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(Original Signature of Member)

116TH CONGRESS
2D SESSION

H. R. _____

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

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 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”.

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

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

5 **“§ 365. Code of conduct**

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

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

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

“365. Code of conduct.”.

17 **SEC. 3. EXPLANATION FOR DISQUALIFICATION OF JUS-**
18 **TICES, JUDGES, AND MAGISTRATE JUDGES.**

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

21 **“(g) PUBLICATION OF REASONS FOR DISQUALIFICA-**
22 **TION.—**

23 **“(1) IN GENERAL.—**In the case of any matter
24 in which a justice, judge, or magistrate judge of the
25 United States disqualifies himself or herself under

1 this section, the clerk of the court shall publish time-
2 ly notice of the disqualification on the website of the
3 court, with a brief explanation of each reason for the
4 disqualification.

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

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

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

19 Section 105 of the Ethics in Government Act of 1978
20 (5 U.S.C. App. 105) is amended by inserting at the end
21 the following:

22 “(e)(1) Not later than 90 days after a report is filed
23 under this title by an individual described in section
24 109(10), the Judicial Conference shall make such report
25 available in a full text searchable, sortable, and

1 downloadable format on the website of the Administrative
2 Office of the United States Courts.

3 “(2) Any report published pursuant to paragraph (1)
4 shall not contain any information that is otherwise re-
5 quired by law, rule, or regulation to be redacted from such
6 report.

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

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

14 (a) COURTS OF APPEALS.—

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

18 **“§ 50. Internet publication of certain audio record-**
19 **ings**

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

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

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

3 “(b) DATE DESCRIBED.—The date described in the
4 subsection is—

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

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

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

14 “(d) COPYRIGHT PROTECTION NOT AVAILABLE.—An
15 audio recording created pursuant to the requirement
16 under this section shall be considered a work of the United
17 States Government for purposes of section 105 of title
18 17.”.

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

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

22 (b) SUPREME COURT.—

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

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

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

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

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

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

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

16 “(c) COPYRIGHT PROTECTION NOT AVAILABLE.—An
17 audio recording created pursuant to the requirement
18 under this section shall be considered a work of the United
19 States Government for purposes of section 105 of title
20 17.”.

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

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

1 **SEC. 6. MODERNIZATION OF ELECTRONIC CASE MANAGE-**
2 **MENT SYSTEMS.**

3 (a) CONSOLIDATION.—Not later than the date speci-
4 fied in subsection (e), the Director of the Administrative
5 Office of the United States Courts, in coordination with
6 the Administrator of General Services, shall establish,
7 maintain, and operate, consistent with the requirements
8 of this section and section 7 of this Act, one system all
9 public court records.

10 (b) REQUIREMENTS OF SYSTEM.—The system devel-
11 oped under subsection (a) shall comply with the following
12 requirements:

13 (1) The system shall provide search functions,
14 developed in coordination with the Administrator of
15 General Services, by the public and by parties before
16 the court.

17 (2) Any information that is prohibited from
18 public disclosure by law or court order shall be re-
19 dacted.

20 (3) Any information made available through a
21 website established pursuant to section 205 of the
22 E–Government Act of 2002 shall be included in the
23 system.

24 (4) Any website for the system shall substan-
25 tially comply with the requirements under sub-

1 sections (b) and (c) of section 205 of the E–Govern-
2 ment Act of 2002.

3 (5) To the extent practicable, external websites
4 shall be able to link to documents on the system.
5 Each website established pursuant to section 205 of
6 the E–Government Act of 2002 shall contain a link
7 to the system.

8 (c) DATA STANDARDS.—

9 (1) ESTABLISHMENT OF DATA STANDARDS.—

10 The Director of the Administrative Office of the
11 United States Courts, in coordination with the Ad-
12 ministrator of General Services and the Archivist of
13 the United States, shall establish data standards for
14 the system established under subsection (a).

15 (2) REQUIREMENTS.—The data standards es-
16 tablished under paragraph (1) shall, to the extent
17 reasonable and practicable—

18 (A) incorporate widely accepted common
19 data elements,

20 (B) incorporate a widely accepted, non-
21 proprietary, full text searchable, platform-inde-
22 pendent computer-readable format; and

23 (C) be capable of being continually up-
24 graded as necessary.

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

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

9 (1) to improve security, data accessibility, af-
10 fordability, and performance; and

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

12 (e) DATE SPECIFIED.—The date specified in this
13 subsection is the date that is 2 years after the date of
14 the enactment of this Act, unless the Administrator of
15 General Services certifies to Congress, by not later than
16 90 days after such date of enactment, that an additional
17 period of time is required. If the Administrator so cer-
18 tifies, the date specified in this subsection is the date that
19 is 3 years after the date of enactment of this Act.

20 (f) FUNDING.—

21 (1) ESTABLISHMENT.—

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

1 (i) in subsection (a), by inserting
2 “The Judicial Conference shall prescribe a
3 schedule of additional fees for any person
4 who accrues such fees for access in an
5 amount of \$25,000 or greater in any quar-
6 ter. All fees collected shall be deposited as
7 offsetting collections to the Judiciary In-
8 formation Technology Fund pursuant to
9 section 612(c)(1)(A) of title 28, United
10 States Code, to reimburse expenses in-
11 curred in carrying out section 6 of the
12 Twenty-First Century Courts Act.” before
13 “The Director of the Administrative Office
14 of the United States Courts”; and

15 (ii) in subsection (b), by striking “All
16 fees hereafter” and inserting “Except as
17 otherwise provided in this section, all fees
18 hereafter”.

19 (B) EFFECTIVE DATE.—The amendment
20 made by subparagraph (A) shall take effect on
21 the date of enactment of this Act.

22 (2) OPERATION AND MAINTENANCE.—

23 (A) IN GENERAL.—Section 303 of the Ju-
24 diciary Appropriations Act, 1992 (title III of
25 Public Law 102–140; 105 Stat. 807) (28

1 U.S.C. 1913 note) is amended by striking sub-
2 sections (a) and (b), and inserting the fol-
3 lowing:

4 “SEC. 303. (a)(1) To cover the costs of carrying out
5 section 6 of the Twenty-First Century Courts Act, the Ju-
6 dicial Conference may, only to the extent necessary pre-
7 scribe reasonable filing fees, pursuant to sections 1913,
8 1914, 1926, 1930, and 1932 of title 28, United States
9 Code, for collection by the courts under those sections.

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

21 “(b) The Judicial Conference and the Director shall
22 transmit each schedule of fees prescribed under subsection
23 (a) to Congress at least 90 days before the schedule be-
24 comes effective. All fees collected under subsection (a)
25 shall be deposited as offsetting collections to the Judiciary

1 Information Technology Fund pursuant to section
2 612(c)(1)(A) of title 28, United States Code, to reimburse
3 expenses incurred in carrying out section 6 of the Twenty-
4 First Century Courts Act.”.

5 (B) EFFECTIVE DATE.—The amendment
6 made by subparagraph (A) shall take effect on
7 the date specified in subsection (e).

8 (3) BANKRUPTCY FEES.—

9 (A) IN GENERAL.—To cover the costs of
10 carrying out section 6, the Judicial Conference
11 may prescribe a fee for the filing of a proof of
12 claim or interest under Rule 3002 and Rule
13 3003 of the Rules of Bankruptcy Procedure.
14 Such a fee may be in an amount of not less
15 than \$1.00 for each such filing and may be ad-
16 justed proportionately to the amount of the
17 claim, the status the claim, and the type of pro-
18 ceeding in which the claim is filed. All fees col-
19 lected under this paragraph shall be deposited
20 as offsetting collections to the Judiciary Infor-
21 mation Technology Fund pursuant to section
22 612(c)(1)(A) of title 28, United States Code, to
23 reimburse expenses incurred in carrying out
24 this section.

1 (B) EFFECTIVE DATE.—This paragraph
2 shall take effect beginning on the date of enact-
3 ment of this Act.

4 **SEC. 7. PUBLIC ACCESS TO COURT ELECTRONIC RECORDS**
5 **SYSTEM REQUIREMENT.**

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

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

20 (c) USE OF TECHNOLOGY.—In providing public ac-
21 cess under subsection (a), the Director shall, in coordina-
22 tion with the Administrator of General Services, shall use
23 modern technology in order—

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

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

2 (d) DATE SPECIFIED.—The date specified in this
3 subsection is the date that is 2 years after the date of
4 the enactment of this Act, unless the Administrator of
5 General Services certifies to Congress, by not later than
6 90 days after such date of enactment, that an additional
7 period of time is required. If the Administrator so cer-
8 tifies, the date specified in this subsection is the date that
9 is 3 years after the date of enactment of this Act.

10 (e) FUNDING.—

11 (1) IN GENERAL.—Section 303 of the Judiciary
12 Appropriations Act, 1992 (title III of Public Law
13 102–140; 105 Stat. 807) (28 U.S.C. 1913 note) is
14 amended by adding at the end the following:

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

23 “(2) To cover any additional marginal costs of ensur-
24 ing the public accessibility, free of charge, of all materials
25 in the system established under section 6 of the Twenty-

1 First Century Courts Act in accordance with section 7 of
2 such Act, the Judicial Conference may prescribe reason-
3 able filing fees, pursuant to sections 1913, 1914, 1926,
4 1930, and 1932 of title 28, United States Code, for collec-
5 tion by the courts under those sections. Pro se litigants
6 and litigants who certify their financial hardship shall not
7 be subject to the filing fee.

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

12 “(4) The Judicial Conference and the Director shall
13 transmit each schedule of fees prescribed under this sub-
14 section to Congress at least 90 days before the schedule
15 becomes effective. All fees collected under this subsection
16 shall be deposited as offsetting collections to the Judiciary
17 Information Technology Fund pursuant to section
18 612(e)(1)(A) of title 28, United States Code, to reimburse
19 expenses incurred in providing services in accordance with
20 section 7 of the Twenty-First Century Courts Act.”.

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

1 **SEC. 8. RULE OF CONSTRUCTION.**

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

4 (1) affect the filing fees or other filing proce-
5 dures for prisoners; or

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

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

10 The systems established under sections 6 and 7 this
11 Act or the amendments made by such sections shall com-
12 ply with relevant digital accessibility standards established
13 pursuant to section 508 of the Rehabilitation Act of 1973.