

119TH CONGRESS
1ST SESSION

S. _____

To improve the administration of justice by requiring written explanations by the Supreme Court of its decisions and the disclosure of votes by justices in cases within the appellate jurisdiction of the Supreme Court that involve preliminary injunctive relief, and other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. BLUMENTHAL (for himself, Mr. BOOKER, Mr. DURBIN, Ms. KLOBUCHAR, Mr. PADILLA, Mr. REED, Mr. SANDERS, Mr. SCHIFF, Mr. SCHUMER, Ms. SMITH, Mr. WELCH, Mr. WHITEHOUSE, and Mr. WYDEN) introduced the following bill; which was read twice and referred to the Committee on

A BILL

To improve the administration of justice by requiring written explanations by the Supreme Court of its decisions and the disclosure of votes by justices in cases within the appellate jurisdiction of the Supreme Court that involve preliminary injunctive relief, and 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 “Shadow Docket Sun-
5 light Act of 2025”.

1 **SEC. 2. SUPREME COURT WRITTEN EXPLANATIONS AND**
2 **DISCLOSURE OF VOTING IN CASES INVOLV-**
3 **ING PRELIMINARY INJUNCTIVE RELIEF.**

4 (a) IN GENERAL.—Chapter 155 of title 28, United
5 States Code, is amended by adding at the end the fol-
6 lowing:

7 **“§ 2285. Written explanations and disclosure of voting**
8 **in Supreme Court cases involving pre-**
9 **liminary injunctive relief**

10 “(a) DEFINITIONS.—In this section—

11 “(1) the term ‘Supreme Court’ means the Su-
12 preme Court of the United States, including any in-
13 dividual justice or set of justices when acting on be-
14 half of the Supreme Court of the United States; and

15 “(2) the term ‘Supreme Court’s appellate juris-
16 diction’ means all cases within the jurisdiction of the
17 Supreme Court other than those within the original
18 jurisdiction of the Supreme Court.

19 “(b) REQUIREMENT.—

20 “(1) WRITTEN EXPLANATION AND VOTE DIS-
21 CLOSURE.—In any case within the Supreme Court’s
22 appellate jurisdiction, the Supreme Court may not
23 issue any order granting, denying, or vacating pre-
24 liminary injunctive relief or granting, denying, or
25 vacating a stay of preliminary injunctive relief unless
26 the Supreme Court publishes a written explanation

1 of reasons supporting such order and indicates in
2 writing how each participating justice voted regard-
3 ing such order.

4 “(2) CONTENTS FOR ORDERS GRANTING, DENY-
5 ING, OR VACATING PRELIMINARY INJUNCTIVE RE-
6 LIEF.—The written explanation required under
7 paragraph (1) for an order granting, denying, or
8 vacating preliminary injunctive relief shall include an
9 evaluation of the following criteria:

10 “(A) Whether an applicant seeking prelimi-
11 nary injunctive relief is likely to succeed on the
12 merits.

13 “(B) Whether an applicant seeking pre-
14 liminary injunctive relief is likely to suffer ir-
15 reparable harm absent such relief.

16 “(C) Whether the balance of equities tips
17 in the favor of an applicant seeking preliminary
18 injunctive relief.

19 “(D) Whether preliminary injunctive relief
20 is in the public interest.

21 “(3) CONTENTS FOR ORDERS GRANTING, DENY-
22 ING, OR VACATING A STAY OF PRELIMINARY INJUNC-
23 TIVE RELIEF.—The written explanation required
24 under paragraph (1) for an order granting, denying,

1 or vacating a stay of preliminary injunctive relief
2 shall include an evaluation of the following criteria:

3 “(A) Whether the stay applicant has made
4 a strong showing of the likelihood of success on
5 the merits.

6 “(B) Whether the stay applicant will be ir-
7 reparably injured absent a stay.

8 “(C) Whether issuance of the stay will sub-
9 stantially injure the other parties interested in
10 the proceeding.

11 “(D) Whether a stay is in the public inter-
12 est.

13 “(4) MULTIPLE OPINIONS.—The written expla-
14 nation required under paragraph (1) may be made
15 in 1 or more opinions representing a majority of jus-
16 tices participating in a decision, without regard to
17 whether a majority of the justices participating in a
18 decision publish the same written explanation.

19 “(5) ADMINISTRATIVE AND SCHEDULING OR-
20 DERS EXCLUDED.—The requirements of this sub-
21 section shall not apply to orders granting or denying
22 applications that relate only to administrative or
23 scheduling matters or petitions for certiorari and
24 that do not grant, deny, or vacate preliminary in-

1 junctive relief or grant, deny, or vacate a stay of
2 preliminary injunctive relief.

3 “(c) LIMITATIONS AND INCLUSIONS.—In imple-
4 menting this section, the following shall apply:

5 “(1) Nothing in this section shall be construed
6 to modify the substantive standards applied by any
7 court in deciding any case.

8 “(2) Nothing in this section shall be construed
9 to modify the jurisdiction of the Supreme Court
10 under any other law.

11 “(3) This section shall apply with respect to or-
12 ders issued in connection with a claim under chapter
13 5 or 7 of title 5.”.

14 (b) CONFORMING AMENDMENT.—The table of sec-
15 tions for chapter 155 of title 28, United States Code, is
16 amended by adding at the end the following:

“2285. Written explanations and disclosure of voting in Supreme Court cases
involving preliminary injunctive relief.”.

17 **SEC. 3. REPORTS.**

18 (a) IN GENERAL.—Not later than April 1 of the first
19 year that begins more than 180 days after the date of
20 enactment of this Act, and April 1 of every second year
21 thereafter, the Director of the Federal Judicial Center
22 shall submit to Congress a report—

23 (1) assessing the extent of compliance or non-
24 compliance with the requirements of section 2285 of

1 title 28, United States Code, as added by section 2
2 of this Act; and

3 (2) providing any recommendations of the Di-
4 rector regarding ways to improve compliance with
5 such section 2285.

6 (b) ADDITIONAL TIME.—For the first report required
7 under subsection (a), the Director of the Federal Judicial
8 Center may submit the report after the date described in
9 that subsection if the Director identifies in writing to Con-
10 gress the amount of additional time needed for completion
11 of the report.

12 **SEC. 4. SEVERABILITY.**

13 If any provision of this Act, an amendment made by
14 this Act, or the application of such a provision or amend-
15 ment to any particular person or circumstance is held in-
16 valid, the remaining provisions of this Act and the amend-
17 ments made by this Act, and the application of such re-
18 maining provisions and amendments to any other person
19 or circumstance, shall not be affected thereby.