

To the office of U.S. Representative Andy Biggs

Re: HR 8365 (119th Congress), Monitor Accountability Act • Latest action (2026-05-18): Received in the Senate and Read twice and referred to the Committee on the Judiciary.
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Federal Court Monitor Transparency Act

The measure, as described from the official record: To establish accountability, transparency, and limits on court-appointed monitors in federal judicial cases to prevent abuse and ensure efficient oversight.

THE PROPOSAL

All monitors appointed by federal courts in cases involving consent decrees, settlements, or ongoing oversight must submit quarterly public reports to the court and Judicial Conference detailing activities, expenses incurred, milestones achieved, and projected end date for monitoring.

Monitor appointments are limited to 24 months, with one 12-month renewal requiring a public hearing and justification showing necessity. Courts must prioritize self-terminating monitorships and include performance benchmarks in appointment orders.

Monitors' compensation is capped at 150% of the district judge's salary annually, funded only through case-specific fees or existing judiciary budgets. Unauthorized expenses trigger automatic review and clawback.

The Judicial Conference will compile annual reports on monitor usage, shared publicly and with Congress, recommending reforms to reduce reliance on monitors.

Violations by monitors, such as non-reporting or over-expenses, result in court-imposed fines up to \$50,000 or removal, with repeat offenders barred from future federal appointments.

OPERATIVE PROVISIONS (VFA PROPOSAL)

Funding Source	Federal judiciary annual appropriations
Funding Amount	\$8 million cap over 5 years
Sunset Years	5 years
Oversight Body	Judicial Conference of the United States, with GAO audits
Enforcement Mechanism	Court sanctions including fines/removal; DOJ referral for fraud
Effective Date	180 days after enactment

CONSTITUTIONAL BASIS

- Article I, Section 8, Clause 9

- Article I, Section 8, Clause 18
- Article III, Section 1

Concerns with the measure as written:

- Low implementation confidence risks inconsistent application across districts, potentially straining Article III judicial independence; no funding caps could lead to unchecked spending outside Article I appropriations power.

WHY BOTH SIDES CAN BACK IT (VFA'S ASSESSMENT)

Honors Democratic priorities of transparency and anti-corruption in government oversight roles; Republican priorities of fiscal controls via caps/sunsets, limiting unelected federal power, and promoting judicial efficiency.

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