

111TH CONGRESS
1ST SESSION

H. R. 486

To amend title 28, United States Code, to provide an Inspector General for the judicial branch, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 13, 2009

Mr. SENSENBRENNER introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 28, United States Code, to provide an Inspector General for the judicial branch, and for 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 “Judicial Transparency
5 and Ethics Enhancement Act of 2009”.

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

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

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

“Sec.

“1021. Establishment.

“1022. Appointment, term, and removal of Inspector General.

“1023. Duties.

“1024. Powers.

“1025. Reports.

“1026. Whistleblower protection.

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 (hereinafter in this chapter referred to as the
 7 ‘Office’).

8 **“§ 1022. Appointment, term, and removal of Inspector**
 9 **General**

10 “(a) APPOINTMENT.—The head of the Office shall be
 11 the Inspector General, who shall be appointed by the Chief
 12 Justice of the United States after consultation with the
 13 majority and minority leaders of the Senate and the
 14 Speaker and minority leader of the House of Representa-
 15 tives.

16 “(b) TERM.—The Inspector General shall serve for
 17 a term of four years and may be reappointed by the Chief
 18 Justice of the United States for any number of additional
 19 terms.

20 “(c) REMOVAL.—The Inspector General may be re-
 21 moved from office by the Chief Justice of the United

1 States. The Chief Justice shall communicate the reasons
2 for any such removal to both Houses of Congress.

3 **“§ 1023. Duties**

4 “With respect to the Judicial Branch, other than the
5 United States Supreme Court, the Office shall—

6 “(1) conduct investigations of alleged mis-
7 conduct in the Judicial Branch under chapter 16,
8 that may require oversight or other action within the
9 Judicial Branch or by Congress;

10 “(2) conduct and supervise audits and inves-
11 tigation;

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

14 “(4) recommend changes in laws or regulations
15 governing the Judicial Branch.

16 **“§ 1024. Powers**

17 “(a) POWERS.—In carrying out the duties of the Of-
18 fice, the Inspector General shall have the power—

19 “(1) to make investigations and reports;

20 “(2) to obtain information or assistance from
21 any Federal, State, or local governmental agency, or
22 other entity, or unit thereof, including all informa-
23 tion kept in the course of business by the Judicial
24 Conference of the United States, the judicial coun-
25 cils of circuits, the Administrative Office of the

1 United States Courts, and the United States Sen-
2 tencing Commission;

3 “(3) to require, by subpoena or otherwise, the
4 attendance and testimony of such witnesses, and the
5 production of such books, records, correspondence
6 memoranda, papers, and documents, which sub-
7 poena, in the case of contumacy or refusal to obey,
8 shall be enforceable by civil action;

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

11 “(5) to employ such officers and employees,
12 subject to the provisions of title 5, governing ap-
13 pointments in the competitive service, and the provi-
14 sions of chapter 51 and subchapter III of chapter 53
15 of such title relating to classification and General
16 Schedule pay rates;

17 “(6) to obtain services as authorized by section
18 3109 of title 5 at daily rates not to exceed the equiv-
19 alent rate prescribed for grade GS-18 of the Gen-
20 eral Schedule by section 5332 of title 5, United
21 States Code; and

22 “(7) to the extent and in such amounts as may
23 be provided in advance by appropriations Acts, to
24 enter into contracts and other arrangements for au-
25 dits, studies, analyses, and other services with public

1 agencies and with private persons, and to make such
2 payments as may be necessary to carry out the du-
3 ties of the Office.

4 “(b) CHAPTER 16 MATTERS.—The Inspector General
5 shall not commence an investigation under section
6 1023(1) until the denial of a petition for review by the
7 judicial council of the circuit under section 352(c) of this
8 title or upon referral or certification to the Judicial Con-
9 ference of the United States of any matter under section
10 354(b) of this title.

11 “(c) LIMITATION.—The Inspector General shall not
12 have the authority—

13 “(1) to investigate or review any matter that is
14 directly related to the merits of a decision or proce-
15 dural ruling by any judge or court; or

16 “(2) to punish or discipline any judge or court.

17 **“§ 1025. Reports**

18 “(a) WHEN TO BE MADE.—The Inspector General
19 shall—

20 “(1) make an annual report to the Chief Jus-
21 tice and to Congress relating to the activities of the
22 Office; and

23 “(2) make prompt reports to the Chief Justice
24 and to Congress on matters that may require action
25 by them.

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

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

9 **“§ 1026. Whistleblower protection**

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

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

- 1 (b) CLERICAL AMENDMENT.—The table of chapters
- 2 for part III of title 28, United States Code, is amended
- 3 by adding at the end the following new item:

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

