

H.R. 7647, Supreme Court Ethics, Recusal, and Transparency Act of 2022

As ordered reported by the House Committee on the Judiciary on May 11, 2022

By Fiscal Year, Millions of Dollars	2022	2022-2027	2022-2032
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	0	5	not estimated
Statutory pay-as-you-go procedures apply?	No	Mandate Effects	
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2033?	No	Contains intergovernmental mandate?	Yes, Under Threshold
		Contains private-sector mandate?	Yes, Under Threshold

H.R. 7647 would require the Supreme Court and other federal courts to implement several ethics and transparency practices, and it would direct federal agencies to produce various studies and reports concerning the implementation of the bill's requirements.

Using information from the affected agencies, CBO estimates that implementing H.R. 7647 would cost \$5 million over the 2022-2027 period; any spending would be subject to the availability of appropriated funds.

H.R. 7647 would require the Supreme Court to produce a code of conduct for justices and Court employees and to establish disclosure requirements for gifts, travel, and income received by justices and clerks. Using information from the Court, CBO estimates that implementing those provisions would cost about \$1 million over the 2022-2027 period.

H.R. 7647 also contains several audit and reporting requirements. Under the bill, any party filing an amicus brief in a federal court would need to disclose the identifies of individuals and organizations that prepared the brief, as well as financial contributors to those entities. Each year, the Administrative Office of the United States Courts (AOUSC) would be required to audit and report on compliance with that requirement. The Federal Judicial Center (FJC) also would be required to track and report instances in which federal judges recuse themselves or are not assigned a case because of a conflict of interest. Every two years, the FJC would report on and recommend ways to improve compliance with the recusal

requirements. Every five years, the Government Accountability Office (GAO) would evaluate and report on the FJC's methods.

Using information from the affected agencies, CBO estimates that the federal judiciary would require \$3 million over the 2022-2027 period for audits and \$1 million for collecting and reporting information. Using information for similar activities, CBO estimates that GAO would require less than \$500,000 over the 2022-2027 period to evaluate the FJC's recusal studies and recommended methods for compliance.

H.R. 7647 would impose intergovernmental and private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA).

About 1,500 federal court cases receive amicus briefs from individuals or organizations each year. Under current regulations, amicus briefs filed in Supreme Court cases must disclose the people or entities that submit them or pay for their preparation; most briefs filed on behalf of a state or territory are exempt from those requirements.

H.R. 7647 would impose a mandate on intergovernmental and private-sector entities filing amicus briefs before any federal court by requiring filers to disclose the identities of certain financial contributors to their organization as well as any financial contributions made to individual justices in the two years prior to a judicial proceeding.

Using information from the Supreme Court, other federal courts, and law firms on the small number of amicus briefs filed in federal courts, the number of petitions to the Supreme Court, and the clerical nature of the mandate, CBO estimates that the costs of complying with the mandates in H.R. 7647 would be small for state, local, and tribal governments and private-sector entities. Those costs would fall well below the thresholds established in UMRA (\$92 million and \$184 million, respectively, in 2022, adjusted annually for inflation).

The CBO staff contacts for this estimate are Jon Sperl (for federal costs) and Rachel Austin (for mandates). The estimate was reviewed by Leo Lex, Deputy Director of Budget Analysis.