



# U.S. House of Representatives Committee on the Judiciary F. James Sensenbrenner, Jr., Chairman

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## *News Advisory*

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## **Judiciary Committee Overwhelmingly Approves Legislation Establishing an Inspector General for the Judicial Branch**

### *Independent IG Would Address Waste, Fraud, and Abuse and Investigate Alleged Misconduct*

WASHINGTON, D.C. – The House Judiciary Committee today overwhelmingly approved legislation establishing an independent Inspector General (IG) for the Judicial Branch by a 20-to-6 vote. The Judicial IG, though more limited in power than the more than 60 IGs currently serving in agencies and other places, would be charged with identifying waste, fraud, and abuse in the Federal Judiciary’s \$6 billion annual budget as well as investigating alleged misconduct under the “Judicial Conduct and Disability Act of 1980.” H.R. 5219 “The Judicial Transparency and Ethics Enhancement Act of 2006,” now moves to House floor for consideration.

House Judiciary Committee Chairman F. James Sensenbrenner, Jr. (R-Wis.), the sponsor of H.R. 5219, stated, “**An overwhelming number of my colleagues today recognized that an independent Judicial IG will improve the spending, operations, and integrity of the Federal Judiciary.** Currently there is no auditor for how the Federal Judiciary spends its money. An independent IG can help the courts eliminate wasteful spending and more efficiently administer the judiciary’s six billion dollar budget.”

“As the Breyer Committee reported last week, the Judicial Branch has mishandled close to 30 percent of its high-profile complaints, including four complaints referred by the Judiciary Committee following extensive oversight. In recent years, there have been numerous disturbing reports that Federal judges have violated ethical rules, including disclosure and recusal requirements for conflicts of interest, or engaged in judicial misconduct. These violations threaten a foundation of our judicial system: an unbiased, impartial arbiter. An IG will bolster this foundation by ensuring better compliance,” added Chairman Sensenbrenner.

The Committee adopted by voice vote a substitute amendment offered by Chairman

Sensenbrenner to clarify the role of the Inspector General. **The legislation now explicitly prohibits the Inspector General from investigating or reviewing the merits of a judicial decision.** The substitute also significantly narrows the investigatory powers of the Inspector General to only alleged misconduct under the “Judicial Conduct and Disability Act of 1980.” The bill originally authorized the IG to investigate all “matters pertaining to the Judicial Branch.”

The legislation approved today delays an IG investigation until **after** the judiciary has conducted its review of an ethical complaint under the 1980 Act. This will prevent simultaneous and potentially burdensome investigations. Finally, the substitute establishes a specific term of service for the Inspector General, gives the Chief Justice express authority to remove the IG from office, and emphasizes the IG’s reporting function by prohibiting the IG from punishing or disciplining a judge or court.

**Summary of The Judicial Transparency and Ethics Enhancement Act of 2006:**

- Establishes the Office of Inspector General for the Judicial Branch, who shall be appointed by the Chief Justice of the Supreme Court.
- The duties of the Inspector General are: (1) to conduct investigations of possible misconduct of judges in the judicial branch (other than the Supreme Court) that may require oversight or other action by Congress; (2) to conduct and supervise audits and investigations; (3) to detect waste, fraud and abuse; and (4) to recommend changes in laws or regulations governing the Judicial Branch.
- The powers of the Inspector General are: (1) to make investigations and reports; (2) to obtain information or assistance from any Federal, State or local 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 council of circuits, the administrative office of United States courts, and the United States Sentencing Commission; (3) to require, by subpoena or otherwise, the attendance for the taking of testimony of any witnesses and the production of any documents, which shall be enforceable by civil action; (4) to administer or to take an oath or affirmation from any person; (5) to employ officers and employees; (6) to obtain all necessary services; and (7) to enter into contracts or other arrangements to obtain services as needed.
- The Inspector General is required: (1) to provide the Chief Justice and Congress with an annual report on the Inspector General’s operations; (2) to make prompt reports to the Chief Justice and to Congress on matters which may require further action; and (3) to refer to the Department of Justice any matter that may constitute a criminal violation.

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