

112TH CONGRESS
1ST SESSION

H. R. 862

To apply to the justices of the Supreme Court the Code of Conduct for United States Judges, to establish certain procedures with respect to the recusal of justices, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 1, 2011

Mr. MURPHY of Connecticut (for himself and Mr. WEINER) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To apply to the justices of the Supreme Court the Code of Conduct for United States Judges, to establish certain procedures with respect to the recusal of justices, 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 Trans-
5 parency and Disclosure Act of 2011”.

6 **SEC. 2. CODE OF CONDUCT.**

7 (a) **APPLICABILITY.**—The Code of Conduct for
8 United States Judges adopted by the Judicial Conference

1 of the United States shall apply to the justices of the
2 United States Supreme Court to the same extent as such
3 Code applies to circuit and district judges.

4 (b) ENFORCEMENT.—The Judicial Conference shall
5 establish procedures, modeled after the procedures set
6 forth in chapter 16 of title 28, United States Code, under
7 which—

8 (1) complaints alleging that a justice of the Su-
9 preme Court has violated the Code of Conduct re-
10 ferred to in subsection (a) may be filed with or iden-
11 tified by the Conference;

12 (2) such complaints are reviewed and inves-
13 tigated by the Conference; and

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

16 (c) SUBMISSION TO CONGRESS; EFFECTIVE DATE.—

17 (1) SUBMISSION TO CONGRESS.—The Judicial
18 Conference shall, not later than the 180th day after
19 the date of the enactment of this Act, submit to
20 Congress the procedures established under sub-
21 section (b).

22 (2) EFFECTIVE DATE.—Such procedures shall
23 take effect upon the expiration of the 270-day period
24 beginning on the date of the enactment of this Act.

1 **SEC. 3. RECUSAL OF JUSTICES.**

2 (a) DISCLOSURES BY JUSTICES.—

3 (1) SELF DISQUALIFICATION.—In any case in
4 which a justice of the Supreme Court disqualifies
5 himself or herself in a proceeding under section 455
6 of title 28, United States Code, the justice shall dis-
7 close in the public record of the proceeding the rea-
8 sons for the disqualification.

9 (2) DENIAL OF DISQUALIFICATION MOTION.—If
10 a justice of the Supreme Court denies a motion
11 brought by a party to a proceeding before the Court
12 that the justice should be disqualified in the pro-
13 ceeding under section 455 of such title, the justice
14 shall disclose in the public record of the proceeding
15 the reasons for the denial of the motion.

16 (b) PROCESS FOR DETERMINING RECUSAL.—The
17 Judicial Conference of the United States shall establish
18 a process under which, if a disqualification motion has
19 been denied as described in subsection (a)(2) and the
20 party making the motion seeks further review of the mo-
21 tion, other justices or judges of a court of the United
22 States (as defined in section 451 of title 28, United States
23 Code), among whom retired justices and senior judges eli-
24 gible for assignment under section 294 of title 28, United
25 States Code, may be included, shall decide whether the

1 justice with respect to whom the motion is made should
2 be so disqualified.

3 (c) SUBMISSION TO CONGRESS; EFFECTIVE DATE.—

4 (1) SUBMISSION TO CONGRESS.—The Judicial
5 Conference shall, not later than the 180th day after
6 the date of the enactment of this Act, submit to
7 Congress the process established under subsection
8 (b).

9 (2) EFFECTIVE DATE.—Such process shall take
10 effect upon the expiration of the 270-day period be-
11 ginning on the date of the enactment of this Act.

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