

115TH CONGRESS
1ST SESSION

S. 835

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

IN THE SENATE OF THE UNITED STATES

APRIL 5 (legislative day, APRIL 4), 2017

Mr. MURPHY (for himself, Mr. BLUMENTHAL, Mr. WHITEHOUSE, Mr. MARKEY, Ms. HIRONO, Mr. DURBIN, and Mr. MERKLEY) introduced the following bill; which was read twice and 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:

8 (1) In *Caperton v. A.T. Massey Coal Co.*, 556
9 U.S. 868 (2009), Justice Kennedy, writing for the

1 Court, stated that “[judicial codes of conduct] serve
2 to maintain the integrity of the judiciary and the
3 rule of law”.

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

16 (3) Congress has the authority to regulate the
17 administration of the Supreme Court of the United
18 States. For example, Congress sets the number of
19 Justices who sit on the Supreme Court and how
20 many constitute a quorum, the term of the court,
21 meaning the dates the court will be in session, and
22 the salaries of the Justices. Additionally, the Ethics
23 in Government Act of 1978 (5 U.S.C. App.) requires
24 most high-level Federal officials in all 3 branches,
25 including the President, Vice President, cabinet

1 members, Justices of the Supreme Court, and Mem-
2 bers of Congress, to file annual financial disclosure
3 statements.

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

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

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

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