

116TH CONGRESS
2D SESSION

H. R. 6017

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

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 28, 2020

Mr. JOHNSON of Georgia (for himself, Mr. QUIGLEY, and Mr. NADLER) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 28, United States Code, to provide for the establishment of a code of conduct for the justices of the Supreme Court, 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 “Twenty-First Century
5 Courts Act”.

6 **SEC. 2. CODE OF CONDUCT FOR THE SUPREME COURT.**

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

1 **“§ 365. Code of conduct**

2 “(a) Not later than one year after the date of the
3 enactment of this section, the Supreme Court of the
4 United States shall, after appropriate public notice and
5 opportunity for comment, promulgate a code of conduct
6 for the justices of the Supreme Court.

7 “(b) The Supreme Court may modify the code of con-
8 duct after giving appropriate public notice and oppor-
9 tunity for comment.”.

10 (b) CLERICAL AMENDMENT.—The table of sections
11 for such chapter is amended by adding at the end the fol-
12 lowing:

“365. Code of conduct.”.

13 **SEC. 3. EXPLANATION FOR DISQUALIFICATION OF JUS-**
14 **TICES, JUDGES, AND MAGISTRATE JUDGES.**

15 Section 455 of title 28, United States Code, is
16 amended by adding at the end the following:

17 “(g) PUBLICATION OF REASONS FOR DISQUALIFICA-
18 TION.—

19 “(1) IN GENERAL.—In the case of any matter
20 in which a justice, judge, or magistrate judge of the
21 United States disqualifies himself or herself under
22 this section, the clerk of the court shall publish time-
23 ly notice of the disqualification on the website of the
24 court, with a brief explanation of each reason for the
25 disqualification.

1 “(2) SPECIFICATION OF CIRCUMSTANCE.—The
 2 explanation of the reason for the disqualification
 3 shall include a specific identification of each cir-
 4 cumstance under any paragraph of subsection (b)
 5 that resulted in disqualification and may be limited
 6 to an identification of the category of circumstance.

7 “(3) EXCEPTION.—This subsection does not
 8 apply to the extent that the reason for the disquali-
 9 fication involves a matter of medical health or, at
 10 the discretion of the Judicial Conference, that the
 11 personal privacy of a justice, judge, or magistrate
 12 judge of the United States could be unduly com-
 13 promised.”.

14 **SEC. 4. ONLINE FINANCIAL DISCLOSURE REPORTS.**

15 Section 105 of the Ethics in Government Act of 1978
 16 (5 U.S.C. App. 105) is amended by inserting at the end
 17 the following:

18 “(e)(1) Not later than 90 days after a report is filed
 19 under this title by an individual described in section
 20 109(10), the Judicial Conference shall make such report
 21 available in a full text searchable, sortable, and
 22 downloadable format on the website of the Administrative
 23 Office of the United States Courts.

24 “(2) Any report published pursuant to paragraph (1)
 25 shall not contain any information that is otherwise re-

1 quired by law, rule, or regulation to be redacted from such
2 report.

3 “(3) Not later than 6 months after the date of enact-
4 ment of the Twenty-First Century Courts Act, the Judi-
5 cial Conference shall prescribe a form for use in collecting
6 information for such reports substantially similar to any
7 form employed by the Director of the Office of Govern-
8 ment Ethics on a Government-wide basis for agencies.”.

9 **SEC. 5. AUDIO RECORDING OF COURT PROCEEDINGS.**

10 (a) COURTS OF APPEALS.—

11 (1) IN GENERAL.—Chapter 3 of title 28, United
12 States Code, is amended by adding at the end the
13 following:

14 **“§ 50. Internet publication of certain audio record-**
15 **ings**

16 “(a) IN GENERAL.—Not later than the date de-
17 scribed in subsection (b), the proceedings of each hearing
18 of a court of appeals shall be made available for public
19 transmission over the internet—

20 “(1) to the extent practicable, in real time dur-
21 ing such hearing; and

22 “(2) for not less than 2 years after the conclu-
23 sion of such hearing.

24 “(b) DATE DESCRIBED.—The date described in the
25 subsection is—

1 “(1) in the case of a court of appeals sitting en
2 banc, one year after the date of the enactment of
3 this section; and

4 “(2) in the case of a panel of a court of appeals
5 (other than as described in paragraph (1)), 2 years
6 after the date of the enactment of this section.

7 “(c) EXCEPTION.—The requirement under subsection
8 (a) shall not apply in the case that the courtroom is closed
9 to the public.

10 “(d) COPYRIGHT PROTECTION NOT AVAILABLE.—An
11 audio recording created pursuant to the requirement
12 under this section shall be considered a work of the United
13 States Government for purposes of section 105 of title
14 17.”.

15 (2) CLERICAL AMENDMENT.—The table of sec-
16 tions for such chapter is amended by adding at the
17 end the following:

“50. Internet publication of certain audio recordings.”.

18 (b) SUPREME COURT.—

19 (1) IN GENERAL.—Chapter 1 of title 28, United
20 States Code, is amended by adding at the end the
21 following:

22 **“§ 7. Internet publication of certain audio recordings**

23 “(a) IN GENERAL.—Each oral argument and opinion
24 reading before the Supreme Court shall be made available
25 for public transmission over the internet—

1 “(1)(A) on the day of such oral argument and
 2 opinion reading, by not later than one year after the
 3 date of the enactment of this section; and

4 “(B) in real time during such oral argument
 5 and opinion reading, by not later than 2 years after
 6 the date of the enactment of this section; and

7 “(2) for not less than 2 years after the conclu-
 8 sion of such oral argument and opinion reading.

9 “(b) EXCEPTION.—The requirement under sub-
 10 section (a) shall not apply in the case that the courtroom
 11 is closed to the public.

12 “(c) COPYRIGHT PROTECTION NOT AVAILABLE.—An
 13 audio recording created pursuant to the requirement
 14 under this section shall be considered a work of the United
 15 States Government for purposes of section 105 of title
 16 17.”.

17 (2) CLERICAL AMENDMENT.—The table of sec-
 18 tions for such chapter is amended by adding at the
 19 end the following:

“7. Internet publication of certain audio recordings.”.

20 **SEC. 6. MODERNIZATION OF ELECTRONIC CASE MANAGE-**
 21 **MENT SYSTEMS.**

22 (a) CONSOLIDATION.—Not later than the date speci-
 23 fied in subsection (e), the Director of the Administrative
 24 Office of the United States Courts, in coordination with
 25 the Administrator of General Services, shall establish,

1 maintain, and operate, consistent with the requirements
2 of this section and section 7 of this Act, one system all
3 public court records.

4 (b) REQUIREMENTS OF SYSTEM.—The system devel-
5 oped under subsection (a) shall comply with the following
6 requirements:

7 (1) The system shall provide search functions,
8 developed in coordination with the Administrator of
9 General Services, by the public and by parties before
10 the court.

11 (2) Any information that is prohibited from
12 public disclosure by law or court order shall be re-
13 dacted.

14 (3) Any information made available through a
15 website established pursuant to section 205 of the
16 E-Government Act of 2002 shall be included in the
17 system.

18 (4) Any website for the system shall substan-
19 tially comply with the requirements under sub-
20 sections (b) and (c) of section 205 of the E-Govern-
21 ment Act of 2002.

22 (5) To the extent practicable, external websites
23 shall be able to link to documents on the system.
24 Each website established pursuant to section 205 of

1 the E-Government Act of 2002 shall contain a link
2 to the system.

3 (c) DATA STANDARDS.—

4 (1) ESTABLISHMENT OF DATA STANDARDS.—

5 The Director of the Administrative Office of the
6 United States Courts, in coordination with the Ad-
7 ministrator of General Services and the Archivist of
8 the United States, shall establish data standards for
9 the system established under subsection (a).

10 (2) REQUIREMENTS.—The data standards es-
11 tablished under paragraph (1) shall, to the extent
12 reasonable and practicable—

13 (A) incorporate widely accepted common
14 data elements;

15 (B) incorporate a widely accepted, non-
16 proprietary, full text searchable, platform-inde-
17 pendent computer-readable format; and

18 (C) be capable of being continually up-
19 graded as necessary.

20 (3) DEADLINES.—Not later than 6 months
21 after the date of enactment of this Act, the Director
22 of the Administrative Office of the United States
23 Courts shall issue guidance to all Federal courts on
24 the data standards established under subsection (a).

1 (d) USE OF TECHNOLOGY.—In developing the system
2 under subsection (a), the Director shall use modern tech-
3 nology in order—

4 (1) to improve security, data accessibility, af-
5 fordability, and performance; and

6 (2) to minimize the burden on pro se litigants.

7 (e) DATE SPECIFIED.—The date specified in this
8 subsection is the date that is 2 years after the date of
9 the enactment of this Act, unless the Administrator of
10 General Services certifies to Congress, by not later than
11 90 days after such date of enactment, that an additional
12 period of time is required. If the Administrator so cer-
13 tifies, the date specified in this subsection is the date that
14 is 3 years after the date of enactment of this Act.

15 (f) FUNDING.—

16 (1) ESTABLISHMENT.—

17 (A) IN GENERAL.—Section 303 of the Ju-
18 diciary Appropriations Act, 1992 (title III of
19 Public Law 102–140; 105 Stat. 807) (28
20 U.S.C. 1913 note) is amended—

21 (i) in subsection (a), by inserting
22 “The Judicial Conference shall prescribe a
23 schedule of additional fees for any person
24 who accrues such fees for access in an
25 amount of \$25,000 or greater in any quar-

1 ter. All fees collected shall be deposited as
2 offsetting collections to the Judiciary In-
3 formation Technology Fund pursuant to
4 section 612(c)(1)(A) of title 28, United
5 States Code, to reimburse expenses in-
6 curred in carrying out section 6 of the
7 Twenty-First Century Courts Act.” before
8 “The Director of the Administrative Office
9 of the United States Courts”; and

10 (ii) in subsection (b), by striking “All
11 fees hereafter” and inserting “Except as
12 otherwise provided in this section, all fees
13 hereafter”.

14 (B) EFFECTIVE DATE.—The amendment
15 made by subparagraph (A) shall take effect on
16 the date of enactment of this Act.

17 (2) OPERATION AND MAINTENANCE.—

18 (A) IN GENERAL.—Section 303 of the Ju-
19 diciary Appropriations Act, 1992 (title III of
20 Public Law 102–140; 105 Stat. 807) (28
21 U.S.C. 1913 note) is amended by striking sub-
22 sections (a) and (b), and inserting the fol-
23 lowing:

24 “SEC. 303. (a)(1) To cover the costs of carrying out
25 section 6 of the Twenty-First Century Courts Act, the Ju-

1 dicial Conference may, only to the extent necessary, pre-
2 scribe reasonable filing fees, pursuant to sections 1913,
3 1914, 1926, 1930, and 1932 of title 28, United States
4 Code, for collection by the courts under those sections.

5 “(2) The filing fees prescribed under paragraph (1)
6 shall be based on the extent of the use by the person filing
7 of the system established under such section 6 for pur-
8 poses of such action, and shall in addition be adjusted
9 based on factors including the nature of the action and
10 claim for relief, the amount of damages demanded, the
11 estimated complexity of the type of action, and the inter-
12 ests of justice. Filing fees may be prescribed for the filing
13 of a counterclaim. Pro se litigants and litigants who certify
14 their financial hardship shall not be subject to the filing
15 fees.

16 “(b) The Judicial Conference and the Director shall
17 transmit each schedule of fees prescribed under subsection
18 (a) to Congress at least 90 days before the schedule be-
19 comes effective. All fees collected under subsection (a)
20 shall be deposited as offsetting collections to the Judiciary
21 Information Technology Fund pursuant to section
22 612(c)(1)(A) of title 28, United States Code, to reimburse
23 expenses incurred in carrying out section 6 of the Twenty-
24 First Century Courts Act.”.

1 (B) EFFECTIVE DATE.—The amendment
2 made by subparagraph (A) shall take effect on
3 the date specified in subsection (e).

4 (3) BANKRUPTCY FEES.—

5 (A) IN GENERAL.—To cover the costs of
6 carrying out section 6, the Judicial Conference
7 may prescribe a fee for the filing of a proof of
8 claim or interest under Rule 3002 and Rule
9 3003 of the Rules of Bankruptcy Procedure.
10 Such a fee may be in an amount of not less
11 than \$1.00 for each such filing and may be ad-
12 justed proportionately to the amount of the
13 claim, the status of the claim, and the type of
14 proceeding in which the claim is filed. All fees
15 collected under this paragraph shall be depos-
16 ited as offsetting collections to the Judiciary In-
17 formation Technology Fund pursuant to section
18 612(c)(1)(A) of title 28, United States Code, to
19 reimburse expenses incurred in carrying out
20 this section.

21 (B) EFFECTIVE DATE.—This paragraph
22 shall take effect beginning on the date of enact-
23 ment of this Act.

1 **SEC. 7. PUBLIC ACCESS TO COURT ELECTRONIC RECORDS**
2 **SYSTEM REQUIREMENT.**

3 (a) **IN GENERAL.**—Not later than the date specified
4 in subsection (d), the Director of the Administrative Office
5 of the United States Courts, in coordination with the Ad-
6 ministrator of General Services, shall ensure the public ac-
7 cessibility, free of charge, of all materials in the system
8 established under section 6.

9 (b) **AUTHORITY TO EXEMPT CERTAIN RECORDS.**—
10 The Judicial Conference, after appropriate public notice
11 and opportunity for comment, may identify categories of
12 records which are not automatically made publicly acces-
13 sible under subsection (a). Any such exception shall be no
14 broader than necessary and based on a determination of
15 a specific and substantial interest in restricting the public
16 right of access to court records.

17 (c) **USE OF TECHNOLOGY.**—In providing public ac-
18 cess under subsection (a), the Director shall, in coordina-
19 tion with the Administrator of General Services, use mod-
20 ern technology in order—

21 (1) to improve security, data accessibility, ease
22 of public access, affordability, and performance; and

23 (2) to minimize the burden on pro se litigants.

24 (d) **DATE SPECIFIED.**—The date specified in this
25 subsection is the date that is 2 years after the date of
26 the enactment of this Act, unless the Administrator of

1 General Services certifies to Congress, by not later than
2 90 days after such date of enactment, that an additional
3 period of time is required. If the Administrator so cer-
4 tifies, the date specified in this subsection is the date that
5 is 3 years after the date of enactment of this Act.

6 (e) FUNDING.—

7 (1) IN GENERAL.—Section 303 of the Judiciary
8 Appropriations Act, 1992 (title III of Public Law
9 102–140; 105 Stat. 807) (28 U.S.C. 1913 note) is
10 amended by adding at the end the following:

11 “(c)(1) To cover the costs of ensuring the public ac-
12 cessibility, free of charge, of all materials in the system
13 established under section 6 of the Twenty-First Century
14 Courts Act in accordance with section 7 of such Act, the
15 Judicial Conference may collect an annual fee from the
16 Department of Justice equal to the Public Access to Court
17 Electronic Records access fees paid by the Department of
18 Justice in 2018, as adjusted for inflation.

19 “(2) To cover any additional marginal costs of ensur-
20 ing the public accessibility, free of charge, of all materials
21 in the system established under section 6 of the Twenty-
22 First Century Courts Act in accordance with section 7 of
23 such Act, the Judicial Conference may prescribe reason-
24 able filing fees, pursuant to sections 1913, 1914, 1926,
25 1930, and 1932 of title 28, United States Code, for collec-

tion by the courts under those sections. Pro se litigants and litigants who certify their financial hardship shall not be subject to the filing fee.

“(3) Any amounts collected under this subsection for a fiscal year that are unobligated as of the last day of that fiscal year may not be obligated or expended except to the extent provided in advance in appropriations Acts.

“(4) The Judicial Conference and the Director shall transmit each schedule of fees prescribed under this subsection to Congress at least 90 days before the schedule becomes effective. All fees collected under this subsection shall be deposited as offsetting collections to the Judiciary Information Technology Fund pursuant to section 612(c)(1)(A) of title 28, United States Code, to reimburse expenses incurred in providing services in accordance with section 7 of the Twenty-First Century Courts Act.”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect beginning on the date specified in subsection (d).

SEC. 8. RULE OF CONSTRUCTION.

Nothing in this Act, or the amendments made by this Act, shall be construed to—

(1) affect the filing fees or other filing procedures for prisoners; or

1 (2) abrogate, limit, or modify the requirements
2 described in section 1915 of title 28, United States
3 Code.

4 **SEC. 9. DIGITAL ACCESSIBILITY STANDARDS.**

5 The systems established under sections 6 and 7 of
6 this Act or the amendments made by such sections shall
7 comply with relevant digital accessibility standards estab-
8 lished pursuant to section 508 of the Rehabilitation Act
9 of 1973.

○