

Judicial Modernization and Transparency Act

Section-by-Section

Sec. 1. Short Title.

Sec. 2. Supreme Court.

- (a) This subsection expands the number of justices of the Supreme Court from 9 to 15.
- (b) The six additional justices are to be appointed within the first 120 days of the first and third year of a presidential term over a total period of 12 years. Should an appointee be withdrawn or disapproved of by the Senate, the President shall make a new appointment within 120 days of the withdrawal or disapproval. Further, if a permanent vacancy on the Supreme Court occurs during this period, the President shall appoint a justice, by and with consent of the Senate as usual.
- (c) This subsection provides that if a committee fails to report the nomination of an individual nominated to serve on the Supreme Court within 180 days from when the nomination was referred to committee, the nomination is to be automatically placed on the Senate calendar.
- (d) This subsection establishes that the Supreme Court may only invalidate an Act of Congress on constitutional grounds with the concurrence of at least $\frac{2}{3}$ of the voting justices and at least a majority of the total number of justices. Any relief ordered by lower courts in a case seeking to invalidate an Act of Congress will also expire on the date on which the Supreme Court issues an opinion.
- (e) This subsection requires each justice of the Supreme Court to consider a litigant's motion to recuse the justice from a particular case. The written opinions of each justice must be made public. This subsection also allows for any justice to be recused from a case upon the affirmative vote of $\frac{2}{3}$ of the Supreme Court justices.
- (f) This subsection requires the public disclosure of how each justice voted for any case within the appellate jurisdiction of the Supreme Court.
- (g) This subsection requires the IRS to initiate an audit of each justice's income tax return (and any amended return) as quickly as practicable after it is filed. Within 90 days of filing, the IRS is required to publicly release the returns and provide an update on the status of the audit. Every 180 days thereafter, the IRS is required to update the public on the status of the audit. It will also release the ultimate findings of the audit.
- (h) This subsection requires that those nominated to the Court include their most recent three years of tax returns in their publicly-available financial disclosure filings. In the case that a nominee does not disclose the tax returns within 15 days after nomination, the Administrative Office of the United States Courts is instructed to obtain the tax returns from the Secretary of the Treasury and make them public. The Secretary of the Treasury is instructed to redact certain personal identity information.

Sec. 3. Courts of Appeals.

- (a)** This subsection expands the number of courts of appeal from 13 to 15. Specifically, the section establishes a fifth circuit comprised of Arkansas, Louisiana, Mississippi and Tennessee; a sixth circuit comprised of Kentucky, Michigan and Ohio; an eighth circuit comprised of Iowa, Minnesota, Missouri, Nebraska, North Dakota and South Dakota; a ninth circuit comprised of California, Guam, Hawaii and the Northern Mariana Islands; a tenth circuit comprised of Colorado, Kansas, Oklahoma, Utah and Wyoming; a twelfth circuit comprised of Arizona, New Mexico and Texas; and a thirteenth circuit comprised of Alaska, Idaho, Montana, Nevada, Oregon and Washington.
- (b)** This subsection reestablishes the practice of assigning one Supreme Court justice to each circuit to ensure more equitable access for emergency appeals.
- (c)** This subsection amends the number of U.S. circuit court judgeships. Specifically, the subsection provides 62 new circuit court judgeships to comport with population growth since 1990 when Congress last authorized new circuit court judgeships.
- (d)** This subsection establishes that a court of appeals may only invalidate an Act of Congress on constitutional grounds with the concurrence of every judge in the case of a panel of judges, or in the case of a rehearing en banc, at least $\frac{2}{3}$ of voting judges.

Sec. 4. District Courts.

- (a)** This subsection amends the number of permanent U.S. district court judgeships. Specifically, the subsection provides 101 new permanent district court judgeships to comport with population growth since 2002 when Congress last authorized new U.S. district court judgeships.
- (b)** This subsection provides the relevant tables for this amendment to the number of district court judgeships.