

118TH CONGRESS
1ST SESSION

H. R. 3973

To establish judicial ethics.

IN THE HOUSE OF REPRESENTATIVES

JUNE 9, 2023

Ms. JAYAPAL (for herself, Ms. BARRAGÁN, Mr. BEYER, Mr. BLUMENAUER, Mr. BOWMAN, Mr. CARSON, Ms. CHU, Ms. CLARKE of New York, Mr. COHEN, Ms. CROCKETT, Mr. DAVIS of Illinois, Mr. DELUZIO, Ms. ESCOBAR, Mr. ROBERT GARCIA of California, Mr. GARCÍA of Illinois, Ms. GARCIA of Texas, Mr. GOLDMAN of New York, Mr. GRIJALVA, Ms. HOYLE of Oregon, Ms. JACKSON LEE, Mr. KHANNA, Ms. LEE of California, Mr. MAGAZINER, Ms. MENG, Mr. MULLIN, Mr. NADLER, Ms. NORTON, Ms. OMAR, Ms. PINGREE, Mr. POCAN, Ms. PORTER, Ms. SCHA-KOWSKY, Mr. TAKANO, Ms. TLAIB, Ms. TOKUDA, Mrs. WATSON COLEMAN, and Mr. SCHIFF) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Oversight and Accountability, Rules, Financial Services, Agriculture, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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 2023”.

1 **SEC. 2. CONFLICTS OF INTEREST RULES FOR JUDGES AND**
2 **JUSTICES AND NONCONFLICTED FEDERAL**
3 **EMPLOYEE INVESTMENT ACCOUNTS.**

4 (a) **REQUIRED DIVESTMENTS OF CONFLICTED AS-**
5 **SETS.—**

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

14 (2) **COMMERCIAL REAL ESTATE.—**No judge or
15 justice may maintain ownership in commercial real
16 estate, unless ownership of such commercial real es-
17 tate is necessary for an entity described in para-
18 graph (4)(C).

19 (3) **TRUSTS.—**

20 (A) **IN GENERAL.—**No judge or justice
21 may maintain a financial interest in any trust,
22 including a family trust, if the Judicial Con-
23 ference of the United States determines that
24 the trust includes any—

25 (i) asset that might present a conflict
26 of interest; or

1 (ii) stock, bond, commodity, future,
2 and other form of security, including an in-
3 terest in a hedge fund, a derivative, option,
4 or other complex investment vehicle, except
5 nonconflicted assets allowed under sub-
6 section (b).

7 (B) EXCEPTION.—Subparagraph (A) shall
8 not apply to a trust described in section
9 13104(f)(2) of title 5, United States Code.

10 (4) BUSINESSES AND COMPANIES.—

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

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

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

1 (b) NONCONFLICTED ASSETS.—

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

5 (A) a widely held investment fund—

6 (i) described in section 13104(f)(8) of
7 title 5, United States Code;

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

1 a widely held investment fund described in section
2 13104(f)(8) of title 5, United States Code, unless—

3 (A) the widely held investment fund is—

4 (i) diversified, as described in para-
5 graph (1)(A)(iii); and

6 (ii) registered as a management com-
7 pany under the Investment Company Act
8 of 1940 (15 U.S.C. 80a–1 et seq.);

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

11 (C) any instructions to a manager of the
12 widely held investment fund are shared with the
13 Judicial Conference of the United States.

14 (3) FEDERAL EMPLOYEE INVESTMENT AC-
15 COUNT.—Section 8472 of title 5, United States
16 Code, is amended—

17 (A) in subsection (f)—

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

20 (ii) in paragraph (3), by striking the
21 period at the end and inserting a semi-
22 colon; and

23 (iii) by adding at the end the fol-
24 lowing:

1 “(4) not later than 3 years after the date of en-
2 actment of this paragraph, establish Federal Em-
3 ployee Investment Accounts in the Treasury of the
4 United States accounts for judges and justices to
5 maintain investments in the stock and securities
6 markets in which a judge or justice may—

7 “(A) sell an asset or security, including
8 those assets or securities that present a conflict
9 of interest under section 2(a) of the Judicial
10 Ethics and Anti-Corruption Act of 2023, and
11 invest the resulting funds into the Federal Em-
12 ployee Investment Accounts; and

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

15 “(5) act in the interest of the plan participants
16 and beneficiaries of Federal Employee Investment
17 Accounts when making decisions for the purpose of
18 providing benefits to those participants and bene-
19 ficiaries;

20 “(6) establish a new and parallel system for
21 recordkeeping with respect to Federal Employee In-
22 vestment Accounts; and

23 “(7) establish a Federal Employee Investment
24 Fund to fully cover administrative costs associated

1 with managing Federal Employee Investment Ac-
2 counts, which—

3 “(A) shall be separate from the Thrift Sav-
4 ings Fund established under section 8437, ex-
5 cept with respect to administrative costs for
6 common resources; and

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

13 (B) in subsection (g)(1)—

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

16 (ii) by striking the period at the end
17 and inserting “; and”; and

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

20 “(E) promulgate regulations for the ad-
21 ministration of Federal Employee Investment
22 Accounts.”; and

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

24 “(k) AUTHORIZATION OF APPROPRIATIONS.—There
25 is authorized to be appropriated such sums as may be nec-

1 essary to establish and maintain Federal Employee Invest-
2 ment Accounts established under subsection (f), including
3 for the purpose of reducing any fees paid by participants
4 in the Federal Employee Investment Accounts.”.

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

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

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

19 (1) in subsection (a), in the matter preceding
20 paragraph (1), by striking “anything of value” and
21 inserting “a gift”;

22 (2) in subsection (b)(2), by adding at the end
23 the following:

24 “(C) The total monetary value of any gifts
25 accepted by a Member, officer, or employee pur-

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

4 **“§ 630. Judicial Education Fund**

5 “(a) DEFINITIONS.—In this section—

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

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

10 “(3) the term ‘institution of higher education’
11 has the meaning given that term under section
12 101(a) of the Higher Education Act of 1965 (20
13 U.S.C. 1001(a));

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

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

18 “(A) means a seminar, symposia, panel
19 discussion, course, or a similar event that pro-
20 vides continuing legal education to judges and
21 justices; and

22 “(B) does not include—

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

1 “(ii) seminars that last 1 day or less
2 and are conducted by a national bar asso-
3 ciation or State or local bar association for
4 the benefit of the bar association member-
5 ship; or

6 “(iii) seminars of any length con-
7 ducted by, and on the campus of an insti-
8 tute of higher education or by a national
9 bar association or State or local bar asso-
10 ciation, where a judge or justice is a pre-
11 senter and at which judges and justices
12 constitute less than 25 percent of the par-
13 ticipants; and

14 “(6) the term ‘State or local bar association’
15 means a State or local organization that is open to
16 general membership to all members of the bar in the
17 specified geographic region.

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

21 “(c) USE OF AMOUNTS.—Amounts in the Fund may
22 be made available for the payment of necessary expenses,
23 including reasonable expenditures for transportation, food,
24 lodging, private judicial seminar fees and materials, in-
25 curred by a judge or justice in attending a private judicial

1 seminar approved by the Board. Necessary expenses shall
2 not include expenditures for recreational activities or en-
3 tertainment other than that provided to all attendees as
4 an integral part of the private judicial seminar. Any pay-
5 ment from the Fund shall be approved by the Board.

6 “(d) REQUIRED INFORMATION.—The Board may ap-
7 prove a private judicial seminar after submission of infor-
8 mation by the sponsor of that private judicial seminar that
9 includes—

10 “(1) the content of the private judicial seminar
11 (including a list of presenters, topics, and course
12 materials); and

13 “(2) the litigation activities of the sponsor (in-
14 cluding any amicus briefs submitted by the sponsor)
15 and the presenters at the private judicial seminar
16 (including the litigation activities of the employer of
17 each presenter) on the topic related to those ad-
18 dressed at the private judicial seminar.

19 “(e) PUBLIC AVAILABILITY.—If the Board approves
20 a private judicial seminar, the Board shall make the infor-
21 mation submitted under subsection (d) relating to the pri-
22 vate judicial seminar available to judges, justices, and the
23 public by posting the information online.

24 “(f) GUIDELINES.—The Judicial Conference shall
25 promulgate guidelines to ensure that the Board only ap-

1 proves private judicial seminars that are conducted in a
2 manner so as to maintain the public’s confidence in an
3 unbiased and fair-minded judiciary.

4 “(g) AUTHORIZATION OF APPROPRIATIONS.—There
5 are authorized to be appropriated for deposit in the Fund
6 \$3,000,000 for each of fiscal years 2023, 2024, and 2025,
7 to remain available until expended.”.

8 (2) TECHNICAL AND CONFORMING AMEND-
9 MENT.—The table of sections for chapter 42 of title
10 28, United States Code, is amended by adding at
11 the end the following:

“630. Judicial Education Fund.”.

12 (b) PRIVATE JUDICIAL SEMINAR GIFTS PROHIB-
13 ITED.—

14 (1) DEFINITIONS.—In this subsection—

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

18 (B) the term “institution of higher edu-
19 cation” has the meaning given that term under
20 section 101(a) of the Higher Education Act of
21 1965 (20 U.S.C. 1001(a)); and

22 (C) the terms “national bar association”,
23 “private judicial seminar”, and “State or local
24 bar association” have the meanings given those

1 terms under section 630 of title 28, United
2 States Code, as added by subsection (a).

3 (2) 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 to apply section 7353(a) of title 5,
7 United States Code, to prohibit the solicitation or
8 acceptance of a gift in connection with a private ju-
9 dicial seminar.

10 (3) EXCEPTION.—The prohibition under the
11 regulations promulgated under paragraph (2) shall
12 not apply if—

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

16 (B) Federal judges and justices are not the
17 primary audience at the private judicial sem-
18 inar; and

19 (C) the gift accepted is—

20 (i) reimbursement from the private ju-
21 dicial seminar sponsor of reasonable trans-
22 portation, food, or lodging expenses on any
23 day on which the judge or justice speaks,
24 participates, or presents information, as
25 applicable;

1 (ii) attendance at the private judicial
2 seminar on any day on which the judge or
3 justice speaks, participates, or presents in-
4 formation, as applicable; or

5 (iii) anything excluded from the defi-
6 nition of a gift under regulations of the
7 Judicial Conference of the United States
8 under sections 7351 and 7353 of title 5,
9 United States Code, as in effect on the
10 date of enactment of this Act.

11 **SEC. 5. CODE OF CONDUCT.**

12 (a) SENSE OF CONGRESS.—It is the sense of Con-
13 gress that in order for justices and judges, both of the
14 supreme and inferior courts, to hold their offices during
15 “good behaviour” under section 1 of article III of the Con-
16 stitution of the United States, the judges and justices
17 shall, among other requirements, adhere to the Code of
18 Conduct for United States Judges adopted by the Judicial
19 Conference of the United States described in this section.

20 (b) APPLICABILITY.—The Code of Conduct for
21 United States Judges adopted by the Judicial Conference
22 of the United States shall apply to the justices of the Su-
23 preme Court of the United States to the same extent as
24 such Code applies to circuit and district judges.

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

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

9 (2) such material, nonfrivolous complaints and
10 any accompanying material are immediately referred
11 to the Supreme Court Review Committee established
12 in section 10; and

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

15 (d) SUBMISSION TO CONGRESS; EFFECTIVE DATE.—

16 (1) SUBMISSION TO CONGRESS.—Not later than
17 180 days after the date of enactment of this Act, the
18 Judicial Conference shall submit to Congress the
19 procedures established under subsection (b).

20 (2) EFFECTIVE DATE.—The procedures estab-
21 lished under subsection (b) shall take effect 1 year
22 after the date of enactment of this Act.

1 **SEC. 6. IMPROVING DISCLOSURE.**

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

5 “(g) **RECUSAL LISTS.**—

6 “(1) Each justice, judge, and magistrate judge
7 of the United States shall maintain and submit to
8 the Judicial Conference a list of each association or
9 interest that would require the justice, judge, or
10 magistrate to be recused under subsection (b)(4), in-
11 cluding any financial interests of the judge, the
12 spouse of the judge, or any minor child of the judge
13 residing in the household of the judge.

14 “(2) The Judicial Conference shall maintain
15 and make publicly available online, at no cost, each
16 list required under this subsection that is filed with
17 the Judicial Conference in a format that is search-
18 able, sortable, machine-readable, downloadable, and
19 accessible format, and accessible in multiple lan-
20 guages and to individuals with disabilities.

21 “(3) The Judicial Conference may issue public
22 or private guidance to justices, judges, and mag-
23 istrate judges of the United States regarding the
24 contents of the lists under this subsection to ensure
25 such lists comply with the disqualification require-
26 ments of (b)(4).”.

1 (b) SPEECHES.—

2 (1) IN GENERAL.—Each justice, judge, and
3 magistrate judge of the United States shall maintain
4 and submit to the Judicial Conference of the United
5 States a copy of each speech or other significant oral
6 communication made by the justice, judge, or mag-
7 istrate.

8 (2) AVAILABILITY.—The Judicial Conference of
9 the United States shall maintain and make each
10 speech or other significant oral communication sub-
11 mitted under paragraph (1) available to the public
12 in printed form, upon request, and online, at no
13 cost, in a format that is searchable, sortable, ma-
14 chine-readable, downloadable, and accessible in mul-
15 tiple languages and to individuals with disabilities.

16 (3) 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 regarding the types of oral communica-
20 tions that are required to be maintained, submitted,
21 and made publicly available under this subsection.

22 (c) LIVESTREAMING JUDICIAL PROCEEDINGS.—

23 (1) DEFINITION.—In this section, the term
24 “appellate court of the United States” means any

1 United States circuit court of appeals and the Su-
2 preme Court of the United States.

3 (2) STREAMING OF COURT PROCEEDINGS.—In
4 accordance with procedures established by the Judi-
5 cial Conference of the United States, the audio of
6 each open session conducted by an appellate court of
7 the United States shall be made available online con-
8 temporaneously with the session, unless the appel-
9 late court of the United States, by a majority vote,
10 determines that making audio of the session avail-
11 able online would violate the constitutional rights or
12 threaten the safety of any party to the proceeding.

13 (d) PUBLICIZING CASE ASSIGNMENT INFORMA-
14 TION.—

15 (1) IN GENERAL.—Not later than 180 days
16 after the date of enactment of this Act, the Judicial
17 Conference of the United States shall promulgate
18 regulations requiring each court of the United States
19 to make case assignment data available to the public
20 online, at no cost, in a format that is searchable,
21 sortable, machine-readable, downloadable, and acces-
22 sible in multiple languages and to individuals with
23 disabilities.

24 (2) CONTENTS.—The case assignment data
25 made available under paragraph (1) shall include, at

1 a minimum, and to the extent available, the case
2 title, docket number, case origin, filing date, and
3 name of each authoring judge, concurring judge, and
4 dissenting judge for each opinion issued in the case.

5 (e) MAKING WEBSITES USER-FRIENDLY.—Not later
6 than 180 days after the date of enactment of this Act,
7 the Judicial Conference of the United States shall promul-
8 gate regulations requiring an evaluation of, and improve-
9 ments to, the website of each district court of the United
10 States to ensure the website is easy to understand, includ-
11 ing that it is clear how to file a complaint relating to a
12 judge or an employee of the district court.

13 (f) ACCESSIBILITY.—The Judicial Conference shall
14 make efforts to ensure that any disclosures required under
15 this section are made available to the public in plain lan-
16 guage, in a variety of languages, and accessible to individ-
17 uals with disabilities.

18 **SEC. 7. OVERSIGHT PROCESS FOR DISQUALIFICATION OF**
19 **JUSTICE, JUDGE, OR MAGISTRATE JUDGE.**

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

23 “(h)(1) Any litigant appearing before a justice, judge,
24 or magistrate judge of the United States may file a peti-
25 tion that the justice, judge, or magistrate judge of the

1 United States, as applicable, shall be disqualified based
2 on the criteria described in subsection (b).

3 “(2)(A) Any judge or magistrate judge of the United
4 States subject to a petition under paragraph (1) may pro-
5 vide a public, written response to the petition that provides
6 a written explanation relating to any disqualification deci-
7 sion.

8 “(B) Any justice of the Supreme Court of the United
9 States subject to a petition under paragraph (1) shall pro-
10 vide a public, written response to the petition that provides
11 a written explanation relating to any disqualification deci-
12 sion.

13 “(3) If a litigant makes a petition under paragraph
14 (1) relating to a justice of the Supreme Court of the
15 United States, the Judicial Conference of the United
16 States shall issue a nonbinding, public advisory opinion
17 with its recommendation, which shall be shared with the
18 Supreme Court Review Committee established in section
19 10 of the Judicial Ethics and Anti-Corruption Act of
20 2023.

21 “(4) If the Judicial Conference of the United States
22 recommends that a justice of the Supreme Court of the
23 United States be disqualified under this section, the jus-
24 tice shall publicly explain a final disqualification decision
25 in writing, which shall be shared with the Supreme Court

1 Review Committee established in section 10 of the Judicial
2 Ethics and Anti-Corruption Act of 2023.

3 “(5)(A) For any judge or magistrate judge of the
4 United States, the Judicial Conference of the United
5 States shall—

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

8 “(C) use any administrative procedures which may be
9 necessary to aid in the execution of the written process
10 described in subparagraph (B), which may include any
11 procedures or software that may be necessary to determine
12 whether a judge meets 1 or more of the criteria in sub-
13 section (b); and

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

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

19 “(ii) ensure that a judge or group of judges
20 other than the judge who is the subject of the in-
21 quiry determines whether the judge shall be disquali-
22 fied;

23 “(iii) allow the judge or group of judges making
24 the disqualification determination to receive the ex-
25 pert advice of ethics personnel and officials, includ-

1 ing individuals with expertise in ethics at the Judi-
2 cial Conference;

3 “(iv) require that the judge be disqualified
4 should another judge or group of judges determine
5 that the judge must be disqualified in accordance
6 with this subsection; and

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

10 **SEC. 8. COMPLAINTS AGAINST RETIRED JUDGES AND JUDI-**
11 **CIAL DISCIPLINE.**

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

14 (1) by striking paragraph (1) and inserting the
15 following:

16 “(1) the term ‘judge’—

17 “(A) means a circuit judge, district judge,
18 bankruptcy judge, or magistrate judge; and

19 “(B) includes a retired judge described in
20 subparagraph (A);”;

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

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

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

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

7 “(e) DEFINITION.—In this section, the term ‘inter-
8 vening events’ does not include the retirement of the judge
9 whose conduct is complained of or the nomination or con-
10 firmation of the judge to the Supreme Court of the United
11 States.”.

12 **SEC. 9. ACTION BY JUDICIAL COUNCIL IN RESPONSE TO**
13 **MISCONDUCT BY JUDGES.**

14 Section 354 of title 28, United States Code, is
15 amended—

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

18 “(D) RETIRED JUDGES.—If the conduct of
19 a retired judge is the subject of the complaint,
20 action by the judicial council under paragraph
21 (1)(C) may include—

22 “(i) censuring or reprimanding the
23 judge by means of public announcement;
24 and

1 “(ii) reducing or rescinding the non-
2 vested pension benefits of the retired
3 judge.

4 “(E) REMEDIAL ACTIONS FOR CERTAIN
5 CONDUCT.—

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

9 “(ii) CONDUCT.—If the conduct of a
10 covered judge is the subject of the com-
11 plaint, action by the judicial council under
12 paragraph (1)(C) may include mandating
13 that the covered judge participate in pro-
14 fessional counseling, treatment, education,
15 or mentoring to address the misconduct at
16 issue.”; and

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

18 “(c) REPORT.—

19 “(1) SUBMISSION TO JUDICIAL CONFERENCE
20 OF THE UNITED STATES.—Each chief judge of the
21 circuit shall submit to the Judicial Conference of the
22 United States an annual report on, with respect to
23 the previous year—

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

1 “(B) the outcome of the complaints de-
2 scribed in subparagraph (A).

3 “(2) SUBMISSION TO CONGRESS.—The Judicial
4 Conference of the United States shall submit to the
5 Committee on the Judiciary of the Senate and the
6 Committee on the Judiciary of the House of Rep-
7 resentatives each report submitted under paragraph
8 (1).

9 “(3) PUBLIC AVAILABILITY.—No later than 30
10 days after submitting to Congress each report under
11 paragraph (1), the Judicial Conference of the United
12 States shall make the report available to the pub-
13 lic.”.

14 **SEC. 10. SUPREME COURT COMPLAINTS REVIEW COM-**
15 **MITTEE.**

16 (a) DEFINITIONS.—In this section:

17 (1) REVIEW COMMITTEE.—The term “Review
18 Committee” means the Supreme Court Complaints
19 Review Committee.

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

22 (A) a parent of the reporting individual;

23 (B) a spouse of the reporting individual;

24 and

1 (C) an adult child of the reporting indi-
2 vidual.

3 (b) ESTABLISHMENT.—For the purpose of assisting
4 the House of Representatives in carrying out its respon-
5 sibilities under section 2 of article I and section 4 of article
6 II of the Constitution of the United States, there is estab-
7 lished in the legislative branch to be known as the Su-
8 preme Court Complaints Review Committee under the
9 general supervision of the Committee on the Judiciary of
10 the House of Representatives.

11 (c) MEMBERS.—

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

14 (A) 2 shall be appointed by the Speaker of
15 the House of Representatives;

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

18 (C) 1 shall be appointed by agreement of
19 the Speaker of the House of Representatives
20 and the minority leader of the House of Rep-
21 resentatives.

22 (2) QUALIFICATIONS OF REVIEW COMMITTEE
23 MEMBERS.—

24 (A) EXPERTISE.—Each member of the Re-
25 view Committee shall be an individual of excep-

1 tional public standing who is specifically quali-
2 fied to serve on the Review Committee by virtue
3 of the individual's education, training, or expe-
4 rience in 1 or more of the following fields:

5 (i) Constitutional law.

6 (ii) Impeachment.

7 (iii) Judicial ethics.

8 (iv) Professional ethics.

9 (v) Legal history.

10 (vi) Judicial service.

11 (B) SELECTION BASIS.—Selection and ap-
12 pointment of each member of the Review Com-
13 mittee shall be without regard to political affili-
14 ation and solely on the basis of fitness to per-
15 form the duties of a member of the Review
16 Committee.

17 (C) CITIZENSHIP.—Each member of the
18 Review Committee shall be a United States cit-
19 izen.

20 (D) DISQUALIFICATIONS.—No individual
21 shall be eligible for appointment to, or service
22 on, the Review Committee who—

23 (i) has ever been registered, or re-
24 quired to be registered, as a lobbyist under

1 the Lobbying Disclosure Act of 1995 (2
2 U.S.C. 1601 et seq.);

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

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

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

11 (v) is an officer or employee of the
12 Federal Government;

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

15 (vii) during the 4 years preceding the
16 date of appointment, engaged in any sig-
17 nificant political activity (including being a
18 candidate for public office, fundraising for
19 a candidate for public office or a political
20 party, or serving as an officer or employee
21 of a political campaign or party);

22 (viii) during the 2 years preceding the
23 date of appointment, served as a fiduciary
24 or personal attorney for a judge, justice, or

1 employee of the Federal courts, including
2 any judge or justice; or

3 (ix) any currently serving Senator or
4 Representative in, or Delegate or Resident
5 Commissioner to, the Congress.

6 (3) TERM AND REMOVAL.—

7 (A) LENGTH OF TERM.—The term of a
8 member of the Review Committee shall be for
9 2 Congresses.

10 (B) TERM LIMITS.—A member of the Re-
11 view Committee may not serve during 4 con-
12 secutive Congresses.

13 (C) REMOVAL.—A member of the Review
14 Committee may be removed upon unanimous
15 agreement among the Speaker and the minority
16 leader of the House of Representatives or by an
17 affirmative vote of $\frac{2}{3}$ of the members of the
18 Committee on the Judiciary of the House of
19 Representatives.

20 (D) VACANCIES.—Any vacancy on the Re-
21 view Committee shall be filled for the unexpired
22 portion of the term in the same manner, and by
23 the same appointing authority, as the original
24 appointment under paragraph (2).

25 (d) CHAIRPERSON AND VICE-CHAIRPERSON.—

1 (1) IN GENERAL.—The members of the Review
2 Committee shall elect a chairperson and a vice-chair-
3 person of the Review Committee by a majority vote.
4 The chairperson and the vice-chairperson shall serve
5 a 1-year term, and may be reelected for additional
6 1-year terms.

7 (2) DUTIES.—The chairperson of the Review
8 Committee shall preside at the meetings of the Re-
9 view Committee, and the vice-chairperson shall pre-
10 side in the absence or disability of the chairperson.

11 (e) MEETINGS.—

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

14 (2) MEETINGS.—The Review Committee shall
15 meet at the call of the chairperson, the chair of the
16 Committee on the Judiciary of the House of Rep-
17 resentatives, or the call of a majority of its mem-
18 bers, pursuant to the rules of the Review Committee.

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

23 (f) COMPENSATION.—A member of the Review Com-
24 mittee shall not be considered to be an officer or employee
25 of the House or Senate, but shall be compensated at a

1 rate equal to the daily equivalent of the minimum annual
2 rate of basic pay prescribed for GS-15 of the General
3 Schedule under section 5107 of title 5, United States
4 Code, for each day (including travel time) during which
5 such member is engaged in the performance of the duties
6 of the Review Committee.

7 (g) DUTIES OF REVIEW COMMITTEE.—

8 (1) IN GENERAL.—The Review Committee shall
9 review each complaint made against the Chief Jus-
10 tice of the United States or a Justice of the Su-
11 preme Court of the United States through the re-
12 view process described in subsection (m).

13 (2) HEARINGS.—The Review Committee may
14 hold such hearings as are necessary and may sit and
15 act only in executive session at such times and
16 places, solicit such testimony, and receive such rel-
17 evant evidence, as may be necessary to carry out its
18 duties.

19 (h) FINANCIAL DISCLOSURE REPORTS.—

20 (1) IN GENERAL.—Each member of the Review
21 Committee shall file an annual financial disclosure
22 report with the Clerk of the House of Representa-
23 tives on or before May 15 of each calendar year im-
24 mediately following any year in which the member
25 served on the Review Committee. Each such report

1 shall be on a form prepared by the Clerk that is sub-
2 stantially similar to the form required for individuals
3 at the executive branch who must complete a con-
4 fidential financial disclosure report under section
5 13104 of title 5, United States Code.

6 (2) DISTRIBUTION OF REPORT.—The Clerk of
7 the House of Representatives shall—

8 (A) not later than 7 days after the date
9 each financial disclosure report under para-
10 graph (1) is filed, send a copy of each such re-
11 port to the Committee on the Judiciary of the
12 House of Representatives; and

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

16 (i) DUTIES AND POWERS OF THE REVIEW COM-
17 MITTEE.—

18 (1) IN GENERAL.—The Review Committee is
19 authorized—

20 (A) to establish a process for receiving and
21 reviewing complaints from any person regarding
22 allegations of misconduct by a justice of the Su-
23 preme Court of the United States;

24 (B) to conduct a review of material com-
25 plaints regarding alleged misconduct by a jus-

1 tice of the Supreme Court of the United States;
2 and

3 (C) in any case where the Review Com-
4 mittee determines, on the basis of the review
5 described in subsection (m), that a justice may
6 have engaged in conduct which might violate
7 the Code of Conduct for United States Judges
8 adopted by the Judicial Conference of the
9 United States or constitute 1 or more grounds
10 for impeachment under article II of the Con-
11 stitution of the United States, or which, in the
12 interest of justice, is not amenable to resolution
13 by the Review Committee, the Review Com-
14 mittee shall promptly certify such determina-
15 tion, together with any complaint and a record
16 of any associated proceedings to the Committee
17 on the Judiciary of the House of Representa-
18 tives.

19 (2) REFERRALS TO LAW ENFORCEMENT OFFI-
20 CIALS.—

21 (A) IN GENERAL.—Upon a majority vote
22 of the Review Committee, the Review Com-
23 mittee may refer potential legal violations com-
24 mitted by a justice to the Department of Jus-
25 tice or other relevant Federal or State law en-

1 forcement officials, which referral shall include
2 all appropriate evidence gathered during any re-
3 view or preliminary investigation conducted
4 under this subtitle.

5 (B) NOTIFICATION.—The Review Com-
6 mittee shall notify the Committee on the Judici-
7 ary of the Senate and the Committee on the
8 Judiciary of the House of Representatives of all
9 referrals under this subsection.

10 (3) LIMITATIONS ON REVIEW.—No review may
11 be undertaken by the Review Committee of any com-
12 plaint—

13 (A) that is primarily concerned with chal-
14 lenging the merits of a decision or procedural
15 ruling;

16 (B) that is frivolous, lacking sufficient evi-
17 dence to raise an inference that misconduct has
18 occurred, or containing allegations that are in-
19 capable of being established through investiga-
20 tion;

21 (C) concerning any alleged violation of law,
22 rule, regulation or standard of conduct not in
23 effect at the time of the alleged violation; or

1 (D) concerning any alleged violation that
2 occurred before the date of enactment of this
3 Act.

4 (j) PROHIBITION ON PUBLIC DISCLOSURE.—

5 (1) IN GENERAL.—

6 (A) PROHIBITION ON PUBLIC DISCLO-
7 SURE.—No information obtained by a member
8 or employee of the Review Committee regarding
9 complaints shall be publicly disclosed to any
10 person or entity outside the Review Committee,
11 unless approved by a majority vote of the Re-
12 view Committee. Any communication to any
13 person or entity outside the Review Committee
14 may occur only as authorized by the Review
15 Committee.

16 (B) PROCEDURES AND INVESTIGATION.—

17 The Review Committee shall establish, in con-
18 sultation with relevant agencies, procedures
19 necessary to prevent the unauthorized disclo-
20 sure of any information received by the Review
21 Committee. Any breaches of confidentiality
22 shall be investigated by the Review Committee
23 and appropriate action shall be taken, which
24 may include a recommendation to Congress for
25 removal pursuant to subsection (c)(3)(C).

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

4 (A) any member or employee of the Review
5 Committee from presenting a report or findings
6 of the Committee, or testifying before the Com-
7 mittee on the Judiciary of the House of Rep-
8 resentatives, if requested by the Committee on
9 the Judiciary of the House of Representatives
10 pursuant to its rules;

11 (B) any necessary communication with the
12 Department of Justice or any other law en-
13 forcement agency; or

14 (C) any necessary communication with the
15 Speaker or minority leader of the House of
16 Representatives or the majority leader or mi-
17 nority leader of the Senate.

18 (3) OPPORTUNITY TO PRESENT.—Before the
19 Review Committee votes on a recommendation or
20 statement to be transmitted to the Committee on the
21 Judiciary of the House of Representatives relating
22 to a complaint involving a justice, the Review Com-
23 mittee shall provide the justice whose conduct is the
24 subject of the complaint the opportunity to present,

1 orally or in writing (at the discretion of the justice),
2 a statement to the Review Committee.

3 (k) PRESENTATION OF REPORTS TO THE HOUSE JU-
4 DICARY COMMITTEE.—Whenever the Review Committee
5 transmits any report to the Committee on the Judiciary
6 of the House of Representatives relating to a complaint
7 involving a justice, the Review Committee shall designate
8 a member or employee of the Review Committee to present
9 the report to the House Judiciary Committee if requested
10 by the Committee on the Judiciary of the House of Rep-
11 resentatives.

12 (l) MAINTAINING OF FINANCIAL DISCLOSURE RE-
13 PORTS.—The Review Committee shall receive, and main-
14 tain, a copy of each report filed under section 13103 of
15 title 5, United States Code, by a justice of the Supreme
16 Court of the United States.

17 (m) COMPLAINTS.—

18 (1) SOURCE OF COMPLAINTS.—Any person, in-
19 cluding a judge, justice, or employee of the courts of
20 the United States, may file with the Review Com-
21 mittee a complaint alleging a violation by a justice
22 of any law (including any regulation), rule, or other
23 standard of conduct, including the Code of Conduct
24 for United States Judges adopted by the Judicial
25 Conference of the United States, applicable to the

1 conduct of such justice in the performance of the du-
2 ties, or the discharge of the responsibilities, of the
3 justice.

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

11 (3) REVIEW PROCESS OF ALLEGED VIOLATIONS
12 BY A JUSTICE.—

13 (A) REVIEW AUTHORIZATION.—

14 (i) IN GENERAL.—After receiving a
15 complaint under paragraph (1), the Review
16 Committee may, by majority vote, author-
17 ize a review under subparagraph (B) of
18 any alleged violation by a justice of any
19 law (including any regulation), rule, or
20 other standard of conduct, including the
21 Code of Conduct for United States Judges
22 adopted by the Judicial Conference of the
23 United States, applicable to the conduct of
24 such justice in the performance of the du-

1 ties, or the discharge of the responsibil-
2 ities, of the justice.

3 (ii) REQUIREMENTS.—The authoriza-
4 tion under clause (i) shall—

5 (I) be in writing; and

6 (II) include a brief description of
7 the specific matter and an explanation
8 of why allegations in complaint meet
9 the criteria in subsection (i)(3).

10 (B) REVIEW PROCESS.—

11 (i) INITIATION AND NOTIFICATION OF
12 REVIEW.—After the date on which the Re-
13 view Committee makes an authorization
14 under subparagraph (A), the Review Com-
15 mittee shall—

16 (I) initiate a review of the alleged
17 violation; and

18 (II) provide a written notification
19 of the commencement of the review,
20 including a statement of the nature of
21 the review, to—

22 (aa) the Committee on the
23 Judiciary of the Senate and the
24 Committee on the Judiciary of

1 the House of Representatives;
2 and

3 (bb) the justice who is the
4 subject of the review.

5 (ii) OPPORTUNITY TO TERMINATE RE-
6 VIEW.—At any time, the Review Com-
7 mittee may, by a majority vote, terminate
8 a review on any ground, including that the
9 matter under review is de minimis in na-
10 ture. If the Review Committee votes to ter-
11 minate the review, the Committee shall—

12 (I) notify, in writing, the com-
13 plainant, the justice who was the sub-
14 ject of the review, the Committee on
15 the Judiciary of the Senate, and the
16 Committee on the Judiciary of the
17 House of Representatives of its deci-
18 sion to terminate the review of the
19 matter; and

20 (II) send a report, including any
21 findings of the Review Committee, to
22 the Committee on the Judiciary of the
23 Senate and the Committee on the Ju-
24 diciary of the House of Representa-
25 tives.

1 (C) SCOPE OF REVIEW.—During a review,
2 the Review Committee shall evaluate the com-
3 plaint and determine, based on a majority vote,
4 whether the misconduct alleged in the com-
5 plaint, if true, may constitute “Treason, Brib-
6 ery, and other high Crimes and Misdemeanors”
7 under section 4 of article II of the Constitution
8 of the United States.

9 (D) COMPLETION OF REVIEW.—Upon the
10 completion of any review, the Review Com-
11 mittee shall—

12 (i) transmit to the Committee on the
13 Judiciary of the House of Representatives
14 a written report that includes—

15 (I) a statement of the nature of
16 the review and the justice who is the
17 subject of the review;

18 (II) the Review Committee’s de-
19 termination under paragraph (3);

20 (III) a description of the number
21 of members voting in the affirmative
22 and in the negative for the determina-
23 tion under subparagraph (C);

24 (IV) any relevant findings of the
25 Review Committee, including—

1 (aa) any findings of fact;

2 (bb) a description of any rel-
3 evant information that the Re-
4 view Committee was unable to
5 obtain or witnesses whom the Re-
6 view Committee was unable to
7 interview, and the reasons there-
8 for; and

9 (cc) a citation of any rel-
10 evant law, regulation, or stand-
11 ard of conduct relating to the al-
12 leged misconduct;

13 (V) any supporting documenta-
14 tion;

15 (VI) a written determination of
16 whether the misconduct alleged in the
17 complaint, if true, may constitute
18 “Treason, Bribery, and other high
19 Crimes and Misdemeanors” under sec-
20 tion 4 of article II of the Constitution
21 of the United States; and

22 (VII) if necessary, a brief state-
23 ment of dissent from the members of
24 the Review Committee voting in the

1 negative for the determination under
2 subparagraph (C); and
3 (ii) transmit to the complainant and
4 the justice who is the subject of the review
5 the written report of the Review Com-
6 mittee described in clause (i).

7 (n) HOUSE JUDICIARY COMMITTEE CONSIDERATION
8 OF REVIEW COMMITTEE REPORT.—If the Review Com-
9 mittee determines, after a review, that misconduct alleged
10 in a complaint, if true, may constitute “Treason, Bribery,
11 and other high Crimes and Misdemeanors” under section
12 4 of article II of the Constitution of the United States,
13 not later than 30 legislative days of continuous session in
14 the House of Representatives after the Committee on the
15 Judiciary of the House of Representatives receives a re-
16 port under subsection (m), the Committee on the Judici-
17 ary of the House of Representatives shall vote on whether
18 to proceed with an investigation or an impeachment in-
19 quiry.

20 (o) REQUEST FROM HOUSE JUDICIARY COM-
21 MITTEE.—

22 (1) IN GENERAL.—Notwithstanding any other
23 provision of this section, upon receipt of a written
24 request from the Committee on the Judiciary of the
25 House of Representatives that the Review Com-

1 mittee cease its review of any matter and refer such
2 matter to the Committee on the Judiciary of the
3 House of Representatives because of the ongoing in-
4 vestigation of the matter by the Committee on the
5 Judiciary of the House of Representatives, the Re-
6 view Committee shall refer such matter to the Com-
7 mittee on the Judiciary of the House of Representa-
8 tives, cease its review of that matter and so notify
9 any justice who is the subject of the review.

10 (2) RESUMPTION OF REVIEW.—If the Com-
11 mittee on the Judiciary of the House of Representa-
12 tives notifies the Review Committee in writing that
13 the Review Committee may continue its review of
14 the complaint, the Review Committee may begin or
15 continue, as the case may be, a review of the matter.

16 (3) RULE OF CONSTRUCTION.—Nothing in this
17 subsection shall be construed to prevent the Review
18 Committee from sending any information regarding
19 the matter to law enforcement agencies.

20 (p) PROCEDURES.—

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

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

1 (B) obtain information or assistance from
2 any Federal, State, or local governmental agen-
3 cy, or other entity, or unit thereof, including all
4 information kept in the course of business by
5 the Judicial Conference of the United States,
6 the judicial councils of circuits, the Administra-
7 tive Office of the United States Courts, and the
8 United States Sentencing Commission;

9 (C) take the deposition of witnesses; and

10 (D) submit to the chair of the Committee
11 on the Judiciary of the House of Representa-
12 tives a request for the Committee on the Judici-
13 ary of the House of Representatives to require
14 by subpoena the attendance of and testimony
15 by witnesses and the production of any book,
16 check, canceled check, correspondence, commu-
17 nication, document, email, paper, physical evi-
18 dence, record, recording, tape, or other material
19 (including electronic records) relating to any
20 matter or question the Review Committee is au-
21 thorized to review from any individual or entity,
22 which—

23 (i) shall be handled in accordance
24 with the rules of the Committee on the Ju-

1 diciary of the House of Representatives;
2 and

3 (ii) may allow for the transmission of
4 information or testimony between the Re-
5 view Committee and the Committee on the
6 Judiciary of the House of Representatives,
7 in accordance with rules of the Committee
8 on the Judiciary of the House of Rep-
9 resentatives.

10 (2) PROHIBITION OF EX PARTE COMMUNICA-
11 TIONS.—There shall be no ex parte communications
12 between any member or employee of the Review
13 Committee and any justice who is the subject of any
14 review by the Review Committee or between any
15 member of the Review Committee and any interested
16 party.

17 (3) OTHER REVIEW COMMITTEE RULES AND
18 PROCEDURES.—The Review Committee is authorized
19 to establish any additional rules or procedures pur-
20 suant to its duties and powers in paragraph (1) nec-
21 essary to carry out the functions of the Review Com-
22 mittee in accordance with this section.

23 (q) PERSONNEL MATTERS.—

24 (1) APPOINTMENT AND COMPENSATION OF EM-
25 PLOYEES.—The Review Committee may appoint and

1 fix the compensation of such professional, non-
2 partisan staff (including staff with relevant experi-
3 ence in investigations and law enforcement) of the
4 Review Committee as it considers necessary to per-
5 form its duties, who—

6 (A) shall perform all official duties in a
7 nonpartisan manner; and

8 (B) may not engage in any partisan polit-
9 ical activity directly affecting any congressional
10 or presidential election, or any nomination of a
11 Federal judge or justice.

12 (2) QUALIFICATIONS.—Each employee of the
13 Review Committee shall be professional and demon-
14 strably qualified for the position for which the em-
15 ployee is hired.

16 (3) TERMINATION OF EMPLOYEES.—The em-
17 ployment of an employee of the Review Committee
18 may be terminated at any time by the Review Com-
19 mittee.

20 (4) CODE OF CONDUCT.—The Review Com-
21 mittee shall establish a code of conduct to govern
22 the behavior of the members or employees of the Re-
23 view Committee, which shall include the avoidance of
24 conflicts of interest.

1 (r) AUTHORIZATION OF APPROPRIATIONS.—There is
2 authorized to be appropriated to carry out this section
3 such sums as may be necessary.

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

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

7 “(3) EXPEDITED IMPEACHMENT.—

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

15 “(B) VOTE.—Not later than 30 legislative
16 days of continuous session in the House of Rep-
17 resentatives after the Committee on the Judici-
18 ary of the House of Representatives receives the
19 determination and the record of proceedings
20 under subparagraph (A), the Committee on the
21 Judiciary of the House of Representatives shall
22 vote on whether to proceed with an investiga-
23 tion or an impeachment inquiry.”.

1 **SEC. 12. RESTRICTIONS ON PROTECTIVE ORDERS AND**
2 **SEALING OF CASES AND SETTLEMENTS.**

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

6 **“§ 1660. Restrictions on protective orders and sealing**
7 **of cases and settlements**

8 “(a) RESTRICTIONS ON ORDERS RELATING TO THE
9 DISCLOSURE OF INFORMATION.—

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

22 “(A) that the order would not restrict the
23 disclosure of information which is relevant to
24 the protection of public health or safety; or

25 “(B) that—

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

7 “(ii) the requested order is no broader
8 than necessary to protect the confiden-
9 tiality interest asserted.

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

17 “(3) RULE OF CONSTRUCTION.—Nothing in
18 paragraph (1) shall be construed to require the dis-
19 closure of the identity of individuals who disclose
20 evidence of a violation of any law, rule, or regulation
21 or other fraud, waste, abuse, or misconduct or other
22 persons protected from disclosure under Federal law.

23 “(b) RESTRICTIONS ON ENFORCEMENT RELATING
24 TO FEDERAL AND STATE AGENCIES.—In any civil action
25 in which the pleadings state facts that are relevant to the

1 protection of public health or safety, a court shall not en-
2 force any provision of an agreement between or among
3 parties to the civil action, or enforce an order entered in
4 accordance with subsection (a)(1), to the extent that the
5 provision or order prohibits or otherwise restricts a party
6 from disclosing any information relevant to the civil action
7 to any Federal or State agency with authority to enforce
8 laws regulating an activity relating to the information.

9 “(c) LIMITS ON SCOPE.—

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

16 “(A) disclosing the fact that the settlement
17 was reached or the terms of the settlement (ex-
18 cluding any money paid) that involve matters
19 relevant to the protection of public health or
20 safety; or

21 “(B) discussing matters relevant to the
22 protection of public health or safety involved in
23 the civil action.

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

1 “(A) the public interest in the disclosure of
2 past, present, or potential public health or safe-
3 ty hazards is outweighed by a specific and sub-
4 stantial interest in maintaining the confiden-
5 tiality of the information in question; and

6 “(B) the requested order is no broader
7 than necessary to protect the confidentiality in-
8 terest asserted.

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

17 “(e) RULE OF CONSTRUCTION.—Nothing in this sec-
18 tion shall be construed to permit, require, or authorize the
19 disclosure of classified information (as defined under sec-
20 tion 1 of the Classified Information Procedures Act (18
21 U.S.C. App.)).”.

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

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

1 (c) EFFECTIVE DATE.—The amendments made by
2 this section shall—

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

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

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

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

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

12 “(a) IN GENERAL.—The Judicial Conference of the
13 United States shall administer a climate survey to each
14 employee of a court of the United States about the work
15 environment of the court, which shall—

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

19 “(2) be voluntary;

20 “(3) survey respondents on the general work
21 environment, including attitudes in the workplace re-
22 garding diversity and inclusion and harassment or
23 discrimination on the basis of race, ethnicity, dis-
24 ability, sex, sexual orientation, and gender identity;
25 and

1 “(4) be anonymous and confidential, with notice
2 of the anonymity and confidentiality made to the re-
3 spondent throughout the survey.

4 “(b) TRANSMISSION OF INFORMATION.—Information
5 obtained in a survey administered under subsection (a)
6 shall be—

7 “(1) made publicly available; and

8 “(2) transmitted to the Committee on the Judi-
9 ciary of the Senate and the Committee on the Judi-
10 ciary of the House of Representatives, the Chief
11 Justice of the United States, and the Judicial Con-
12 ference of the United States.”.

13 (b) TECHNICAL AND CONFORMING AMENDMENT.—
14 The table of sections for chapter 21 of title 28, United
15 States Code, is amended by adding at the end the fol-
16 lowing:

 “464. Judicial workplace climate surveys.”.

17 **SEC. 14. SEVERABILITY.**

18 If any provision of this Act, an amendment made by
19 this Act, or the application of such provision or amend-
20 ment to any person or circumstance is held to be unconsti-
21 tutional, the remainder of this Act and of the amendments
22 made by this Act, and the application of the remaining
23 provisions of this Act and amendments to any person or
24 circumstance, shall not be affected.

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