

108TH CONGRESS  
1ST SESSION

# H. R. 3457

To amend the Inspector General Act of 1978 (5 U.S.C. App.) to enhance the independence of the Inspectors General, create a Council of the Inspectors General on Integrity and Efficiency, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 6, 2003

Mr. COOPER (for himself and Mr. SHAYS) introduced the following bill; which was referred to the Committee on Government Reform

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## A BILL

To amend the Inspector General Act of 1978 (5 U.S.C. App.) to enhance the independence of the Inspectors General, create a Council of the Inspectors General on Integrity and Efficiency, 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 “Improving Government  
5 Accountability Act of 2003”.

1 **SEC. 2. ENHANCING INDEPENDENCE OF INSPECTORS GEN-**  
2 **ERAL.**

3 (a) REMOVAL FOR CAUSE.—The Inspector General  
4 Act of 1978 (5 U.S.C. App.) is amended—

5 (1) in section 3(b) by adding at the end the fol-  
6 lowing: “An Inspector General may be removed from  
7 office prior to the expiration of his term on the fol-  
8 lowing grounds:

9 “(1) permanent disability;

10 “(2) inefficiency;

11 “(3) neglect of duty;

12 “(4) malfeasance; or

13 “(5) conviction of a felony or conduct involving  
14 moral turpitude.”; and

15 (2) in section 8G(e) by adding at the end the  
16 following: “An Inspector General may be removed  
17 from office prior to the expiration of his term on the  
18 following grounds:

19 “(1) permanent disability;

20 “(2) inefficiency;

21 “(3) neglect of duty;

22 “(4) malfeasance; or

23 “(5) conviction of a felony or conduct involving  
24 moral turpitude.”.

1 (b) ESTABLISHMENT OF TERMS OF OFFICE.—The  
2 Inspector General Act of 1978 (5 U.S.C. App.) is amend-  
3 ed—

4 (1) in section 3 by adding after subsection (d)  
5 the following new subsection:

6 “(e) The term of office of each Inspector General  
7 shall be seven years. Any individual appointed to fill a va-  
8 cancy in such position, occurring before the expiration of  
9 the term for which his predecessor was appointed, shall  
10 be appointed for the remainder of that term.”; and

11 (2) in section 8G by adding to the end of sub-  
12 section (c) the following: “The term of office of each  
13 Inspector General shall be seven years. Any indi-  
14 vidual appointed to fill a vacancy in such position,  
15 occurring before the expiration of the term for which  
16 his predecessor was appointed, shall be appointed for  
17 the remainder of that term.”.

18 **SEC. 3. DIRECT SUBMISSION OF BUDGET REQUESTS TO**  
19 **CONGRESS.**

20 The Inspector General Act of 1978 (5 U.S.C. App.)  
21 is amended in section 6 by adding at the end the following  
22 new subsection:

23 “(f) For each fiscal year, an Inspector General may  
24 transmit an appropriation estimate and request to the Of-  
25 fice of Management and Budget and to the appropriate

1 committees or subcommittees of Congress, in addition to  
 2 any appropriation estimate and request submitted to the  
 3 head of the establishment involved. Each budget of the  
 4 United States Government submitted by the President  
 5 shall include a separate statement of the amount of appro-  
 6 priations requested by each Inspector General who has  
 7 submitted an appropriation estimate and request to Con-  
 8 gress. Each such budget shall also include a statement  
 9 providing a comparison of the appropriation estimate and  
 10 request submitted by an Inspector General and the funds  
 11 requested by the head of the establishment involved.”.

12 **SEC. 4. ESTABLISHMENT OF COUNCIL OF THE INSPECTORS**

13 **GENERAL ON INTEGRITY AND EFFICIENCY.**

14 (a) ESTABLISHMENT.—The Inspector General Act of  
 15 1978 (5 U.S.C. App.) is amended by redesignating sec-  
 16 tions 11 and 12 in order as sections 12 and 13, and by  
 17 inserting after section 10 the following new section:

18 **“SEC. 11. ESTABLISHMENT OF THE COUNCIL OF THE IN-**

19 **SPECTORS GENERAL ON INTEGRITY AND EF-**

20 **FICIENCY.**

21 “(a) ESTABLISHMENT.—There is established as an  
 22 independent entity within the executive branch the Council  
 23 of the Inspectors General on Integrity and Efficiency (in  
 24 this Act referred to as the ‘Council’). The Council’s mis-  
 25 sion will be to increase the professionalism and effective-

1 ness of personnel by developing policies, standards, and  
2 approaches to aid in the establishment of a well-trained  
3 and highly skilled workforce in the offices of the Inspec-  
4 tors General.

5 “(b) MEMBERSHIP.—

6 “(1) IN GENERAL.—The Council shall consist of  
7 the following members:

8 “(A) All Inspectors General whose offices  
9 were established in the Inspector General Act of  
10 1978 and subsequent amendments.

11 “(B) The Controller of the Office of Fed-  
12 eral Financial Management.

13 “(C) The Associate Deputy Director for  
14 Investigations of the Federal Bureau of Inves-  
15 tigation.

16 “(D) The Director of the Office of Govern-  
17 ment Ethics.

18 “(E) The Special Counsel of the Office of  
19 Special Counsel.

20 “(F) The Deputy Director of the Office of  
21 Personnel Management.

22 “(G) The Deputy Director for Manage-  
23 ment of the Office of Management and Budget.

24 “(c) CHAIR.—The chairman of the Council shall be  
25 chosen from among the Inspectors General by a majority

1 of the Inspectors General and shall serve as chair of the  
2 Council for a three-year period.

3 “(d) MEETINGS.—The Council shall meet at least  
4 semiannually, at the call of chair.

5 “(e) FUNCTIONS AND DUTIES.—

6 “(1)(A) The Council shall continually identify,  
7 review, and discuss areas of weakness and vulner-  
8 ability in Federal programs and operations to fraud,  
9 waste, and abuse, and shall develop plans for coordi-  
10 nated, government-wide activities that address these  
11 problems and promote economy and efficiency in  
12 Federal programs and operations. These activities  
13 will include interagency and interentity audit and in-  
14 vestigation programs and projects to deal efficiently  
15 and effectively with those problems concerning fraud  
16 and waste that exceed the capability of jurisdiction  
17 of an individual agency or entity. The Council shall  
18 recognize the preeminent role of the Department of  
19 Justice in law enforcement and litigation.

20 “(B) The Council shall develop policies that will  
21 aid in the establishment of a corps of well-trained  
22 and highly skilled Office of Inspector General staff  
23 members.

24 “(2) Individual members of the Council should,  
25 to the extent permitted under law, adhere to profes-

1 sional standards developed by the Councils and par-  
2 ticipate in the plans, programs, and projects of the  
3 Councils.

4 “(3) The creation and operation of the Council  
5 shall neither interfere with existing authority and re-  
6 sponsibilities in the relevant agencies and entities  
7 nor augment or diminish the statutory authority or  
8 responsibilities of individual members of the Council.

9 “(f) RESPONSIBILITIES OF THE CHAIR.—

10 “(1) The Chair may appoint a Vice Chair to as-  
11 sist in carrying out the functions of the Council.

12 “(2) The Chair shall, in consultation with the  
13 members of the Council, establish the agenda for  
14 Council activities.

15 “(3) The Chair shall, on behalf of the Council,  
16 report to the President on the activities of the Coun-  
17 cil. The Chair shall, as appropriate, advise the Coun-  
18 cil with respect to the President’s consideration of  
19 the Council’s activities.

20 “(4) The Chair shall provide agency and entity  
21 heads with summary reports of the activities of the  
22 Council.

23 “(5) The Chair shall establish, in consultation  
24 with members of the Council, such committees as

1 deemed necessary and appropriate for the efficient  
2 conduct of Council functions.”.

3 (b) EXISTING EXECUTIVE ORDER.—Executive Order  
4 12805, dated May 14, 1992, shall have no force or effect.

5 (c) CONFORMING AMENDMENTS.—The Inspector  
6 General Act of 1978 (5 U.S.C. App.) is amended—

7 (1) in sections 2(1), 4(b)(2), and 8G(a)(1)(A)  
8 by striking “section 11(2)” each place it appears  
9 and inserting “section 12(2)”; and

10 (2) in section 8G(a), in the matter preceding  
11 paragraph (1), by striking “section 11” and insert-  
12 ing “section 12”.

13 (d) AUTHORIZATION OF APPROPRIATIONS.—There is  
14 authorized to be appropriated to carry out this section  
15 \$750,000 for each of fiscal years 2005 through 2009.

16 **SEC. 5. PERSONNEL FLEXIBILITIES.**

17 (a) IN GENERAL.—The Inspector General Act of  
18 1978 (5 U.S.C. App.) is amended by inserting after sec-  
19 tion 3 the following:

20 “PERSONNEL MANAGEMENT SYSTEM

21 “SEC. 3A. (a) The Office of Personnel Management  
22 shall maintain a personnel management system, which, ex-  
23 cept as otherwise expressly provided in this Act, shall  
24 apply to the officers and employees of the various Offices  
25 of Inspector General. The Office of Personnel Manage-  
26 ment may prescribe a regulation about the system only

1 after notice and opportunity for public comment. A re-  
2 prisal or threat of reprisal may not be made against an  
3 officer or employee of an Office of Inspector General be-  
4 cause of comments on a proposed regulation about the sys-  
5 tem.

6 “(b) The personnel management system shall—

7 “(1) include the principles of section 2301(b) of  
8 title 5;

9 “(2) prohibit personnel practices prohibited  
10 under section 2302(b) of title 5;

11 “(3) prohibit political activities prohibited under  
12 subchapter III of chapter 73 of title 5;

13 “(4) ensure that officers and employees are ap-  
14 pointed, promoted, and assigned only on the basis of  
15 merit and fitness, but without regard to those provi-  
16 sions of title 5 governing appointments and other  
17 personnel actions in the competitive service; and

18 “(5) provide that an Inspector General may, in  
19 his or her discretion, fix basic pay of officers and  
20 employees (apart from those whose basic pay is oth-  
21 erwise fixed by law) in a manner consistent with sec-  
22 tion 5301 of title 5.

23 “(c) Under the personnel management system—

1           “(1) the Office of Personnel Management shall  
2           publish a schedule of basic pay rates for positions to  
3           which such system applies;

4           “(2) the highest basic pay rate under the pay  
5           schedule may not exceed the highest rate of basic  
6           pay for GS–15;

7           “(3) except as provided under section 5349(a)  
8           of title 5, rates of basic pay of officers and employ-  
9           ees who are subject to such system shall be adjusted  
10          at the same time and to the same extent as are rates  
11          of basic pay rates under the General Schedule; and

12          “(4) officers and employees who are subject to  
13          such system shall be entitled to grade and basic pay  
14          retention consistent with subchapter VI of chapter  
15          53 of title 5.

16          “(d) The personnel management system shall pro-  
17          vide—

18                 “(1) for a system of performance appraisals  
19                 that meets the requirements of section 4302 of title  
20                 5;

21                 “(2) for the reduction in grade or removal of an  
22                 officer or employee because of unacceptable perform-  
23                 ance, consistent with section 4303 of title 5;

24                 “(3) for other personnel actions consistent with  
25                 chapter 75 of title 5; and

1           “(4) a procedure for processing complaints and  
2           grievances not otherwise provided for under para-  
3           graphs (2) and (3) of this subsection or subsection  
4           (e)(1) of this section.

5           “(e)(1) The personnel management system shall—

6           “(A) provide that all personnel actions affecting  
7           an officer, employee, or applicant for employment be  
8           taken without regard to race, color, religion, age,  
9           sex, national origin, political affiliation, marital sta-  
10          tus, or handicapping condition; and

11          “(B) include a minority recruitment program  
12          consistent with section 7201 of title 5.

13          “(2) Nothing in this section shall affect—

14          “(A) a right or remedy of an officer, employee,  
15          or applicant for employment under a law prohibiting  
16          discrimination in employment in the Government on  
17          the basis of race, color, religion, age, sex, national  
18          origin, political affiliation, marital status, or handi-  
19          capping condition; or

20          “(B) a lawful effort to achieve equal employ-  
21          ment opportunity through affirmative action.

22          “(f)(1)(A) The Office of Personnel Management shall  
23          prescribe regulations, consistent with regulations issued  
24          under section 3502(a) of title 5, for the separation of offi-

1 cers or employees of an Office during a reduction in force  
2 or other adjustment in force.

3 “(B) The regulations shall, in descending order of  
4 priority, give effect to—

5 “(i) tenure of employment;

6 “(ii) military preference, subject to section  
7 3501(a)(3) of title 5;

8 “(iii) veterans’ preference, in accordance with  
9 subsections (b) and (c) of 3502 of title 5;

10 “(iv) performance ratings;

11 “(v) length of service, computed in accordance  
12 with the second sentence of section 3502(a) of title  
13 5; and

14 “(vi) other objective factors, such as skills and  
15 knowledge, that the relevant Inspector General con-  
16 siders necessary and appropriate to realign the Of-  
17 fice’s workforce in order to meet current and future  
18 mission needs, to correct skill imbalances, or to re-  
19 duce high-grade, managerial, or supervisory posi-  
20 tions.

21 “(C) Notwithstanding subparagraph (B), the regula-  
22 tions relating to removal from the Senior Executive Serv-  
23 ice in a reduction in force or other adjustment in force  
24 shall be consistent with section 3595(a) of title 5.

1       “(2)(A) Except as provided in subparagraph (B), an  
2 officer or employee may not be released, due to a reduction  
3 force, unless such officer or employee is given written no-  
4 tice at least 60 days before such officer or employee is  
5 so released. Such notice shall include—

6               “(i) the personnel action to be taken with re-  
7 spect to the officer or employee involved;

8               “(ii) the effective date of the action;

9               “(iii) a description of the procedures applicable  
10 in identifying officers or employees for release;

11              “(iv) the officer’s or employee’s ranking relative  
12 to other competing officers and employees, and how  
13 that ranking was determined; and

14              “(v) a description of any appeal or other rights  
15 which may be available.

16       “(B) The Inspector General may, in writing, shorten  
17 the period of advance notice required under subparagraph  
18 (A) with respect to a particular reduction in force, if nec-  
19 essary because of circumstances not reasonably foresee-  
20 able, except that such period may not be less than 30 days.

21       “(g) The regulations under subsection (g) shall in-  
22 clude provisions under which, at the discretion of the In-  
23 spector General, the opportunity to separate voluntarily  
24 (in order to permit the retention of an individual occu-  
25 pying a similar position) shall, with respect to the Office,

1 be available to the same extent and in the same manner  
2 as described in subsection (f)(1)–(4) of section 3502 of  
3 title 5 (with respect to the Department of Defense or a  
4 military department).

5 “(h) Nothing in this section shall be considered to  
6 supersede or to constitute authority for the Office of Per-  
7 sonnel Management to supersede (by regulation or other-  
8 wise) any provision of section 7, 8C(b), or 8F(a)(1), or  
9 of subsection (c), (f)(1), or (g)(2) of section 8G.”.

10 (b) SENIOR EXECUTIVE SERVICE.—In the applica-  
11 tion of section 3133 of title 5, United States Code (and  
12 every other provision of such title 5 which relates to the  
13 Senior Executive Service, as identified by the Office of  
14 Personnel Management in regulations)—

15 (1) each Office of Inspector General shall be  
16 considered to be a separate agency; and

17 (2) any reference to an agency head shall, with  
18 respect to an Office of Inspector General, be consid-  
19 ered to refer to the Inspector General who is the  
20 head of such Office.

21 (c) VOLUNTARY SEPARATION.—In the application of  
22 section 8336 and section 8414 of title 5, United States  
23 Code—

24 (1) each Office of Inspector General shall be  
25 considered to be a separate agency; and

1           (2) any Office of Inspector General shall, with  
2           respect to an Office of Inspector General, be consid-  
3           ered to refer to the Inspector General who is the  
4           head of such Office.

5 **SEC. 6. SUBMISSION OF REPORTS TO CONGRESS; AMEND-**  
6 **MENT TO REPORTING PERIOD.**

7           Section 5(b) of the Inspector General Act of 1978  
8 (5 U.S.C. App.) is amended by striking the language pre-  
9 ceding paragraph (1) and inserting the following language:  
10 “Semiannual reports of each Inspector General shall be  
11 furnished to the head of the establishment involved and  
12 to the appropriate committees and subcommittees of Con-  
13 gress not later than January 31 and July 31 of each year.  
14 Within 30 days after receipt of the report, the head of  
15 establishment involved may submit a report to the appro-  
16 priate committees and subcommittees of Congress con-  
17 taining—”.

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