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

introduced the following bill; which was read twice
and referred to the Committee on __________

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
4 SECTION 1. SHORT TITLE.
5 This Act may be cited as the “Judicial Transparency
6 and Ethics Enhancement Act of 2015”.
7
8 SEC. 2. INSPECTOR GENERAL FOR THE JUDICIAL BRANCH.
9 (a) ESTABLISHMENT AND DUTIES.—Part III of title
10 28, United States Code, is amended by adding at the end
11 the following:
CHAPTER 60—INSPECTOR GENERAL FOR
THE JUDICIAL BRANCH

§ 1021. Establishment

“There is established for the judicial branch of the Government the Office of Inspector General for the Judicial Branch (in this chapter referred to as the ‘Office’).

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

(a) APPOINTMENT.—The head of the Office shall be the Inspector General, who shall be appointed by the Chief Justice of the United States after consultation with the majority and minority leaders of the Senate and the Speaker and minority leader of the House of Representatives.

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

(c) REMOVAL.—The Inspector General may be removed from office by the Chief Justice of the United States. The Chief Justice shall communicate the reasons for any such removal to both Houses of Congress.
“§ 1023. Duties

With respect to the judicial branch, the Office shall—

“(1) conduct investigations of alleged misconduct in the judicial branch (other than the United States Supreme Court) under chapter 16 that may require oversight or other action within the judicial branch or by Congress;

“(2) conduct investigations of alleged misconduct in the United States Supreme Court that may require oversight or other action within the judicial branch or by Congress;

“(3) conduct and supervise audits and investigations;

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

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

“§ 1024. Powers

“(a) POWERS.—In carrying out the duties of the Office, the Inspector General shall have the power to—

“(1) make investigations and reports;

“(2) obtain information or assistance from any Federal, State, or local governmental agency, or other entity, or unit thereof, including all information kept in the course of business by the Judicial
Conference of the United States, the judicial councils of circuits, the Administrative Office of the United States Courts, and the United States Sentencing Commission;

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

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

“(5) employ such officers and employees, subject to the provisions of title 5, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates;

“(6) obtain services as authorized by section 3109 of title 5 at daily rates not to exceed the equivalent rate for a position at level IV of the Executive Schedule under section 5315 of such title; and

“(7) the extent and in such amounts as may be provided in advance by appropriations Acts, to enter into contracts and other arrangements for audits,
studies, analyses, and other services with public agencies and with private persons, and to make such payments as may be necessary to carry out the duties of the Office.

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

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

“(1) investigate or review any matter that is directly related to the merits of a decision or procedural ruling by any judge, justice, or court; or

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

“§ 1025. Reports

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

“(1) make an annual report to the Chief Justice and to Congress relating to the activities of the Office; and
“(2) make prompt reports to the Chief Justice and to Congress on matters that may require action by the Chief Justice or Congress.

“(b) SENSITIVE MATTER.—If a report contains sensitive matter, the Inspector General may so indicate and Congress may receive that report in closed session.

“(c) DUTY TO INFORM ATTORNEY GENERAL.—In carrying out the duties of the Office, the Inspector General shall report expeditiously to the Attorney General whenever the Inspector General has reasonable grounds to believe there has been a violation of Federal criminal law.

§ 1026. Whistleblower protection

“(a) IN GENERAL.—No officer, employee, agent, contractor, or subcontractor in the judicial branch may discharge, demote, threaten, suspend, harass, or in any other manner discriminate against an employee in the terms and conditions of employment because of any lawful act done by the employee to provide information, cause information to be provided, or otherwise assist in an investigation regarding any possible violation of Federal law or regulation, or misconduct, by a judge, justice, or any other employee in the judicial branch, which may assist the Inspector General in the performance of duties under this chapter.
“(b) CIVIL ACTION.—An employee injured by a violation of subsection (a) may, in a civil action, obtain appropriate relief.”.

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

“60. Inspector General for the judicial branch ........................................ 1021”.