurred, or containing allegations that are in-  
4 capable of being established through investiga-  
5 tion;

6 (C) concerning any alleged violation of law,  
7 rule, regulation or standard of conduct not in  
8 effect at the time of the alleged violation; or

9 (D) concerning any alleged violation that  
10 occurred before the date of enactment of this  
11 Act.

12 (j) PROHIBITION ON PUBLIC DISCLOSURE.—

13 (1) IN GENERAL.—

14 (A) PROHIBITION ON PUBLIC DISCLO-  
15 SURE.—No information obtained by a member  
16 or employee of the Review Committee regarding  
17 complaints shall be publicly disclosed to any  
18 person or entity outside the Review Committee,  
19 unless approved by a majority vote of the Re-  
20 view Committee. Any communication to any  
21 person or entity outside the Review Committee  
22 may occur only as authorized by the Review  
23 Committee.

24 (B) PROCEDURES AND INVESTIGATION.—

25 The Review Committee shall establish, in con-

1 sultation with relevant agencies, procedures  
2 necessary to prevent the unauthorized disclo-  
3 sure of any information received by the Review  
4 Committee. Any breaches of confidentiality  
5 shall be investigated by the Review Committee  
6 and appropriate action shall be taken, which  
7 may include a recommendation to Congress for  
8 removal pursuant to subsection (c)(3)(C).

9 (2) PROVISION WITH RESPECT TO HOUSE AND  
10 SENATE JUDICIARY COMMITTEES.—Paragraph (1)  
11 shall not preclude—

12 (A) any member or employee of the Review  
13 Committee from presenting a report or findings  
14 of the Committee, or testifying before the Com-  
15 mittee on the Judiciary of the House of Rep-  
16 resentatives, if requested by the Committee on  
17 the Judiciary of the House of Representatives  
18 pursuant to its rules;

19 (B) any necessary communication with the  
20 Department of Justice or any other law en-  
21 forcement agency; or

22 (C) any necessary communication with the  
23 Speaker or minority leader of the House of  
24 Representatives or the majority leader or mi-  
25 nority leader of the Senate.

1           (3) OPPORTUNITY TO PRESENT.—Before the  
2       Review Committee votes on a recommendation or  
3       statement to be transmitted to the Committee on the  
4       Judiciary of the House of Representatives relating  
5       to a complaint involving a justice, the Review Com-  
6       mittee shall provide the justice whose conduct is the  
7       subject of the complaint the opportunity to present,  
8       orally or in writing (at the discretion of the justice),  
9       a statement to the Review Committee.

10       (k) PRESENTATION OF REPORTS TO THE HOUSE JU-  
11       DICLARY COMMITTEE.—Whenever the Review Committee  
12       transmits any report to the Committee on the Judiciary  
13       of the House of Representatives relating to a complaint  
14       involving a justice, the Review Committee shall designate  
15       a member or employee of the Review Committee to present  
16       the report to the House Judiciary Committee if requested  
17       by the Committee on the Judiciary of the House of Rep-  
18       resentatives.

19       (l) MAINTAINING OF FINANCIAL DISCLOSURE RE-  
20       PORTS.—The Review Committee shall receive, and main-  
21       tain, a copy of each report filed under section 101 of the  
22       Ethics in Government Act of 1978 (5 U.S.C. App.) by a  
23       justice of the Supreme Court of the United States.

24       (m) COMPLAINTS.—

1           (1) SOURCE OF COMPLAINTS.—Any person, in-  
2           cluding a judge, justice, or employee of the courts of  
3           the United States, may file with the Review Com-  
4           mittee a complaint alleging a violation by a justice  
5           of any law (including any regulation), rule, or other  
6           standard of conduct, including the Code of Conduct  
7           for United States Judges adopted by the Judicial  
8           Conference of the United States, applicable to the  
9           conduct of such justice in the performance of the du-  
10          ties, or the discharge of the responsibilities, of the  
11          justice.

12           (2) FALSE CLAIMS AND STATEMENTS AC-  
13          KNOWLEDGMENT.—Any complaint submission under  
14          paragraph (1) shall include a signed statement ac-  
15          knowledging that the person submitting the allega-  
16          tion or information understands that section 1001 of  
17          title 18, United States Code (popularly known as the  
18          “False Statements Act”) applies to the information.

19           (3) REVIEW PROCESS OF ALLEGED VIOLATIONS  
20          BY A JUSTICE.—

21                   (A) REVIEW AUTHORIZATION.—

22                           (i) IN GENERAL.—After receiving a  
23                           complaint under paragraph (1), the Review  
24                           Committee may, by majority vote, author-  
25                           ize a review under subparagraph (B) of

1 any alleged violation by a justice of any  
2 law (including any regulation), rule, or  
3 other standard of conduct, including the  
4 Code of Conduct for United States Judges  
5 adopted by the Judicial Conference of the  
6 United States, applicable to the conduct of  
7 such justice in the performance of the du-  
8 ties, or the discharge of the responsibil-  
9 ities, of the justice.

10 (ii) REQUIREMENTS.—The authoriza-  
11 tion under clause (i) shall—

12 (I) be in writing; and

13 (II) include a brief description of  
14 the specific matter and an explanation  
15 of why allegations in complaint meet  
16 the criteria in subsection (i)(3).

17 (B) REVIEW PROCESS.—

18 (i) INITIATION AND NOTIFICATION OF  
19 REVIEW.—After the date on which the Re-  
20 view Committee makes an authorization  
21 under subparagraph (A), the Review Com-  
22 mittee shall—

23 (I) initiate a review of the alleged  
24 violation; and



1 (II) provide a written notification  
2 of the commencement of the review,  
3 including a statement of the nature of  
4 the review, to—

5 (aa) the Committee on the  
6 Judiciary of the Senate and the  
7 Committee on the Judiciary of  
8 the House of Representatives;  
9 and

10 (bb) the justice who is the  
11 subject of the review.

12 (ii) OPPORTUNITY TO TERMINATE RE-  
13 VIEW.—At any time, the Review Com-  
14 mittee may, by a majority vote, terminate  
15 a review on any ground, including that the  
16 matter under review is de minimis in na-  
17 ture. If the Review Committee votes to ter-  
18 minate the review, the Committee shall—

19 (I) notify, in writing, the com-  
20 plainant, the justice who was the sub-  
21 ject of the review, the Committee on  
22 the Judiciary of the Senate, and the  
23 Committee on the Judiciary of the  
24 House of Representatives of its deci-

1 sion to terminate the review of the  
2 matter; and

3 (II) send a report, including any  
4 findings of the Review Committee, to  
5 the Committee on the Judiciary of the  
6 Senate and the Committee on the Ju-  
7 diciary of the House of Representa-  
8 tives.

9 (C) SCOPE OF REVIEW.—During a review,  
10 the Review Committee shall evaluate the com-  
11 plaint and determine, based on a majority vote,  
12 whether the misconduct alleged in the com-  
13 plaint, if true, may constitute “Treason, Brib-  
14 ery, and other high Crimes and Misdemeanors”  
15 under section 4 of article II of the Constitution  
16 of the United States.

17 (D) COMPLETION OF REVIEW.—Upon the  
18 completion of any review, the Review Com-  
19 mittee shall—

20 (i) transmit to the Committee on the  
21 Judiciary of the House of Representatives  
22 a written report that includes—

23 (I) a statement of the nature of  
24 the review and the justice who is the  
25 subject of the review;

1 (II) the Review Committee's de-  
2 termination under paragraph (3);

3 (III) a description of the number  
4 of members voting in the affirmative  
5 and in the negative for the determina-  
6 tion under subparagraph (C);

7 (IV) any relevant findings of the  
8 Review Committee, including—

9 (aa) any findings of fact;

10 (bb) a description of any rel-  
11 evant information that the Re-  
12 view Committee was unable to  
13 obtain or witnesses whom the Re-  
14 view Committee was unable to  
15 interview, and the reasons there-  
16 for; and

17 (cc) a citation of any rel-  
18 evant law, regulation, or stand-  
19 ard of conduct relating to the al-  
20 leged misconduct;

21 (V) any supporting documenta-  
22 tion;

23 (VI) a written determination of  
24 whether the misconduct alleged in the  
25 complaint, if true, may constitute

1 “Treason, Bribery, and other high  
2 Crimes and Misdemeanors” under sec-  
3 tion 4 of article II of the Constitution  
4 of the United States; and

5 (VII) if necessary, a brief state-  
6 ment of dissent from the members of  
7 the Review Committee voting in the  
8 negative for the determination under  
9 subparagraph (C); and

10 (ii) transmit to the complainant and  
11 the justice who is the subject of the review  
12 the written report of the Review Com-  
13 mittee described in clause (i).

14 (n) HOUSE JUDICIARY COMMITTEE CONSIDERATION  
15 OF REVIEW COMMITTEE REPORT.—If the Review Com-  
16 mittee determines, after a review, that misconduct alleged  
17 in a complaint, if true, may constitute “Treason, Bribery,  
18 and other high Crimes and Misdemeanors” under section  
19 4 of article II of the Constitution of the United States,  
20 not later than 30 legislative days of continuous session in  
21 the House of Representatives after the Committee on the  
22 Judiciary of the House of Representatives receives a re-  
23 port under subsection (m), the Committee on the Judici-  
24 ary of the House of Representatives shall vote on whether

1 to proceed with an investigation or an impeachment in-  
2 quiry.

3 (o) REQUEST FROM HOUSE JUDICIARY COM-  
4 MITTEE.—

5 (1) IN GENERAL.—Notwithstanding any other  
6 provision of this section, upon receipt of a written  
7 request from the Committee on the Judiciary of the  
8 House of Representatives that the Review Com-  
9 mittee cease its review of any matter and refer such  
10 matter to the Committee on the Judiciary of the  
11 House of Representatives because of the ongoing in-  
12 vestigation of the matter by the Committee on the  
13 Judiciary of the House of Representatives, the Re-  
14 view Committee shall refer such matter to the Com-  
15 mittee on the Judiciary of the House of Representa-  
16 tives, cease its review of that matter and so notify  
17 any justice who is the subject of the review.

18 (2) RESUMPTION OF REVIEW.—If the Com-  
19 mittee on the Judiciary of the House of Representa-  
20 tives notifies the Review Committee in writing that  
21 the Review Committee may continue its review of  
22 the complaint, the Review Committee may begin or  
23 continue, as the case may be, a review of the matter.

24 (3) RULE OF CONSTRUCTION.—Nothing in this  
25 subsection shall be construed to prevent the Review

1 Committee from sending any information regarding  
2 the matter to law enforcement agencies.

3 (p) PROCEDURES.—

4 (1) REVIEW POWERS.—Members or employees  
5 of the Review Committee may, during a review—

6 (A) administer to or take from any person  
7 an oath, affirmation, or affidavit;

8 (B) obtain information or assistance from  
9 any Federal, State, or local governmental agen-  
10 cy, or other entity, or unit thereof, including all  
11 information kept in the course of business by  
12 the Judicial Conference of the United States,  
13 the judicial councils of circuits, the Administra-  
14 tive Office of the United States Courts, and the  
15 United States Sentencing Commission;

16 (C) take the deposition of witnesses; and

17 (D) submit to the chair of the Committee  
18 on the Judiciary of the House of Representa-  
19 tives a request for the Committee on the Judici-  
20 ary of the House of Representatives to require  
21 by subpoena the attendance of and testimony  
22 by witnesses and the production of any book,  
23 check, canceled check, correspondence, commu-  
24 nication, document, email, paper, physical evi-  
25 dence, record, recording, tape, or other material

1 (including electronic records) relating to any  
2 matter or question the Review Committee is au-  
3 thorized to review from any individual or entity,  
4 which—

5 (i) shall be handled in accordance  
6 with the rules of the Committee on the Ju-  
7 diciary of the House of Representatives;  
8 and

9 (ii) may allow for the transmission of  
10 information or testimony between the Re-  
11 view Committee and the Committee on the  
12 Judiciary of the House of Representatives,  
13 in accordance with rules of the Committee  
14 on the Judiciary of the House of Rep-  
15 resentatives.

16 (2) PROHIBITION OF EX PARTE COMMUNICA-  
17 TIONS.—There shall be no ex parte communications  
18 between any member or employee of the Review  
19 Committee and any justice who is the subject of any  
20 review by the Review Committee or between any  
21 member of the Review Committee and any interested  
22 party.

23 (3) OTHER REVIEW COMMITTEE RULES AND  
24 PROCEDURES.—The Review Committee is authorized  
25 to establish any additional rules or procedures pur-

1 suant to its duties and powers in paragraph (1) nec-  
2 essary to carry out the functions of the Review Com-  
3 mittee in accordance with this section.

4 (q) PERSONNEL MATTERS.—

5 (1) APPOINTMENT AND COMPENSATION OF EM-  
6 PLOYEES.—The Review Committee may appoint and  
7 fix the compensation of such professional, non-  
8 partisan staff (including staff with relevant experi-  
9 ence in investigations and law enforcement) of the  
10 Review Committee as it considers necessary to per-  
11 form its duties, who—

12 (A) shall perform all official duties in a  
13 nonpartisan manner; and

14 (B) may not engage in any partisan polit-  
15 ical activity directly affecting any congressional  
16 or presidential election, or any nomination of a  
17 Federal judge or justice.

18 (2) QUALIFICATIONS.—Each employee of the  
19 Review Committee shall be professional and demon-  
20 strably qualified for the position for which the em-  
21 ployee is hired.

22 (3) TERMINATION OF EMPLOYEES.—The em-  
23 ployment of an employee of the Review Committee  
24 may be terminated at any time by the Review Com-  
25 mittee.



1           (4) CODE OF CONDUCT.—The Review Com-  
2           mittee shall establish a code of conduct to govern  
3           the behavior of the members or employees of the Re-  
4           view Committee, which shall include the avoidance of  
5           conflicts of interest.

6           (r) AUTHORIZATION OF APPROPRIATIONS.—There is  
7           authorized to be appropriated to carry out this section  
8           such sums as may be necessary.

9   **SEC. 11. EXPEDITED IMPEACHMENT OF FEDERAL JUDGES.**

10          Section 355(b) of title 28, United States Code, is  
11          amended by adding at the end the following:

12                 “(3) EXPEDITED IMPEACHMENT.—

13                         “(A) IN GENERAL.—After the Judicial  
14                         Conference transmits the determination and the  
15                         record of proceedings under paragraph (1) or  
16                         (2) to the House of Representatives, the deter-  
17                         mination and record shall be immediately re-  
18                         ferred to the Committee on the Judiciary of the  
19                         House of Representatives.

20                         “(B) VOTE.—Not later than 30 legislative  
21                         days of continuous session in the House of Rep-  
22                         resentatives after the Committee on the Judici-  
23                         ary of the House of Representatives receives the  
24                         determination and the record of proceedings  
25                         under subparagraph (A), the Committee on the

1           Judiciary of the House of Representatives shall  
2           vote on whether to proceed with an investiga-  
3           tion or an impeachment inquiry.”.

4 **SEC. 12. RESTRICTIONS ON PROTECTIVE ORDERS AND**  
5           **SEALING OF CASES AND SETTLEMENTS.**

6           (a) IN GENERAL.—Chapter 111 of title 28, United  
7 States Code, is amended by adding at the end the fol-  
8 lowing:

9 **“§ 1660. Restrictions on protective orders and sealing**  
10           **of cases and settlements**

11           “(a) RESTRICTIONS ON ORDERS RELATING TO THE  
12 DISCLOSURE OF INFORMATION.—

13           “(1) IN GENERAL.—In any civil action in which  
14 the pleadings state facts that are relevant to the  
15 protection of public health or safety, a court shall  
16 not enter, by stipulation or otherwise, an order oth-  
17 erwise authorized under rule 26(c) of the Federal  
18 Rules of Civil Procedure restricting the disclosure of  
19 information obtained through discovery, an order  
20 otherwise authorized approving a settlement agree-  
21 ment that would restrict the disclosure of informa-  
22 tion obtained through discovery, or an order other-  
23 wise authorized restricting access to court records  
24 unless in connection with the order the court finds—

1           “(A) that the order would not restrict the  
2 disclosure of information which is relevant to  
3 the protection of public health or safety; or

4           “(B) that—

5               “(i) the public interest in the disclo-  
6 sure of past, present, or potential public  
7 health or safety hazards is outweighed by  
8 a specific and substantial interest in main-  
9 taining the confidentiality of the informa-  
10 tion or records in question; and

11               “(ii) the requested order is no broader  
12 than necessary to protect the confiden-  
13 tiality interest asserted.

14           “(2) LIMIT ON EFFECT.—No order entered in  
15 accordance with paragraph (1), other than an order  
16 approving a settlement agreement, may continue in  
17 effect after the entry of final judgment unless at the  
18 time of, or after, the entry of the order the court  
19 makes a separate finding of fact that the require-  
20 ments of paragraph (1) continue to be met.

21           “(3) RULE OF CONSTRUCTION.—Nothing in  
22 paragraph (1) shall be construed to require the dis-  
23 closure of the identity of individuals who disclose  
24 evidence of a violation of any law, rule, or regulation

1 or other fraud, waste, abuse, or misconduct or other  
2 persons protected from disclosure under Federal law.

3 “(b) RESTRICTIONS ON ENFORCEMENT RELATING  
4 TO FEDERAL AND STATE AGENCIES.—In any civil action  
5 in which the pleadings state facts that are relevant to the  
6 protection of public health or safety, a court shall not en-  
7 force any provision of an agreement between or among  
8 parties to the civil action, or enforce an order entered in  
9 accordance with subsection (a)(1), to the extent that the  
10 provision or order prohibits or otherwise restricts a party  
11 from disclosing any information relevant to the civil action  
12 to any Federal or State agency with authority to enforce  
13 laws regulating an activity relating to the information.

14 “(c) LIMITS ON SCOPE.—

15 “(1) IN GENERAL.—Subject to paragraph (2), a  
16 court shall not enforce any provision of a settlement  
17 agreement between or among parties to any civil ac-  
18 tion in which the pleadings state facts that are rel-  
19 evant to the protection of public health or safety  
20 that prohibits one or more parties from—

21 “(A) disclosing the fact that the settlement  
22 was reached or the terms of the settlement (ex-  
23 cluding any money paid) that involve matters  
24 relevant to the protection of public health or  
25 safety; or

1           “(B) discussing matters relevant to the  
2           protection of public health or safety involved in  
3           the civil action.

4           “(2) EXCEPTION.—Paragraph (1) applies un-  
5           less the court finds that—

6           “(A) the public interest in the disclosure of  
7           past, present, or potential public health or safe-  
8           ty hazards is outweighed by a specific and sub-  
9           stantial interest in maintaining the confiden-  
10          tiality of the information in question; and

11          “(B) the requested order is no broader  
12          than necessary to protect the confidentiality in-  
13          terest asserted.

14          “(d) REBUTTABLE PRESUMPTION RELATING TO  
15          PERSONALLY IDENTIFIABLE INFORMATION.—For pur-  
16          poses of implementing subsections (a)(1)(B)(i) and  
17          (c)(2)(A), when weighing the interest in maintaining con-  
18          fidentiality under this section, there shall be a rebuttable  
19          presumption that the interest in protecting personally  
20          identifiable information of an individual outweighs the  
21          public interest in disclosure.

22          “(e) RULE OF CONSTRUCTION.—Nothing in this sec-  
23          tion shall be construed to permit, require, or authorize the  
24          disclosure of classified information (as defined under sec-

1 tion 1 of the Classified Information Procedures Act (18  
2 U.S.C. App.).”.

3 (b) TECHNICAL AND CONFORMING AMENDMENT.—  
4 The table of sections for chapter 111 of title 28, United  
5 States Code, is amended by adding after the item relating  
6 to section 1659 the following:

“1660. Restrictions on protective orders and sealing of cases and settlements.”.

7 (c) EFFECTIVE DATE.—The amendments made by  
8 this section shall—

9 (1) take effect 30 days after the date of enact-  
10 ment of this Act; and

11 (2) apply only to orders entered in civil actions  
12 or agreements entered into on or after such date.

13 **SEC. 13. JUDICIAL WORKPLACE CLIMATE SURVEYS.**

14 (a) IN GENERAL.—Chapter 21 of title 28, United  
15 States Code, is amended by adding at the end the fol-  
16 lowing:

17 **“§ 464. Judicial workplace climate surveys**

18 “(a) IN GENERAL.—The Judicial Conference of the  
19 United States shall administer a climate survey to each  
20 employee of a court of the United States about the work  
21 environment of the court, which shall—

22 “(1) be administered not later than 18 months  
23 after the date of enactment of this section and every  
24 2 years thereafter;

25 “(2) be voluntary;

1           “(3) survey respondents on the general work  
 2           environment, including attitudes in the workplace re-  
 3           garding diversity and inclusion and harassment or  
 4           discrimination on the basis of race, ethnicity, dis-  
 5           ability, sex, sexual orientation, and gender identity;  
 6           and

7           “(4) be anonymous and confidential, with notice  
 8           of the anonymity and confidentiality made to the re-  
 9           spondent throughout the survey.

10          “(b) TRANSMISSION OF INFORMATION.—Information  
 11         obtained in a survey administered under subsection (a)  
 12         shall be—

13                 “(1) made publicly available; and

14                 “(2) transmitted to the Committee on the Judi-  
 15                 ciary of the Senate and the Committee on the Judi-  
 16                 ciary of the House of Representatives, the Chief  
 17                 Justice of the United States, and the Judicial Con-  
 18                 ference of the United States.”.

19          (b) TECHNICAL AND CONFORMING AMENDMENT.—

20         The table of sections for chapter 21 of title 28, United  
 21         States Code, is amended by adding at the end the fol-  
 22         lowing:

          “464. Judicial workplace climate surveys.”.

23         **SEC. 14. SEVERABILITY.**

24                 If any provision of this Act, an amendment made by  
 25         this Act, or the application of such provision or amend-

1 ment to any person or circumstance is held to be unconsti-  
2 tutional, the remainder of this Act and of the amendments  
3 made by this Act, and the application of the remaining  
4 provisions of this Act and amendments to any person or  
5 circumstance, shall not be affected.

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