

112TH CONGRESS  
1ST SESSION

# S. 348

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

---

IN THE SENATE OF THE UNITED STATES

FEBRUARY 15, 2011

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 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 2011”.

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**

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

7 **“§ 1022. Appointment, term, and removal of Inspector**  
 8 **General**

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

15 “(b) TERM.—The Inspector General shall serve for  
 16 a term of 4 years and may be reappointed by the Chief  
 17 Justice of the United States for any number of additional  
 18 terms.

19 “(c) REMOVAL.—The Inspector General may be re-  
 20 moved from office by the Chief Justice of the United  
 21 States. The Chief Justice shall communicate the reasons  
 22 for any such removal to both Houses of Congress.

1 **“§ 1023. Duties**

2 “With respect to the judicial branch, the Office  
3 shall—

4 “(1) conduct investigations of alleged mis-  
5 conduct in the judicial branch (other than the  
6 United States Supreme Court) under chapter 16,  
7 that may require oversight or other action within the  
8 judicial branch or by Congress;

9 “(2) conduct investigations of alleged mis-  
10 conduct in the United States Supreme Court, that  
11 may require oversight or other action within the ju-  
12 dicial branch or by Congress;

13 “(3) conduct and supervise audits and inves-  
14 tigations;

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

17 “(5) recommend changes in laws or regulations  
18 governing the judicial branch.

19 **“§ 1024. Powers**

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

22 “(1) make investigations and reports;

23 “(2) obtain information or assistance from any  
24 Federal, State, or local governmental agency, or  
25 other entity, or unit thereof, including all informa-  
26 tion kept in the course of business by the Judicial

1 Conference of the United States, the judicial coun-  
2 cils of circuits, the Administrative Office of the  
3 United States Courts, and the United States Sen-  
4 tencing Commission;

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

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

13 “(5) employ such officers and employees, sub-  
14 ject to the provisions of title 5, governing appoint-  
15 ments in the competitive service, and the provisions  
16 of chapter 51 and subchapter III of chapter 53 of  
17 such title relating to classification and General  
18 Schedule pay rates;

19 “(6) obtain services as authorized by section  
20 3109 of title 5 at daily rates not to exceed the equiv-  
21 alent rate for a position at level IV of the Executive  
22 Schedule under section 5315; and

23 “(7) the extent and in such amounts as may be  
24 provided in advance by appropriations Acts, to enter  
25 into contracts and other arrangements for audits,

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

5 “(b) CHAPTER 16 MATTERS.—The Inspector General  
6 shall not commence an investigation under section  
7 1023(1) until the denial of a petition for review by the  
8 judicial council of the circuit under section 352(c) of this  
9 title or upon referral or certification to the Judicial Con-  
10 ference of the United States of any matter under section  
11 354(b) of this title.

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

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

17 “(2) punish or discipline any judge, justice, or  
18 court.

### 19 **“§ 1025. Reports**

20 “(a) WHEN TO BE MADE.—The Inspector General  
21 shall—

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

1           “(2) make 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, justice, or any other employee  
22          in the judicial branch, which may assist the Inspector Gen-  
23          eral 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 ..... 1021”.

