

109<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 2678

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

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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

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## 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.”.



109<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5219

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

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 27, 2006

Mr. SENSENBRENNER (for himself and Mr. SMITH of Texas) introduced the following bill; which was referred to the Committee on the Judiciary

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## 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) 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**

- “1021. Establishment.
- “1022. Appointment 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 of Inspector General**

9 “The head of the Office shall be the Inspector Gen-  
10 eral, who shall be appointed by the Chief Justice of the  
11 United States after consultation with the majority and mi-  
12 nority leaders of the Senate and the Speaker and minority  
13 leader of the House of Representatives.

14 **“§ 1023. Duties**

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

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

10           “(1) to make investigations and reports;

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

19           “(3) to require, by subpoena or otherwise, the  
20           attendance 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) to administer to or take from any person  
2           an oath, affirmation, or affidavit;

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

9           “(6) to obtain services as authorized by section  
10          3109 of title 5, United States Code, at daily rates  
11          not to exceed the equivalent rate prescribed for  
12          grade GS-18 of the General Schedule by section  
13          5332 of title 5, United States Code; and

14          “(7) to the extent and in such amounts as may  
15          be provided in advance by appropriations Acts, to  
16          enter into contracts and other arrangements for au-  
17          dits, 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) WHEN TO BE MADE.—The Inspector General  
23          shall—

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

4           “(2) make prompt reports to the Chief Justice  
5           and to Congress on matters that may require action  
6           by them.

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

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

15          **“§ 1026. Whistleblower protection**

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

1 Judicial Branch, which may assist the Inspector General  
2 in the performance of duties under this chapter.

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

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

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

