

119TH CONGRESS  
2D SESSION

# S. 3914

To amend title 28, United States Code, to establish an Office of Ethics Counsel and an Office of Investigative Counsel within the Supreme Court of the United States.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 25, 2026

Mr. BOOKER (for himself, Mr. BLUMENTHAL, Ms. HIRONO, Mr. PADILLA, Mr. SCHIFF, and Mr. WELCH) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To amend title 28, United States Code, to establish an Office of Ethics Counsel and an Office of Investigative Counsel within the Supreme Court of the United States.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Supreme Court Ethics  
5       and Investigations Act”.

1 **SEC. 2. ESTABLISHMENT OF THE OFFICE OF ETHICS COUN-**  
 2 **SEL WITHIN THE SUPREME COURT OF THE**  
 3 **UNITED STATES.**

4 (a) IN GENERAL.—Chapter 45 of title 28, United  
 5 States Code, is amended by adding at the end the fol-  
 6 lowing:

7 **“§ 678. Office of Ethics Counsel**

8 “(a) THE OFFICE OF ETHICS COUNSEL.—The Chief  
 9 Justice is authorized to establish an Office of Ethics  
 10 Counsel within the Supreme Court of the United States—

11 “(1) constituted by one chief ethics counsel who  
 12 may employ such officers and employees, subject to  
 13 the provisions of title 5, governing appointments in  
 14 the competitive service, and the provisions of chapter  
 15 51 and subchapter III of chapter 53 of such title re-  
 16 lating to classification and General Schedule pay  
 17 rates; and

18 “(2) to advise and provide guidance to justices  
 19 of the Supreme Court, and their spouses, on matters  
 20 of judicial ethics, including—

21 “(A) financial disclosure requirements;

22 “(B) the acceptance of gifts;

23 “(C) political activity;

24 “(D) conflicts of interest and recusal; and

25 “(E) the unauthorized disclosure of official  
 26 Court documents.

1 “(b) ETHICS COUNSELS.—

2 “(1) STAFFING AND COMPENSATION OF COUN-  
3 SELS.—

4 “(A) CHIEF ETHICS COUNSEL.—The chief  
5 ethics counsel within the Office of Ethics Coun-  
6 sel—

7 “(i) may not be employed by the  
8 Court on the date of enactment of this sec-  
9 tion;

10 “(ii) shall be appointed by the Chief  
11 Justice;

12 “(iii) shall serve not more than two 6-  
13 year terms; and

14 “(iv) shall receive an annual rate of  
15 pay of at least \$225,000.

16 “(B) OTHER COUNSELS.—Any counsel  
17 other than the chief ethics counsel within the  
18 Office of Ethics Counsel—

19 “(i) may not be employed by the  
20 Court on the date of enactment of this sec-  
21 tion;

22 “(ii) shall be appointed by the chief  
23 ethics counsel;

24 “(iii) shall serve not more than two 6-  
25 year terms; and

1                   “(iv) shall receive an annual rate of  
2                   pay of at least \$180,000.

3                   “(2) QUALIFICATIONS.—Each counsel of the  
4                   Office of Ethics Counsel shall—

5                   “(A) be licensed to practice law in a State  
6                   or territory of the United States and a member  
7                   of the bar in good standing; and

8                   “(B) possess at least 5 years of experience  
9                   as a practicing attorney.

10                  “(3) EXPERTISE.—Each counsel shall be an in-  
11                  dividual of exceptional public standing who is specifi-  
12                  cally qualified to serve within the Office of Ethics  
13                  Counsel by virtue of the individual’s education,  
14                  training, and experience, as determined by the Chief  
15                  Justice.

16                  “(4) TERMINATION OF COUNSELS.—The em-  
17                  ployment of a counsel may only be terminated by the  
18                  Chief Justice for cause.

19                  “(c) TRAINING.—On a biannual basis, the Office of  
20                  Ethics Counsel shall provide, and each justice shall take,  
21                  a training course on the judicial ethics matters described  
22                  in subsection (a)(2).

23                  “(d) REPORT.—On an annual basis, the chief ethics  
24                  counsel shall submit to the Committees on the Judiciary  
25                  of the House of Representatives and of the Senate a report

1 on the ethics advice given by the Office of Ethics Counsel  
2 during the previous year, including—

3 “(1) the number of times advice was sought  
4 and given;

5 “(2) whether the advice was sought by judicial  
6 officers or by judicial employees;

7 “(3) information about the topics covered by  
8 the advice given, including the number of questions  
9 related to gifts, financial disclosures, nonpublic in-  
10 formation, and political activity;

11 “(4) the number and types of mitigation meas-  
12 ures that were recommended, including recusal, di-  
13 vestiture, resignation; and

14 “(5) the number of times advice described in  
15 this subsection was not followed by the individual to  
16 whom it was given, if known by the Office.

17 “(e) DEFINITIONS.—In this section:

18 “(1) The term ‘gift’ means any gratuity, favor,  
19 discount, entertainment, hospitality, loan, forbear-  
20 ance, or other item having monetary value. The term  
21 includes services as well as gifts of training, trans-  
22 portation, local travel, lodgings and meals, whether  
23 provided in-kind, by purchase of a ticket, payment in  
24 advance, or reimbursement after the expense has  
25 been incurred.

1           “(2) The term ‘political activity’ means political  
2           engagements, such as paid speaking events, fund-  
3           raisers, or donations to political parties, politicians,  
4           political action groups, or endorsements of political  
5           candidates.”.

6           (b) CLERICAL AMENDMENT.—The table of contents  
7           of chapter 45 of title 28, United States Code, is amended  
8           by inserting after the item relating to section 678 the fol-  
9           lowing:

“678. Office of Ethics Counsel.”.

10   **SEC. 3. ESTABLISHMENT OF THE OFFICE OF INVESTIGA-**  
11                           **TIVE COUNSEL WITHIN THE SUPREME COURT**  
12                           **OF THE UNITED STATES.**

13           (a) IN GENERAL.—Chapter 45 of title 28, United  
14           States Code, as amended by this Act, is further amended  
15           by adding at the end the following:

16   **“§ 679. Office of Investigative Counsel**

17           “(a) OFFICE OF INVESTIGATIVE COUNSEL.—The  
18           Chief Justice is authorized to establish an Office of Inves-  
19           tigative Counsel within the Supreme Court of the United  
20           States—

21                   “(1) constituted by one Chief Investigative  
22           Counsel and at least two additional investigative  
23           counsels; and

1 “(2) to review and investigate ethics complaints  
 2 against justices arising from their actions or the ac-  
 3 tions of their spouses and dependents.

4 “(b) INVESTIGATIVE COUNSELS.—

5 “(1) STAFFING AND COMPENSATION OF COUN-  
 6 SELS.—

7 “(A) CHIEF INVESTIGATIVE COUNSEL.—

8 The Chief Investigative Counsel—

9 “(i) may not be employed by the court  
 10 on the date of enactment of this section;

11 “(ii) shall be appointed by the Chief  
 12 Justice;

13 “(iii) shall serve not more than one 6-  
 14 year term; and

15 “(iv) shall receive an annual rate of  
 16 pay of at least \$225,000.

17 “(B) ADDITIONAL INVESTIGATIVE COUN-  
 18 SELS.—The investigative counsels—

19 “(i) may not be employed by the court  
 20 on the date of enactment of this section;

21 “(ii) shall be appointed by the Chief  
 22 Investigative Counsel;

23 “(iii) shall serve at the pleasure of the  
 24 Chief Investigative Counsel; and

1 “(iv) shall receive an annual rate of  
2 pay of at least \$180,000.

3 “(C) QUALIFICATIONS.—Each investigative  
4 counsel of the Office of Investigative Counsel  
5 shall—

6 “(i) be licensed to practice law in a  
7 State or territory of the United States and  
8 a member of the bar in good standing; and

9 “(ii) possess at least 7 years of experi-  
10 ence as a practicing attorney.

11 “(D) EXPERTISE.—Each investigative  
12 counsel and the Chief Investigative Counsel  
13 shall be an individual of exceptional public  
14 standing who is specifically qualified to serve  
15 within the Office of Investigative Counsel by  
16 virtue of the individual’s education, training,  
17 and experience.

18 “(E) TERMINATION OF COUNSELS.—The  
19 employment of the Chief Investigative Counsel  
20 may only be terminated by the Chief Justice for  
21 cause.

22 “(2) SUBPOENA POWER.—

23 “(A) IN GENERAL.—For the discharge of  
24 their duties, the Chief Investigative Counsel  
25 shall have the authority to issue subpoenas to



1           compel witnesses to appear and testify and to  
2           produce books, papers, correspondence, memo-  
3           randa, documents, or other relevant records.  
4           The Chief Investigative Counsel may issue sub-  
5           poenas requiring the attendance and testimony  
6           of witnesses and the production of any evidence  
7           relating to any matter under investigation by  
8           the Office of Investigative Counsel, which the  
9           Office is empowered to investigate by this sec-  
10          tion. The attendance of witnesses and the pro-  
11          duction of evidence may be required from any  
12          place within the United States at any des-  
13          ignated place of hearing within the United  
14          States.

15               “(B) FAILURE TO OBEY A SUBPOENA.—If  
16          a person refuses to obey a subpoena issued  
17          under subparagraph (A), the Chief Investigative  
18          Counsel may apply to a United States district  
19          court for an order requiring that person to ap-  
20          pear before the Office of Investigative Counsel  
21          to give testimony, produce evidence, or both, re-  
22          lating to the matter under investigation. The  
23          application may be made within the judicial dis-  
24          trict where the hearing is conducted or where  
25          that person is found, resides, or transacts busi-

1           ness. Any failure to obey the order of the court  
2           shall be punishable by contempt of court.

3           “(C) SERVICE OF SUBPOENAS.—The sub-  
4           poenas of the Office of Investigative Counsel  
5           shall be served in the manner provided for sub-  
6           poenas issued by a United States district court  
7           under the Federal Rules of Civil Procedure for  
8           the United States district courts.

9           “(D) SERVICE OF PROCESS.—All process  
10          of any court to which application is made under  
11          subparagraph (B) may be served in the judicial  
12          district in which the person required to be  
13          served resides or may be found.

14          “(c) ETHICS COMPLAINTS.—

15               “(1) FILING.—An ethics complaint against a  
16          justice may be filed with the Office of Investigate  
17          Counsel by—

18                       “(A) the chair or ranking minority member  
19                       of the Committee on the Judiciary of the House  
20                       of Representatives or of the Senate;

21                       “(B) the Majority Leader or Minority  
22                       Leader of the Senate; or

23                       “(C) the Speaker or the Minority Leader  
24                       of the House of Representatives.

1           “(2) REVIEW.—Not later than 60 days after an  
2 ethics complaint is filed under paragraph (1), the  
3 Office of Investigative Counsel shall review the com-  
4 plaint and determine whether a full investigation is  
5 appropriate. In making a determination under this  
6 paragraph, the Office shall consider whether the al-  
7 leged behavior of a justice violates the Code of Con-  
8 duct of the Supreme Court, the Judicial Code of  
9 Conduct, or any applicable law or regulation. Upon  
10 making a determination under this paragraph, the  
11 chief counsel shall respond to each ethics complaint  
12 filed under paragraph (1), regardless of whether the  
13 Office of Investigative Counsel determines that an  
14 investigation is appropriate.

15           “(3) INVESTIGATION.—If the Office determines  
16 that a full investigation is appropriate, it shall open  
17 the investigation not later than 15 days after mak-  
18 ing such determination.

19           “(4) REPORTING.—

20           “(A) IN GENERAL.—The Office of Inves-  
21 tigative Counsel shall submit to the Chief Jus-  
22 tice a report containing its findings and rec-  
23 ommendations about an ethics complaint filed  
24 under paragraph (2) (including in the case of a  
25 complaint with respect to which the Office de-

1           termines that no violation has occurred), except  
2           that in the case of an ethics complaint with re-  
3           spect to which the Chief Justice is the subject,  
4           the Office shall deliver such report to the most  
5           senior associate justice.

6           “(B) CONTENTS.—A report under sub-  
7           paragraph (A) shall include—

8                   “(i) each violation of the Code of Con-  
9                   duct for the Supreme Court committed by  
10                  the justice who was the subject of the in-  
11                  vestigation under paragraph (3), including  
12                  any such violation that arose as a result of  
13                  the actions of a spouse or dependant of the  
14                  justice; and

15                  “(ii) substantive and actionable rec-  
16                  ommendations from the Office of Inves-  
17                  tigative Counsel including recusal, divest-  
18                  ment and neutralization conflicts of inter-  
19                  est, and other remedies.

20           “(C) PUBLICATION.—

21                   “(i) CHIEF JUSTICE.—The Chief Jus-  
22                  tice may, in his sole discretion, release to  
23                  the public a report received under subpara-  
24                  graph (A), but may not alter such a report  
25                  in any way, except to redact any classified

1 or personally identifiable information. In  
2 the case of an ethics complaint with re-  
3 spect to which the Chief Justice is the sub-  
4 ject, the most senior associate justice is  
5 authorized to carry out this clause.

6 “(ii) AVAILABILITY TO CONGRESS.—  
7 Not later than 10 days after completing a  
8 report under subparagraph (A), the Office  
9 of Investigative Counsel shall make the re-  
10 port available to—

11 “(I) the Committees on the Judi-  
12 ciary of the House of Representatives  
13 and of the Senate;

14 “(II) the Committee on Oversight  
15 and Accountability of the House of  
16 Representatives; and

17 “(III) the Committee on Home-  
18 land Security and Governmental Af-  
19 fairs of the Senate.

20 “(iii) DUTY TO INFORM THE ATTOR-  
21 NEY GENERAL.—In carrying out the duties  
22 of the Office, the Investigative Counsel  
23 shall report expeditiously to the Attorney  
24 General whenever the Investigative Counsel

1                   has reasonable grounds to believe there has  
2                   been a violation of Federal criminal law.”.

3           (b) CLERICAL AMENDMENT.—The table of contents  
4 of chapter 45 of title 28, United States Code, is amended  
5 by inserting after the item relating to section 678, as  
6 added by section 2, the following:

“679. Office of Investigative Counsel.”.

7 **SEC. 4. SEVERABILITY.**

8           If any provision of this Act, or any application of such  
9 provision to any person or circumstance, is held to be un-  
10 constitutional, the remainder of this Act and the applica-  
11 tion of this Act to any other person or circumstance shall  
12 not be affected.

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