

109TH CONGRESS
2D SESSION

S. 2678

To amend title 28, United States Code, to provide for the detection and prevention of inappropriate conduct in the Federal judiciary.

IN THE SENATE OF THE UNITED STATES

APRIL 27, 2006

Mr. GRASSLEY introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend title 28, United States Code, to provide for the detection and prevention of inappropriate conduct in the Federal judiciary.

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 “Judicial Transparency
5 and Ethics Enhancement Act of 2006”.

6 **SEC. 2. INSPECTOR GENERAL FOR THE JUDICIAL BRANCH.**

7 (a) ESTABLISHMENT AND DUTIES.—Part III of title
8 28, United States Code, is amended by adding at the end
9 the following:

1 **“CHAPTER 60—INSPECTOR GENERAL FOR**
 2 **THE JUDICIAL BRANCH**

- “1021. Establishment.
- “1022. Appointment of Inspector General.
- “1023. Duties.
- “1024. Powers.
- “1025. Reports.

3 **“§ 1021. Establishment**

4 “There is established for the judicial branch of the
 5 Government the Office of Inspector General for the Judi-
 6 cial Branch (in this chapter referred to as the ‘Office’).

7 **“§ 1022. Appointment of Inspector General**

8 “The head of the Office shall be the Inspector Gen-
 9 eral. The Inspector General shall be appointed by the
 10 Chief Justice of the United States after consultation with
 11 the majority leader and minority leader of the Senate and
 12 the Speaker and minority leader of the House of Rep-
 13 resentatives.

14 **“§ 1023. Duties**

15 “With respect to the Judicial Branch, the Office
 16 shall—

17 “(1) conduct investigations of matters per-
 18 taining to the Judicial Branch, including possible
 19 misconduct in office of justices and judges and pro-
 20 ceedings under chapter 16 of this title, that may re-
 21 quire oversight or other action within the Judicial
 22 Branch or by Congress;

1 “(2) conduct and supervise audits and inves-
2 tigations;

3 “(3) prevent and detect waste, fraud, and
4 abuse; and

5 “(4) recommend changes in laws or regulations
6 governing the Judicial Branch.

7 **“§ 1024. Powers**

8 “In carrying out the duties of the Office, the Inspec-
9 tor General shall have the power to—

10 “(1) make investigations and reports;

11 “(2) obtain information or assistance from any
12 Federal, State, or local governmental agency, or
13 other entity or unit thereof, including all information
14 kept in the course of business by the Judicial Con-
15 ference of the United States, the judicial councils of
16 circuits, the Administrative Office of the United
17 States Courts, and the United States Sentencing
18 Commission;

19 “(3) require, by subpoena or otherwise, the at-
20 tendance and testimony of such witnesses, and the
21 production of such books, records, correspondence,
22 memoranda, papers, and documents, which sub-
23 poena, in the case of contumacy or refusal to obey,
24 shall be enforceable by civil action;

1 “(4) administer to or take from any person an
2 oath, affirmation, or affidavit;

3 “(5) employ such officers and employees, sub-
4 ject to the provisions of title 5 governing appoint-
5 ments in the competitive service, and the provisions
6 of chapter 51 and subchapter III of chapter 53 of
7 such title relating to classification and General
8 Schedule pay rates;

9 “(6) obtain services as authorized by section
10 3109 of title 5 at daily rates not to exceed the equiv-
11 alent rate prescribed for a position at level IV of the
12 Executive Schedule under section 5315 of title 5;
13 and

14 “(7) the extent and in such amounts as may be
15 provided in advance by appropriations Acts, to enter
16 into contracts and other arrangements for audits,
17 studies, analyses, and other services with public
18 agencies and with private persons, and to make such
19 payments as may be necessary to carry out the du-
20 ties of the Office.

21 **“§ 1025. Reports**

22 “(a) SUBMISSION.—The Inspector General shall—

23 “(1) submit an annual report to the Chief Jus-
24 tice and to Congress relating to the activities of the
25 Office; and

1 “(2) submit prompt reports to the Chief Justice
2 and to Congress on matters that may require action
3 by the Chief Justice or Congress.

4 “(b) SENSITIVE MATTER.—If a report contains sen-
5 sitive matter, the Inspector General may so indicate and
6 Congress may receive that report in closed session.

7 “(c) DUTY TO INFORM ATTORNEY GENERAL.—In
8 carrying out the duties of the Office, the Inspector General
9 shall report expeditiously to the Attorney General when-
10 ever the Inspector General has reasonable grounds to be-
11 lieve there has been a violation of Federal criminal law.

12 **“§ 1026. Whistleblower protection**

13 “(a) IN GENERAL.—No officer, employee, agent, con-
14 tractor, or subcontractor in the Judicial Branch may dis-
15 charge, demote, threaten, suspend, harass, or in any other
16 manner discriminate against an employee in the terms and
17 conditions of employment because of any lawful act done
18 by the employee to provide information, cause information
19 to be provided, or otherwise assist in an investigation re-
20 garding any possible violation of Federal law or regulation,
21 or misconduct, by a judge or any other employee in the
22 Judicial Branch, which may assist the Inspector General
23 in the performance of duties under this chapter.

1 “(b) CIVIL ACTION.—An employee injured by a viola-
2 tion of subsection (a) may, in a civil action, obtain appro-
3 priate relief.”.

4 (b) TECHNICAL AND CONFORMING AMENDMENT.—
5 The table of chapters for part III of title 28, United States
6 Code, is amended by adding at the end the following:

“60. Inspector General for the Judicial Branch.”.

