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(Original Signature of Member)

118TH CONGRESS  
1ST SESSION

**H. R.** \_\_\_\_\_

To amend title 28, United States Code, to provide for a code of conduct for justices of the Supreme Court of the United States, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

Mr. JOHNSON of Georgia introduced the following bill; which was referred to the Committee on \_\_\_\_\_

\_\_\_\_\_  
**A BILL**

To amend title 28, United States Code, to provide for a code of conduct for justices of the Supreme Court of the United States, 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 “Supreme Court Ethics,  
5 Recusal, and Transparency Act of 2023”.

1 **SEC. 2. CODE OF CONDUCT FOR THE SUPREME COURT OF**  
2 **THE UNITED STATES.**

3 (a) **IN GENERAL.**—Chapter 16 of title 28, United  
4 States Code, is amended by adding at the end the fol-  
5 lowing:

6 **“§ 365. Codes of conduct**

7 “(a) **JUSTICES.**—Not later than 180 days after the  
8 date of enactment of this section, the Supreme Court of  
9 the United States shall, after appropriate public notice  
10 and opportunity for comment in accordance with section  
11 2071, issue a code of conduct for the justices of the Su-  
12 preme Court.

13 “(b) **OTHER JUDGES.**—Not later than 180 days after  
14 the date of enactment of this section, the Judicial Con-  
15 ference of the United States shall, after appropriate public  
16 notice and opportunity for comment in accordance with  
17 section 2071, issue a code of conduct for the judges of  
18 the courts of appeals, the district courts (including bank-  
19 ruptcy judges and magistrate judges), and the Court of  
20 International Trade.

21 “(c) **MODIFICATION.**—The Supreme Court of the  
22 United States and the Judicial Conference may modify the  
23 applicable codes of conduct under this section after giving  
24 appropriate public notice and opportunity for comment in  
25 accordance with section 2071.

1 **“§ 366. Public access to ethics rules**

2 “The Supreme Court of the United States shall make  
3 available on its internet website, in a full-text, searchable,  
4 sortable, and downloadable format, copies of the code of  
5 conduct issued under section 365(a), any rules established  
6 by the Counselor to the Chief Justice under section 677  
7 and any other related rules or resolutions, as determined  
8 by the Chief Justice of the United States, issued by the  
9 Counselor to the Chief Justice of the United States or  
10 agreed to by the justices of the Supreme Court.

11 **“§ 367. Complaints against justices**

12 “(a) RECEIPT OF COMPLAINTS.—Not later than 180  
13 days after the date of enactment of this section, the Su-  
14 preme Court of the United States shall establish proce-  
15 dures, modeled after the procedures set forth in sections  
16 351 through 364, under which individuals may file with  
17 the Court, or the Court may identify, complaints alleging  
18 that a justice of the Supreme Court—

19 “(1) has violated—

20 “(A) the code of conduct issued pursuant  
21 to section 365(a);

22 “(B) section 455; or

23 “(C) any other applicable provision of Fed-  
24 eral law; or

1           “(2) has otherwise engaged in conduct that un-  
2           dermines the integrity of the Supreme Court of the  
3           United States.

4           “(b) JUDICIAL INVESTIGATION PANEL.—

5           “(1) IN GENERAL.—Upon receipt or identifica-  
6           tion of a complaint under subsection (a), the Su-  
7           preme Court of the United States shall refer such  
8           complaint to a judicial investigation panel, which  
9           shall be composed of a panel of 5 judges selected  
10          randomly from among the chief judge of each circuit  
11          of the United States.

12          “(2) DUTIES.—The judicial investigation panel  
13          shall—

14                 “(A) review and, if appropriate as deter-  
15                 mined by the panel, investigate all complaints  
16                 submitted to the panel using procedures estab-  
17                 lished by the panel and modeled after the proce-  
18                 dures set forth in sections 351 through 364;

19                 “(B) present to the Supreme Court of the  
20                 United States any findings and recommenda-  
21                 tions for necessary and appropriate action by  
22                 the Supreme Court, including dismissal of the  
23                 complaint, disciplinary actions, or changes to  
24                 Supreme Court rules or procedures;

1           “(C) if the panel does not recommend dis-  
2           missal of the complaint, not later than 30 days  
3           following the presentation of any findings and  
4           recommendations under this paragraph, publish  
5           a report containing such findings and rec-  
6           ommendations; and

7           “(D) if the panel recommends dismissal of  
8           the complaint, the panel may publish any find-  
9           ings and recommendations if the panel deter-  
10          mines that such publication would be in fur-  
11          therance of the public interest.

12          “(3) POWERS.—In conducting any investigation  
13          under this section, the judicial investigation panel  
14          may hold hearings, take sworn testimony, issue sub-  
15          poenas ad testificandum and subpoenas duces  
16          tecum, and make necessary and appropriate orders  
17          in the exercise of its authority.

18          “(4) ACCESS.—If the judicial investigation  
19          panel determines that a substantially similar com-  
20          plaint was previously submitted under section 351,  
21          but that such substantially similar complaint was  
22          dismissed for lack of authority to review or act upon  
23          such complaint, the panel shall have access to any  
24          information gathered pursuant to this chapter in re-  
25          lation to such substantially similar complaint.

1           “(5) COMPENSATION.—The judicial investiga-  
2           tion panel may appoint and fix the compensation of  
3           such staff as it deems necessary.”.

4           (b) TECHNICAL AND CONFORMING AMENDMENT.—  
5           The table of sections for chapter 16 of title 28, United  
6           States Code, is amended by adding at the end the fol-  
7           lowing:

          “365. Codes of conduct.

          “366. Public access to ethics rules.

          “367. Complaints against justices.”.

8           **SEC. 3. MINIMUM GIFT, TRAVEL, AND INCOME DISCLOSURE**  
9                                   **STANDARDS FOR JUSTICES OF THE SUPREME**  
10                                   **COURT.**

11           Section 677 of title 28, United States Code, is  
12           amended by adding at the end the following:

13           “(d) The Counselor, with the approval of the Chief  
14           Justice, shall establish rules governing the disclosure of  
15           all gifts, income, or reimbursements, as those terms are  
16           defined in section 13101 of title 5, received by any justice  
17           and any law clerk to a justice. Such rules shall, at min-  
18           imum, require disclosure of any information concerning  
19           gifts, income, and reimbursements required to be disclosed  
20           under the Standing Rules of the Senate and the Rules of  
21           the House of Representatives.”.

1 **SEC. 4. CIRCUMSTANCES REQUIRING DISQUALIFICATION.**

2 (a) ANTICORRUPTION PROTECTIONS.—Subsection  
3 (b) of section 455 of title 28, United States Code, is  
4 amended by adding at the end the following:

5 “(6) Where the justice or judge knows that a  
6 party to the proceeding or an affiliate of a party to  
7 the proceeding made any lobbying contact, as de-  
8 fined in section 3 of the Lobbying Disclosure Act of  
9 1995 (2 U.S.C. 1602), or spent substantial funds in  
10 support of the nomination, confirmation, or appoint-  
11 ment of the justice or judge.

12 “(7) Where the justice or judge, their spouse,  
13 minor child, or a privately held entity owned by any  
14 such person received income, a gift, or reimburse-  
15 ment, as those terms are defined in section 13101  
16 of title 5—

17 “(A) from a party to the proceeding or an  
18 affiliate of a party to the proceeding; and

19 “(B) during the period beginning on the  
20 date that is 6 years before the date on which  
21 the justice or judge was assigned to the pro-  
22 ceeding and ending on the date of final disposi-  
23 tion of the proceeding.”.

24 (b) DUTY TO KNOW.—Subsection (c) of section 455  
25 of title 28, United States Code, is amended to read as  
26 follows:

1           “(c) A justice, judge, magistrate judge, or bankruptcy  
2 judge of the United States shall ascertain—

3                   “(1) the personal and fiduciary financial inter-  
4 ests of the justice or judge;

5                   “(2) the personal financial interests of the  
6 spouse and minor children residing in the household  
7 of the justice or judge; and

8                   “(3) any interest of the persons described in  
9 paragraph (2) that could be substantially affected by  
10 the outcome of the proceeding.”.

11           (c) DIVESTMENT.—Subsection (f) of section 455 of  
12 title 28, United States Code, is amended by inserting  
13 “under subsection (b)(4)” after “disqualified”.

14           (d) DUTY TO NOTIFY.—Section 455 of title 28,  
15 United States Code, is amended by adding at the end the  
16 following:

17                   “(g) If at any time a justice, judge, magistrate judge,  
18 or bankruptcy judge of the United States learns of a con-  
19 dition that could reasonably require disqualification under  
20 this section, the justice or judge shall immediately notify  
21 all parties to the proceeding.”.

22           (e) TECHNICAL AND CONFORMING AMENDMENTS.—  
23 Section 455 of title 28, United States Code, as amended  
24 by this section, is amended—



1 (1) in the section heading, by striking “**judge,**  
2 **or magistrate judge**” and inserting “**judge,**  
3 **magistrate judge, or bankruptcy judge**”;

4 (2) in subsection (a), by striking “judge, or  
5 magistrate judge” and inserting “judge, magistrate  
6 judge, or bankruptcy judge”;

7 (3) in subsection (b)—

8 (A) in paragraph (2), by striking “the  
9 judge or such lawyer” and inserting “the jus-  
10 tice, the judge, or such lawyer”;

11 (B) in paragraph (5)(iii), by inserting  
12 “justice or” before “judge”; and

13 (C) in paragraph (5)(iv), by inserting “jus-  
14 tice’s or” before “judge’s”;

15 (4) in subsection (c), by inserting “justice or”  
16 before “judge”;

17 (5) in subsection (d)(4)(i), by inserting “justice  
18 or” before “judge”; and

19 (6) in subsection (e), by striking “judge, or  
20 magistrate judge” and inserting “judge, magistrate  
21 judge, or bankruptcy judge of the United States”.

22 (f) PUBLIC NOTICE.—The rules of each court subject  
23 to section 455 of title 28, United States Code, as amended  
24 by this section, shall be amended to require that the clerk  
25 shall publish timely notice on the website of the court of—



1 United States is required to be disqualified from a pro-  
2 ceeding under any provision of Federal law, a party to  
3 the proceeding may file a timely motion for disqualifica-  
4 tion, accompanied by a certificate of good faith and an  
5 affidavit alleging facts sufficient to show that disqualifica-  
6 tion of the justice, judge, magistrate judge, or bankruptcy  
7 judge is so required.

8 “(b) CONSIDERATION OF MOTION.—A justice, judge,  
9 magistrate judge, or bankruptcy judge of the United  
10 States shall either grant or certify to a reviewing panel  
11 a timely motion filed pursuant to subsection (a) and stay  
12 the proceeding until a final determination is made with  
13 respect to the motion.

14 “(c) REVIEWING PANEL.—

15 “(1) IN GENERAL.—A reviewing panel to which  
16 a motion is certified under subsection (b) shall be  
17 composed of 3 judges selected at random from  
18 judges of the United States who do not sit on the  
19 same court—

20 “(A) as the judge, magistrate judge, or  
21 bankruptcy judge who is the subject of the mo-  
22 tion; or

23 “(B) as the other members of the review-  
24 ing panel.

1           “(2) **CIRCUIT LIMITATION.**—Not more than 1  
2           member of the reviewing panel may be a judge of  
3           the same judicial circuit as the judge, magistrate  
4           judge, or bankruptcy judge who is the subject of the  
5           motion.

6           “(3) **PARTICIPATION.**—The reviewing panel,  
7           prior to its final determination with respect to a mo-  
8           tion filed under subsection (a), shall provide the  
9           judge, magistrate judge, or bankruptcy judge of the  
10          United States who is the subject of such motion an  
11          opportunity to provide in writing the views of the  
12          judge on the motion, including the explanation of  
13          the judge for not granting the motion.

14          “(d) **SUPREME COURT REVIEW.**—The Supreme  
15          Court of the United States, not including the justice who  
16          is the subject of a motion seeking to disqualify a justice  
17          under subsection (a), shall be the reviewing panel for such  
18          motions.”.

19          (b) **TECHNICAL AND CONFORMING AMENDMENT.**—  
20          The table of sections for chapter 111 of title 28, United  
21          States Code, is amended by adding at the end the fol-  
22          lowing:

          “1660. Review of certified motions to disqualify.”.

23          **SEC. 6. DISCLOSURE BY PARTIES AND AMICI.**

24          Not later than 1 year after the date of enactment  
25          of this Act, the Supreme Court of the United States shall

1 prescribe rules of procedure in accordance with sections  
2 2072 through 2074 of title 28, United States Code, requir-  
3 ing each party or amicus to list in the petition or brief  
4 of the party or amicus, as applicable, a description and  
5 value of—

6 (1) any gift, income, or reimbursement, as  
7 those terms are defined in section 13101 of title 5,  
8 United States Code, provided to any justice, during  
9 the period beginning 2 years prior to the commence-  
10 ment of the proceeding and ending on the date of  
11 final disposition of the proceeding, by—

12 (A) each such party, amicus, or affiliate of  
13 each such party or amicus;

14 (B) the lawyers or law firms in the pro-  
15 ceeding of each such party or amicus; and

16 (C) the officers, directors, or employees of  
17 each such party or amicus; and

18 (2) any lobbying contact or expenditure of sub-  
19 stantial funds by any person described in subpara-  
20 graphs (A), (B), and (C) of paragraph (1) in sup-  
21 port of the nomination, confirmation, or appoint-  
22 ment of a justice.

1 **SEC. 7. AMICUS DISCLOSURE.**

2 (a) IN GENERAL.—Chapter 111 of title 28, United  
3 States Code, as amended by section 5, is amended by add-  
4 ing at the end the following:

5 **“§ 1661. Disclosures related to amicus activities**

6 “(a) DISCLOSURE.—

7 “(1) IN GENERAL.—Any person that files an  
8 amicus brief in a court of the United States shall  
9 list in the amicus brief the name of any person  
10 who—

11 “(A) contributed to the preparation or sub-  
12 mission of the amicus brief;

13 “(B) contributed not less than 3 percent of  
14 the gross annual revenue of the amicus, or an  
15 affiliate of the amicus, for the previous calendar  
16 year if the amicus is not an individual; or

17 “(C) contributed more than \$100,000 to  
18 the amicus, or an affiliate of the amicus, in the  
19 previous calendar year.

20 “(2) EXCEPTIONS.—The requirements of this  
21 subsection shall not apply to amounts received in  
22 commercial transactions in the ordinary course of  
23 any trade or business by the amicus, or an affiliate  
24 of the amicus, or in the form of investments (other  
25 than investments by the principal shareholder in a  
26 limited liability corporation) in an organization if the

1 amounts are unrelated to the amicus filing activities  
2 of the amicus.

3 “(b) AUDIT.—The Director of the Administrative Of-  
4 fice of the United States Courts shall conduct an annual  
5 audit to ensure compliance with this section.”.

6 (b) TECHNICAL AND CONFORMING AMENDMENT.—  
7 The table of sections for chapter 111 of title 28, United  
8 States Code, as amended by section 5, is amended by add-  
9 ing at the end the following:

“1661. Disclosures related to amicus activities.”.

10 **SEC. 8. CONFLICTS RELATED TO AMICI CURIAE.**

11 (a) IN GENERAL.—Except as provided in subsection  
12 (b), the Supreme Court of the United States and the Judi-  
13 cial Conference of the United States shall prescribe rules  
14 of procedure in accordance with sections 2072 through  
15 2074 of title 28, United States Code, for prohibiting the  
16 filing of or striking an amicus brief that would result in  
17 the disqualification of a justice, judge, or magistrate  
18 judge.

19 (b) INITIAL TRANSMITTAL.—The Supreme Court of  
20 the United States shall transmit to Congress—

21 (1) the proposed rules required under sub-  
22 section (a) not later than 180 days after the date of  
23 enactment of this Act; and

1           (2) any rules in addition to those transmitted  
2           under paragraph (1) pursuant to section 2074 of  
3           title 28, United States Code.

4 **SEC. 9. STUDIES AND REPORTS.**

5           (a) STUDIES.—

6           (1) IN GENERAL.—Beginning on the date that  
7           is 180 days after the date of enactment of this Act,  
8           and every other year thereafter, the Director of the  
9           Federal Judicial Center shall conduct a study on the  
10          extent of compliance or noncompliance with the re-  
11          quirements of sections 144 and 455 of title 28,  
12          United States Code.

13          (2) ADDITIONAL TIME.—With respect to the  
14          first such study required to be submitted under  
15          paragraph (1), the requirements of that paragraph  
16          may be implemented after the date described in that  
17          paragraph if the Director of the Federal Judicial  
18          Center identifies in writing to the relevant commit-  
19          tees of Congress the additional time needed for sub-  
20          mission of the study.

21          (3) FACILITATION OF STUDIES.—The Director  
22          of the Federal Judicial Center shall maintain a  
23          record of each instance in which—

24                  (A) a justice, judge, magistrate judge, or  
25                  bankruptcy judge of the United States was not



1 assigned to a case due to potential or actual  
2 conflicts; and

3 (B) a justice, judge, magistrate judge, or  
4 bankruptcy judge of the United States disquali-  
5 fies themselves after a case assignment is made.

6 (b) REPORTS TO CONGRESS.—Not later than April  
7 1 of each year following the completion of the study re-  
8 quired under subsection (a), the Director of the Federal  
9 Judicial Center shall submit to Congress a report con-  
10 taining the findings of the study and any recommenda-  
11 tions to improve compliance with sections 144 and 455  
12 of title 28, United States Code.

13 (c) GAO REVIEW.—Not later than 1 year after the  
14 date on which the report is submitted under subsection  
15 (b), and every 5 years thereafter, the Comptroller General  
16 of the United States shall submit to Congress a report  
17 containing—

18 (1) an evaluation of the methodology and find-  
19 ings of the study required under subsection (a); and

20 (2) the audit required under section 1661 of  
21 title 28, United States Code, as added by section 7  
22 of this Act.