

**AMENDMENT IN THE NATURE OF A SUBSTITUTE**  
**TO H.R. \_\_\_\_\_**  
**OFFERED BY M. \_\_\_\_\_**

Strike all that follows after the enacting clause, and  
insert the following:

1 **SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Monitor Accountability  
3 Act”.

4 **SEC. 2. CONDITIONS ON THE APPOINTMENT OF MONITORS**  
5 **BY COURTS.**

6       (a) **IN GENERAL.**—Not later than 90 days after the  
7 effective date of this section, the Administrator of the Ad-  
8 ministrative Office of the United States Courts shall by  
9 rule establish conditions on the appointment by a district  
10 court of the United States of any person charged, pursu-  
11 ant to a court order, with monitoring the conduct of a  
12 State or unit of local government. Such conditions shall  
13 include the following:

14               (1) **FEEES.**—Such person—

15                       (A) may not assess a fee in excess of such  
16               maximum rates as the Administrator may es-  
17               tablish; and

1 (B) shall be authorized to employ the use  
2 of pro bono time or reduced rates.

3 (2) EXCLUSIVITY AND TERM.—Such person  
4 may not be—

5 (A) appointed to more than one such  
6 monitorship at a time;

7 (B) appointed for a term greater than 5  
8 years; or

9 (C) reappointed after the expiration of  
10 such term pursuant to the same court order.

11 (3) SUBSEQUENT MONITORS.—A monitor who  
12 is appointed to a monitorship after the expiration of  
13 the term of a monitor who served pursuant to the  
14 same court order may not be employed by the same  
15 employer as the previous monitor.

16 (4) PUBLIC COMMENT.—Prior to the appoint-  
17 ment of a monitor, the court shall provide notice of  
18 the person to be appointed and afford the public an  
19 opportunity for comment thereon.

20 (5) TERMINATION.—

21 (A) REVISION.—In the case that a court,  
22 a party, or a monitor seeks to revise a  
23 monitorship imposed by a court order, the court  
24 shall conduct a hearing.

1 (B) SCOPE OF MONITORSHIP.—The court  
2 may only revise a requirement of a monitorship  
3 with respect to which the subject of the  
4 monitorship has not attained substantial and  
5 sustained compliance.

6 (b) TRANSFER.—On the date that is 6 years after  
7 the court order imposing a monitorship, if such  
8 monitorship is in effect on such date, the case shall be  
9 transferred to another judge in the district in which the  
10 case is pending.

11 (c) ACCOUNTING.—

12 (1) IN GENERAL.—On an annual basis, a mon-  
13 itor shall submit to the court imposing the  
14 monitorship an accounting, which shall include—

15 (A) information on the services provided  
16 and the fee charged for such services; and

17 (B) whether any such services were pro-  
18 vided pro bono or at a reduced rate.

19 (2) PUBLICATION.—The court shall make avail-  
20 able to the public any accounting submitted to the  
21 court under paragraph (1).

22 (d) RETROACTIVITY.—In the case of a monitorship  
23 that is in effect on the date of enactment of this Act and  
24 has been in effect for 6 years—

1           (1) a new monitor shall be appointed not later  
2           than 180 days after such date of enactment in ac-  
3           cordance with the limitations under this section; and

4           (2) the case shall be transferred not later than  
5           1 year after such date of enactment in accordance  
6           with this section.

7           (e) SENSE OF CONGRESS.—It is the sense of Con-  
8           gress that monitoring is a public service and monitorships  
9           should be structured to encourage the use of pro bono time  
10          or reduced rates.

