

Calendar No. 578

110TH CONGRESS
2D SESSION

S. 2324

[Report No. 110-262]

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

IN THE SENATE OF THE UNITED STATES

NOVEMBER 8, 2007

Mrs. MCCASKILL (for herself, Ms. COLLINS, Mr. LIEBERMAN, Mr. OBAMA, Mrs. CLINTON, Mr. AKAKA, Mr. STEVENS, Mr. CARPER, Mr. LEVIN, Mr. COLEMAN, and Mr. GRASSLEY) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

FEBRUARY 22, 2008

Reported under authority of the order of the Senate of February 14, 2008,
by Mr. LIEBERMAN, with amendments

[Omit the part struck through and insert the part printed in *italic*]

A BILL

To amend the Inspector General Act of 1978 (5 U.S.C. App.) to enhance the Offices of the Inspectors General, to 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Inspector General Re-
3 form Act of ~~2007~~2008”.

4 **SEC. 2. APPOINTMENT AND QUALIFICATIONS OF INSPEC-**
5 **TORS GENERAL.**

6 Section 8G(e) of the Inspector General Act of 1978
7 (5 U.S.C. App.) is amended by adding at the end “Each
8 Inspector General shall be appointed without regard to po-
9 litical affiliation and solely on the basis of integrity and
10 demonstrated ability in accounting, auditing, financial
11 analysis, law, management analysis, public administration,
12 or investigations.”.

13 **SEC. 3. REMOVAL OF INSPECTORS GENERAL.**

14 (a) ESTABLISHMENTS.—Section 3(b) of the Inspector
15 General Act of 1978 (5 U.S.C. App.) is amended by strik-
16 ing the second sentence and inserting “If an Inspector
17 General is removed from office or is transferred to another
18 position or location within an establishment, the President
19 shall communicate in writing the reasons for any such re-
20 moval or transfer to both Houses of Congress, not later
21 than 30 days before the removal or transfer.”.

22 (b) DESIGNATED FEDERAL ENTITIES.—Section
23 8G(e) of the Inspector General Act of 1978 (5 U.S.C.
24 App.) is amended by striking “shall promptly commu-
25 nicate in writing the reasons for any such removal or
26 transfer to both Houses of the Congress” and inserting

1 “shall communicate in writing the reasons for any such
2 removal or transfer to both Houses of Congress, not later
3 than 30 days before the removal or transfer”.

4 (c) LEGISLATIVE AGENCIES.—

5 (1) LIBRARY OF CONGRESS.—Section
6 1307(c)(2) of the Legislative Branch Appropriations
7 Act, 2006 (2 U.S.C. 185(c)(2)) is amended by strik-
8 ing the second sentence and inserting “If the Inspec-
9 tor General is removed from office or is transferred
10 to another position or location within the Library of
11 Congress, the Librarian of Congress shall commu-
12 nicate in writing the reasons for any such removal
13 or transfer to both Houses of Congress, not later
14 than 30 days before the removal or transfer.”.

15 (2) CAPITOL POLICE.—Section 1004(b) of the
16 Legislative Branch Appropriations Act, 2006 (2
17 U.S.C. 1909(b)) is amended by striking paragraph
18 (3) and inserting the following:

19 “(3) REMOVAL.—The Inspector General may be
20 removed or transferred from office before the expira-
21 tion of his term only by the unanimous vote of all
22 of the voting members of the Capitol Police Board.
23 If an Inspector General is removed from office or is
24 transferred to another position or location within the
25 Capitol Police, the Capitol Police Board shall com-

1 communicate in writing the reasons for any such re-
 2 moval or transfer to the Committee on Rules and
 3 Administration of the Senate, the Committee on
 4 House Administration of the House of Representa-
 5 tives, and the Committees on Appropriations of the
 6 Senate and the House of Representatives, not later
 7 than 30 days before the removal or transfer.”.

8 (3) GOVERNMENT PRINTING OFFICE.—Section
 9 3902(b)(2) of title 44, United States Code, is
 10 amended by striking the second sentence and insert-
 11 ing “If the Inspector General is removed from office
 12 or is transferred to another position or location with-
 13 in the Government Printing Office, the Public Print-
 14 er shall communicate in writing the reasons for any
 15 such removal or transfer to both Houses of Con-
 16 gress, not later than 30 days before the removal or
 17 transfer.”.

18 **SEC. 4. PAY OF INSPECTORS GENERAL.**

19 (a) INSPECTORS GENERAL AT LEVEL III OF EXECU-
 20 TIVE SCHEDULE.—

21 (1) IN GENERAL.—Section 3 of the Inspector
 22 General Act of 1978 (5 U.S.C. App.), is amended by
 23 adding at the end the following:

24 “(e) The annual rate of basic pay for an Inspector
 25 General (as defined under section 11(3)) shall be the rate

1 payable for level III of the Executive Schedule under sec-
2 tion 5314 of title 5, United States Code, plus 3 percent.”.

3 (2) TECHNICAL AND CONFORMING AMEND-
4 MENTS.—Section 5315 of title 5, United States
5 Code, is amended by striking the item relating to
6 each of the following positions:

7 (A) Inspector General, Department of
8 Education.

9 (B) Inspector General, Department of En-
10 ergy.

11 (C) Inspector General, Department of
12 Health and Human Services.

13 (D) Inspector General, Department of Ag-
14 riculture.

15 (E) Inspector General, Department of
16 Housing and Urban Development.

17 (F) Inspector General, Department of
18 Labor.

19 (G) Inspector General, Department of
20 Transportation.

21 (H) Inspector General, Department of Vet-
22 erans Affairs.

23 (I) Inspector General, Department of
24 Homeland Security.

1 (J) Inspector General, Department of De-
2 fense.

3 (K) Inspector General, Department of
4 State.

5 (L) Inspector General, Department of
6 Commerce.

7 (M) Inspector General, Department of the
8 Interior.

9 (N) Inspector General, Department of Jus-
10 tice.

11 (O) Inspector General, Department of the
12 Treasury.

13 (P) Inspector General, Agency for Inter-
14 national Development.

15 (Q) Inspector General, Environmental Pro-
16 tection Agency.

17 (R) Inspector General, Export-Import
18 Bank.

19 (S) Inspector General, Federal Emergency
20 Management Agency.

21 (T) Inspector General, General Services
22 Administration.

23 (U) Inspector General, National Aero-
24 nautics and Space Administration.

1 (V) Inspector General, Nuclear Regulatory
2 Commission.

3 (W) Inspector General, Office of Personnel
4 Management.

5 (X) Inspector General, Railroad Retire-
6 ment Board.

7 (Y) Inspector General, Small Business Ad-
8 ministration.

9 (Z) Inspector General, Tennessee Valley
10 Authority.

11 (AA) Inspector General, Federal Deposit
12 Insurance Corporation.

13 (BB) Inspector General, Resolution Trust
14 Corporation.

15 (CC) Inspector General, Central Intel-
16 ligence Agency.

17 (DD) Inspector General, Social Security
18 Administration.

19 (EE) Inspector General, United States
20 Postal Service.

21 (3) ADDITIONAL TECHNICAL AND CONFORMING
22 AMENDMENT.—Section 194(b) of the National and
23 Community Service Act of 1990 (42 U.S.C.
24 12651e(b)) is amended by striking paragraph (3).

1 (b) INSPECTORS GENERAL OF DESIGNATED FED-
2 ERAL ENTITIES.—Notwithstanding any other provision of
3 law, the Inspector General of each designated Federal en-
4 tity (as those terms are defined under section 8G of the
5 Inspector General Act of 1978 (5 U.S.C. App.)) shall, for
6 pay and all other purposes, be classified at a grade, level,
7 or rank designation, as the case may be, at or above those
8 of a majority of the senior level executives of that des-
9 ignated Federal entity (such as a General Counsel, Chief
10 Information Officer, Chief Financial Officer, Chief
11 Human Capital Officer, or Chief Acquisition Officer). The
12 pay of an Inspector General of a designated Federal entity
13 (as those terms are defined under section 8G of the In-
14 spector General Act of 1978 (5 U.S.C. App.)) shall be not
15 less than the average total compensation of the senior level
16 executives of that designated Federal entity *calculated on*
17 *an annual basis*.

18 (c) SAVINGS PROVISION FOR NEWLY APPOINTED IN-
19 SPECTORS GENERAL.—The provisions of section 3392 of
20 title 5, United States Code, other than the terms “per-
21 formance awards” and “awarding of ranks” in subsection
22 (c)(1) of such section, shall apply to career appointees of
23 the Senior Executive Service who are appointed to the po-
24 sition of Inspector General.

1 (d) SAVINGS PROVISION.—Nothing in this section
2 shall have the effect of reducing the rate of pay of any
3 individual serving on the date of enactment of this section
4 as an Inspector General of—

5 (1) an establishment as defined under section
6 11(2) of the Inspector General Act of 1978 (5
7 U.S.C. App.);

8 (2) a designated Federal entity as defined
9 under section 8G(2) of the Inspector General Act of
10 1978 (5 U.S.C. App.);

11 (3) a legislative agency *for which the position of*
12 *Inspector General is established by statute*; or

13 (4) any other entity of the Government *for*
14 *which the position of Inspector General is established*
15 *by statute*.

16 **SEC. 5. PROHIBITION OF CASH BONUS OR AWARDS.**

17 Section 3 of the Inspector General Act of 1978 (5
18 U.S.C. App.) (as amended by section 4 of this Act) is fur-
19 ther amended by adding at the end the following:

20 “(f) An Inspector General (as defined under section
21 8G(a)(6) or 11(3)) may not receive any cash award or
22 cash bonus, including any cash award under chapter 45
23 of title 5, United States Code.”.

1 **SEC. 6. SEPARATE COUNSEL TO SUPPORT INSPECTORS**

2 **GENERAL.**

3 (a) **COUNSELS TO INSPECTORS GENERAL OF ESTAB-**
4 **LISHMENT.**—Section 3 of the Inspector General Act of
5 1978 (5 U.S.C. App.) (as amended by sections 4 and 5
6 of this Act) is further amended by adding at the end the
7 following:

8 “(g) Each Inspector General shall, in accordance with
9 applicable laws and regulations governing the civil service,
10 obtain legal advice from a counsel either reporting directly
11 to the Inspector General or another Inspector General.”.

12 (b) **COUNSELS TO INSPECTORS GENERAL OF DES-**
13 **IGNATED FEDERAL ENTITIES.**—Section 8G(g) of the In-
14 spector General Act of 1978 (5 U.S.C. App.) is amended
15 by adding at the end the following:

16 “(4) Each Inspector General shall, in accord-
17 ance with applicable laws and regulations governing
18 appointments within the designated Federal entity,
19 appoint a Counsel to the Inspector General who
20 shall report to the Inspector General or obtain the
21 services of a counsel appointed by and directly re-
22 porting to another Inspector General or the Council
23 of the Inspectors General on Integrity and Efficiency
24 on a reimbursable basis.”.

1 **SEC. 7. ESTABLISHMENT OF COUNCIL OF THE INSPECTORS**
 2 **GENERAL ON INTEGRITY AND EFFICIENCY.**

3 (a) ESTABLISHMENT.—The Inspector General Act of
 4 1978 (5 U.S.C. App.) is amended by redesignating sec-
 5 tions 11 and 12 as sections 12 and 13, respectively, and
 6 by inserting after section 10 the following:

7 **“SEC. 11. ESTABLISHMENT OF THE COUNCIL OF THE IN-**
 8 **SPECTORS GENERAL ON INTEGRITY AND EF-**
 9 **FICIENCY.**

10 “(a) ESTABLISHMENT AND MISSION.—

11 “(1) ESTABLISHMENT.—There is established as
 12 an independent entity within the executive branch
 13 the Council of the Inspectors General on Integrity
 14 and Efficiency (in this section referred to as the
 15 ‘Council’).

16 “(2) MISSION.—The mission of the Council
 17 shall be to—

18 “(A) address integrity, economy, and effec-
 19 tiveness issues that transcend individual Gov-
 20 ernment agencies; and

21 “(B) increase the professionalism and ef-
 22 fectiveness of personnel by developing policies,
 23 standards, and approaches to aid in the estab-
 24 lishment of a well-trained and highly skilled
 25 workforce in the offices of the Inspectors Gen-
 26 eral.

1 “(b) MEMBERSHIP.—

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

4 “(A) All Inspectors General whose offices
5 are established under—

6 “(i) section 2; or

7 “(ii) section 8G.

8 “(B) The Inspectors General of the Office
9 of the Director of National Intelligence and the
10 Central Intelligence Agency.

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

13 “(D) A senior level official of the Federal
14 Bureau of Investigation designated by the Di-
15 rector of the Federal Bureau of Investigation.

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

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

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

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

1 “(I) The Office of Inspectors General of
2 the Library of Congress, Capitol Police, and the
3 Government Printing Office.

4 “(J) Any other members designated by the
5 President.

6 “(2) CHAIRPERSON AND EXECUTIVE CHAIR-
7 PERSON.—

8 “(A) EXECUTIVE CHAIRPERSON.—The
9 Deputy Director for Management of the Office
10 of Management and Budget shall be the Execu-
11 tive Chairperson of the Council.

12 “(B) CHAIRPERSON.—The Council shall
13 elect 1 of the Inspectors General referred to in
14 paragraph (1)(A) or (B) to act as Chairperson
15 of the Council. The term of office of the Chair-
16 person shall be 2 years.

17 “(3) FUNCTIONS OF CHAIRPERSON AND EXECU-
18 TIVE CHAIRPERSON.—

19 “(A) EXECUTIVE CHAIRPERSON.—The Ex-
20 ecutive Chairperson shall—

21 “(i) preside over meetings of the
22 Council;

23 “(ii) provide to the heads of agencies
24 and entities represented on the Council

1 summary reports of the activities of the
2 Council; and

3 “(iii) provide to the Council such in-
4 formation relating to the agencies and en-
5 tities represented on the Council as assists
6 the Council in performing its functions.

7 “(B) CHAIRPERSON.—The Chairperson
8 shall—

9 “(i) convene meetings of the Coun-
10 cil—

11 “(I) at least 6 times each year;

12 “(II) monthly to the extent pos-
13 sible; and

14 “(III) more frequently at the dis-
15 cretion of the Chairperson;

16 “(ii) exercise the functions and duties
17 of the Council under subsection (c);

18 “(iii) appoint a Vice Chairperson to
19 assist in carrying out the functions of the
20 Council and act in the absence of the
21 Chairperson, from a category of Inspectors
22 General described in subparagraph (A)(i),
23 (A)(ii), or (B) of paragraph (1), other than
24 the category from which the Chairperson
25 was elected;

1 “(iv) make such payments from funds
2 otherwise available to the Council as may
3 be necessary to carry out the functions of
4 the Council;

5 “(v) select, appoint, and employ per-
6 sonnel as needed to carry out the functions
7 of the Council subject to the availability of
8 appropriations and the provisions of title 5,
9 United States Code, governing appoint-
10 ments in the competitive service, and the
11 provisions of chapter 51 and subchapter
12 III of chapter 53 of such title, relating to
13 classification and General Schedule pay
14 rates;

15 “(vi) to the extent and in such
16 amounts as may be provided in advance by
17 appropriations Acts, enter into contracts
18 and other arrangements with public agen-
19 cies and private persons to carry out the
20 functions and duties of the Council;

21 “(vii) establish, in consultation with
22 the members of the Council, such commit-
23 tees as determined by the Chairperson to
24 be necessary and appropriate for the effi-
25 cient conduct of Council functions; and

1 “(viii) prepare and transmit a report
2 annually on behalf of the Council to the
3 President on the activities of the Council.

4 “(c) FUNCTIONS AND DUTIES OF COUNCIL.—

5 “(1) IN GENERAL.—The Council shall—

6 “(A) continually identify, review, and dis-
7 cuss areas of weakness and vulnerability in
8 Federal programs and operations with respect
9 to fraud, waste, and abuse;

10 “(B) develop plans for coordinated, govern-
11 mentwide activities that address these problems
12 and promote economy and efficiency in Federal
13 programs and operations, including interagency
14 and interentity audit, investigation, inspection,
15 and evaluation programs and projects to deal
16 efficiently and effectively with those problems
17 concerning fraud and waste that exceed the ca-
18 pability or jurisdiction of an individual agency
19 or entity;

20 “(C) develop policies that will aid in the
21 maintenance of a corps of well-trained and
22 highly skilled Office of Inspector General per-
23 sonnel;

24 “(D) maintain an Internet website and
25 other electronic systems for the benefit of all

1 Inspectors General, as the Council determines
2 are necessary or desirable;

3 “(E) maintain 1 or more academies as the
4 Council considers desirable for the professional
5 training of auditors, investigators, inspectors,
6 evaluators, and other personnel of the various
7 offices of Inspector General;

8 “(F) submit recommendations of 3 individ-
9 uals to the appropriate appointing authority for
10 any appointment to an office of Inspector Gen-
11 eral described under subsection (b)(1)(A) or
12 (B);

13 “(G) make such reports to Congress as the
14 Chairperson determines are necessary or appro-
15 priate; and

16 “(H) perform other duties within the au-
17 thority and jurisdiction of the Council, as ap-
18 propriate.

19 “(2) ADHERENCE AND PARTICIPATION BY MEM-
20 BERS.—To the extent permitted under law, and to
21 the extent not inconsistent with standards estab-
22 lished by the Comptroller General of the United
23 States for audits of Federal establishments, organi-
24 zations, programs, activities, and functions, each
25 member of the Council shall adhere to professional

1 standards developed by the Council and participate
 2 in the plans, programs, and projects of the Council,
 3 as appropriate.

4 “(3) ADDITIONAL ADMINISTRATIVE AUTHORI-
 5 TIES.—

6 “(A) INTERAGENCY FUNDING.—Notwith-
 7 standing section 1532 of title 31, United States
 8 Code, or any other provision of law prohibiting
 9 the interagency funding of activities described
 10 under subclause ~~(H)~~ ~~or~~ ~~(H)~~ (I), (II), or (III) of
 11 clause (i), in the performance of the responsibil-
 12 ities, authorities, and duties of the Council—

13 “(i) the Executive Chairperson may
 14 authorize the use of interagency funding
 15 for—

16 “(I) Governmentwide training of
 17 employees of the Offices of the Inspec-
 18 tors General;

19 “(II) the functions of the Integ-
 20 rity Committee of the Council; and

21 “(III) any other authorized pur-
 22 pose determined by the Council; and

23 “(ii) upon the authorization of the
 24 Executive Chairperson, any department,
 25 agency, or entity of the United States Gov-

1 ~~ernment~~ *executive branch which has a*
 2 *member on the Council* shall fund or par-
 3 ticipate in the funding of such activities.

4 “(B) SUPERSEDING PROVISIONS.—No pro-
 5 vision of law enacted after the date of enact-
 6 ment of this subsection shall be construed to
 7 limit or supersede the authority under para-
 8 graph (1), unless such provision makes specific
 9 reference to the authority in that paragraph.

10 “(4) EXISTING AUTHORITIES AND RESPON-
 11 SIBILITIES.—The establishment and operation of the
 12 Council shall not affect—

13 “(A) the role of the Department of Justice
 14 in law enforcement and litigation;

15 “(B) the authority or responsibilities of
 16 any Government agency or entity; and

17 “(C) the authority or responsibilities of in-
 18 dividual members of the Council.

19 “(d) INTEGRITY COMMITTEE.—

20 “(1) ESTABLISHMENT.—The Council shall have
 21 an Integrity Committee, which shall receive, review,
 22 and refer for investigation allegations of wrongdoing
 23 that are made against Inspectors General and ~~cer-~~
 24 ~~tain~~ staff members of the various Offices of Inspec-
 25 tor General *described under paragraph (4)(C)*.

1 “(2) MEMBERSHIP.—The Integrity Committee
2 shall consist of the following members:

3 “(A) The official of the Federal Bureau of
4 Investigation serving on the Council, who shall
5 serve as Chairperson of the Integrity Com-
6 mittee.

7 “(B) Three or more Inspectors General de-
8 scribed in subparagraph (A) or (B) of sub-
9 section (b)(1) appointed by the Chairperson of
10 the Council, representing both establishments
11 and designated Federal entities (as that term is
12 defined in section 8G(a)).

13 “(C) The Special Counsel of the Office of
14 Special Counsel.

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

17 “(3) LEGAL ADVISOR.—The Chief of the Public
18 Integrity Section of the Criminal Division of the De-
19 partment of Justice, or his designee, shall serve as
20 a legal advisor to the Integrity Committee.

21 “(4) REFERRAL OF ALLEGATIONS.—

22 “(A) REQUIREMENT.—An Inspector Gen-
23 eral shall refer to the Integrity Committee any
24 allegation of wrongdoing against a staff mem-
25 ber of the office of that Inspector General, if—

1 “(i) review of the substance of the al-
2 legation cannot be assigned to an agency
3 of the executive branch with appropriate
4 jurisdiction over the matter; and

5 “(ii) the Inspector General determines
6 that—

7 “(I) an objective internal inves-
8 tigation of the allegation is not fea-
9 sible; or

10 “(II) an internal investigation of
11 the allegation may appear not to be
12 objective.

13 “(B) DEFINITION.—In this paragraph the
14 term ‘staff member’ means—

15 “(i) any employee of an Office of In-
16 spector General who reports directly to an
17 Inspector General; or

18 “(ii) who is designated by an Inspec-
19 tor General under subparagraph (C).

20 “(C) DESIGNATION OF STAFF MEMBERS.—

21 Each Inspector General shall annually submit
22 to the Chairperson of the Integrity Committee
23 a designation of positions whose holders are
24 staff members for purposes of subparagraph
25 (B).

1 “(5) REVIEW OF ALLEGATIONS.—The Integrity
2 Committee shall—

3 “(A) review all allegations of wrongdoing
4 the Integrity Committee receives against an In-
5 spector General, or against ~~an~~ *employee a staff*
6 *member* of an Office of Inspector General *de-*
7 *scribed under paragraph (4)(C)*;

8 “(B) refer any allegation of wrongdoing to
9 the agency of the executive branch with appro-
10 priate jurisdiction over the matter; and

11 “(C) refer to the Chairperson of the Integ-
12 rity Committee any allegation of wrongdoing
13 determined by the Integrity Committee *under*
14 *subparagraph (A)* to be potentially meritorious
15 that cannot be referred to an agency under sub-
16 paragraph (B).

17 “(6) AUTHORITY TO INVESTIGATE ALLEGA-
18 TIONS.—

19 “(A) REQUIREMENT.—The Chairperson of
20 the Integrity Committee shall cause a thorough
21 and timely investigation of each allegation re-
22 ferred under paragraph (5)(C) to be conducted
23 in accordance with this paragraph.

24 “(B) RESOURCES.—At the request of the
25 Chairperson of the Integrity Committee, the

1 head of each agency or entity represented on
2 the Council—

3 “(i) may provide resources necessary
4 to the Integrity Committee; and

5 “(ii) may detail employees from that
6 agency or entity to the Integrity Com-
7 mittee, subject to the control and direction
8 of the Chairperson, to conduct an inves-
9 tigation under this subsection.

10 “(7) PROCEDURES FOR INVESTIGATIONS.—

11 “(A) STANDARDS APPLICABLE.—Investiga-
12 tions initiated under this subsection shall be
13 conducted in accordance with the most current
14 Quality Standards for Investigations issued by
15 the Council or by its predecessors (the Presi-
16 dent’s Council on Integrity and Efficiency and
17 the Executive Council on Integrity and Effi-
18 ciency).

19 “(B) ADDITIONAL POLICIES AND PROCE-
20 DURES.—

21 “(i) ESTABLISHMENT.—The Integrity
22 Committee, in conjunction with the Chair-
23 person of the Council, shall establish addi-
24 tional policies and procedures necessary to
25 ensure fairness and consistency in—

1 “(I) determining whether to ini-
2 tiate an investigation;

3 “(II) conducting investigations;

4 “(III) reporting the results of an
5 investigation; and

6 “(IV) providing the person who is
7 the subject of an investigation with an
8 opportunity to respond to any Integ-
9 rity Committee report.

10 “(ii) SUBMISSION TO CONGRESS.—

11 The Council shall submit a copy of the
12 policies and procedures established under
13 clause (i) to the congressional committees
14 of jurisdiction.

15 “(C) REPORTS.—

16 “(i) POTENTIALLY MERITORIOUS AL-
17 LEGATIONS.—For allegations ~~referred to~~
18 *described* under paragraph (5)(C), the
19 Chairperson of the Integrity Committee
20 shall make a report containing the results
21 of the investigation of the Chairperson and
22 shall provide such report to members of
23 the Integrity Committee.

24 “(ii) ALLEGATIONS OF WRONG-
25 DOING.—For allegations referred to *an*

1 *agency* under paragraph (5)(B), the head
2 of ~~an~~ *that* agency shall make a report con-
3 taining the results of the investigation and
4 shall provide such report to members of
5 the Integrity Committee.

6 “(8) ASSESSMENT AND FINAL DISPOSITION.—

7 “(A) IN GENERAL.—With respect to any
8 report received under paragraph (7)(C), the In-
9 tegrity Committee shall—

10 “(i) assess the report;

11 “(ii) forward the report, with the rec-
12 ommendations of the Integrity Committee,
13 including those on disciplinary action,
14 within ~~180~~ 30 days (to the maximum ex-
15 tent practicable) after the completion of
16 the investigation, to the Executive Chair-
17 person of the Council and to the President
18 (in the case of a report relating to an In-
19 spector General of an establishment or any
20 employee of that Inspector General) or the
21 head of a designated Federal entity (in the
22 case of a report relating to an Inspector
23 General of such an entity or any employee
24 of that Inspector General) for resolution;
25 and

1 “(iii) submit to the congressional com-
2 mittees of jurisdiction an executive sum-
3 mary of such report and recommendations
4 within 30 days after the submission of
5 such report to the Executive Chairperson
6 under clause (ii).

7 “(B) DISPOSITION.—The Executive Chair-
8 person of the Council shall report to the Integ-
9 rity Committee the final disposition of the mat-
10 ter, including what action was taken by the
11 President or agency head.

12 “(9) ANNUAL REPORT.—The Council shall sub-
13 mit to Congress and the President by December 31
14 of each year a report on the activities of the Integ-
15 rity Committee during the preceding fiscal year,
16 which shall include the following:

17 “(A) The number of allegations received.

18 “(B) The number of allegations referred to
19 other agencies, including the number of allega-
20 tions referred for criminal investigation.

21 “(C) The number of allegations referred to
22 the Chairperson of the Integrity Committee for
23 investigation.

24 “(D) The number of allegations closed
25 without referral.

1 “(E) The date each allegation was received
2 and the date each allegation was finally dis-
3 posed of.

4 “(F) In the case of allegations referred to
5 the Chairperson of the Integrity Committee, a
6 summary of the status of the investigation of
7 the allegations and, in the case of investigations
8 completed during the preceding fiscal year, a
9 summary of the findings of the investigations.

10 “(G) Other matters that the Council con-
11 siders appropriate.

12 “(10) REQUESTS FOR MORE INFORMATION.—
13 With respect to paragraphs (8) and (9), the Council
14 shall provide more detailed information about spe-
15 cific allegations upon request from any of the fol-
16 lowing:

17 “(A) The chairperson or ranking member
18 of the Committee on Homeland Security and
19 Governmental Affairs of the Senate.

20 “(B) The chairperson or ranking member
21 of the Committee on Oversight and Government
22 Reform of the House of Representatives.

23 “(C) The chairperson or ranking member
24 of the congressional committees of jurisdiction.

1 “(11) NO RIGHT OR BENEFIT.—This subsection
2 is not intended to create any right or benefit, sub-
3 stantive or procedural, enforceable at law by a per-
4 son against the United States, its agencies, its offi-
5 cers, or any person.”.

6 ***(b) ALLEGATIONS OF WRONGDOING AGAINST SPECIAL***
7 ***COUNSEL OR DEPUTY SPECIAL COUNSEL.—***

8 ***(1) DEFINITIONS.—In this section—***

9 ***(A) the term “Integrity Committee” means***
10 ***the Integrity Committee established under section***
11 ***11(d) of the Inspector General Act of 1978 (5***
12 ***U.S.C. App), as amended by this Act; and***

13 ***(B) the term “Special Counsel” refers to the***
14 ***Special Counsel appointed under section 1211(b)***
15 ***of title 5, United States Code.***

16 ***(2) AUTHORITY OF INTEGRITY COMMITTEE.—***

17 ***(A) IN GENERAL.—An allegation of wrong-***
18 ***doing against the Special Counsel or the Deputy***
19 ***Special Counsel may be received, reviewed, and***
20 ***referred for investigation by the Integrity Com-***
21 ***mittee to the same extent and in the same man-***
22 ***ner as in the case of an allegation against an In-***
23 ***pector General (or a member of the staff of an***
24 ***Office of Inspector General), subject to the re-***
25 ***quirement that the Special Counsel recuse him-***

1 *self or herself from the consideration of any alle-*
 2 *gation brought under this paragraph.*

3 (B) *COORDINATION WITH EXISTING PROVI-*
 4 *SIONS OF LAW.—This subsection does not elimi-*
 5 *nate access to the Merit Systems Protection*
 6 *Board for review under section 7701 of title 5,*
 7 *United States Code. To the extent that an allega-*
 8 *tion brought under this subsection involves sec-*
 9 *tion 2302(b)(8) of that title, a failure to obtain*
 10 *corrective action within 120 days after the date*
 11 *on which that allegation is received by the Integ-*
 12 *rity Committee shall, for purposes of section*
 13 *1221 of such title, be considered to satisfy section*
 14 *1214(a)(3)(B) of that title.*

15 (3) *REGULATIONS.—The Integrity Committee*
 16 *may prescribe any rules or regulations necessary to*
 17 *carry out this subsection, subject to such consultation*
 18 *or other requirements as might otherwise apply.*

19 ~~(b)~~(c) *EXISTING EXECUTIVE ORDERS.—Executive*
 20 *Order 12805, dated May 11, 1992, and Executive Order*
 21 *12993, dated March 21, 1996, shall have no force or ef-*
 22 *fect.*

23 ~~(e)~~(d) *TECHNICAL AND CONFORMING AMEND-*
 24 *MENTS.—*

1 (1) INSPECTOR GENERAL ACT OF 1978.—The
2 Inspector General Act of 1978 (5 U.S.C. App.) is
3 amended—

4 (A) in sections 2(1), 4(b)(2), and
5 8G(a)(1)(A) by striking “section 11(2)” each
6 place it appears and inserting “section 12(2)”;
7 and

8 (B) in section 8G(a), in the matter pre-
9 ceding paragraph (1), by striking “section 11”
10 and inserting “section 12”.

11 (2) SEPARATE APPROPRIATIONS ACCOUNT.—
12 Section 1105(a) of title 31, United States Code, is
13 amended by striking the first paragraph (33) and in-
14 serting the following:

15 “(33) a separate appropriation account for ap-
16 propriations for the Council of the Inspectors Gen-
17 eral on Integrity and Efficiency, and, included in
18 that account, a separate statement of the aggregate
19 amount of appropriations requested for each acad-
20 emy maintained by the Council of the Inspectors
21 General on Integrity and Efficiency.”.

22 **SEC. 8. SUBMISSION OF BUDGET REQUESTS TO CONGRESS.**

23 Section 6 of the Inspector General Act of 1978 (5
24 U.S.C. App.) is amended by adding at the end the fol-
25 lowing:

1 “(f)(1) For each fiscal year, an Inspector General
2 shall transmit a budget estimate and request to the head
3 of the ~~agency, board, or commission~~ *establishment or des-*
4 *ignated Federal entity* to which the Inspector General re-
5 ports. The budget request shall specify the aggregate
6 amount of funds requested for such fiscal year for the op-
7 erations of that Inspector General and shall specify the
8 amount requested for all training ~~requirements~~ *needs*, in-
9 cluding a certification from the Inspector General that the
10 amount requested satisfies all training requirements for
11 the Inspector General’s office for that fiscal year, and any
12 resources necessary to support the Council of the Inspec-
13 tors General on Integrity and Efficiency. Resources nec-
14 essary to support the Council of the Inspectors General
15 on Integrity and Efficiency shall be specifically identified
16 and justified in the budget request.

17 “(2) In transmitting a proposed budget to the Presi-
18 dent for approval, the head of each ~~agency, board or com-~~
19 ~~mission~~ *establishment or designated Federal entity* shall in-
20 clude—

21 “(A) an aggregate request for the Inspector
22 General;

23 “(B) amounts for Inspector General training;

24 “(C) amounts for support of the Council of the
25 Inspectors General on Integrity and Efficiency; and

1 “(D) any comments of the affected Inspector
2 General with respect to the proposal.

3 “(3) The President shall include in each budget of
4 the United States Government submitted to Congress—

5 “(A) a separate statement of the budget esti-
6 mate prepared in accordance with paragraph (1);

7 “(B) the amount requested by the President for
8 each Inspector General;

9 “(C) *the amount requested by the President for*
10 training of Inspectors General;

11 “(D) *the amount requested by the President for*
12 support for the Council of the Inspectors General on
13 Integrity and Efficiency; and

14 “(E) any comments of the affected Inspector
15 General with respect to the proposal, including
16 whether the budget request submitted by the head of
17 the establishment *or designated Federal entity* would
18 substantially inhibit the Inspector General from per-
19 forming the duties of the office.”.

20 **SEC. 9. SUBPOENA POWER.**

21 Section 6(a)(4) of the Inspector General Act of 1978
22 (5 U.S.C. App.) is amended—

23 (1) by inserting “in any medium (including
24 electronically stored information, as well as any tan-
25 gible thing)” after “other data”; and

1 (2) by striking “subpena” and inserting “sub-
2 pena”.

3 **SEC. 10. PROGRAM FRAUD CIVIL REMEDIES ACT.**

4 Section 3801(a)(1) of title 31, United States Code,
5 is amended—

6 (1) in subparagraph ~~(C)~~ (D), by striking “and”
7 after the semicolon;

8 (2) in subparagraph ~~(D)~~ (E), by adding “and”
9 after the semicolon; and

10 (3) by adding at the end the following:

11 “~~(E)~~(F) a designated Federal entity (as
12 such term is defined under section 8G(a)(2) of
13 the Inspector General Act of 1978).”.

14 **SEC. 11. LAW ENFORCEMENT AUTHORITY FOR DES-**
15 **IGNATED FEDERAL ENTITIES.**

16 Section 6(e) of the Inspector General Act of 1978 (5
17 U.S.C. App.) is amended—

18 (1) in paragraph (1) by striking “appointed
19 under section 3”; and

20 (2) by adding at the end the following:

21 “(9) In this subsection the term ‘Inspector Gen-
22 eral’ means an Inspector General appointed under
23 section 3 or an Inspector General appointed under
24 section 8G.”.

1 **SEC. 12. APPLICATION OF SEMIANNUAL REPORTING RE-**
 2 **QUIREMENTS WITH RESPECT TO INSPECTION**
 3 **REPORTS AND EVALUATION REPORTS.**

4 Section 5 of the Inspector General Act of 1978 (5
 5 U.S.C. App.) is amended—

6 (1) in each of subsections (a)(6), (a)(8), (a)(9),
 7 (b)(2), and (b)(3)—

8 (A) by inserting “, inspection reports, and
 9 evaluation reports” after “audit reports” the
 10 first place it appears; and

11 (B) by striking “audit” the second place it
 12 appears; and

13 (2) in subsection (a)(10) by inserting “, inspec-
 14 tion reports, and evaluation reports” after “audit re-
 15 ports”.

16 **SEC. 13. INFORMATION ON WEBSITES OF OFFICES OF IN-**
 17 **SPECTORS GENERAL.**

18 (a) **DEFINITION.**—In this section the term “agency”
 19 means a Federal agency as defined under section 11(5)
 20 of the Inspector General Act of 1978 (5 U.S.C. App.).

21 (b) **DIRECT LINKS TO INSPECTORS GENERAL OF-**
 22 **FICES.**—

23 (1) **IN GENERAL.**—Each agency shall establish
 24 and maintain on the homepage of the website of that
 25 agency, a direct link to the website of the Office of
 26 the Inspector General of that agency.

1 (2) ACCESSIBILITY.—The direct link under
2 paragraph (1) shall be obvious and facilitate accessi-
3 bility to the website of the Office of the Inspector
4 General.

5 (e) REQUIREMENTS FOR INSPECTORS GENERAL
6 WEBSITES.—

7 (1) POSTING OF REPORTS AND AUDITS.—The
8 Inspector General of each agency shall—

9 (A) in accordance with section 552a of title
10 5, United States Code (commonly referred to as
11 the Privacy Act); not later than 3 working days
12 after any report or audit (or portion of any re-
13 port or audit); that is subject to release under
14 section 552 of that title (commonly referred to
15 as the Freedom of Information Act); is made
16 publicly available; post that report or audit (or
17 portion of that report or audit) on the website
18 of the Office of the Inspector General; and

19 (B) ensure that any posted report or audit
20 (or portion of that report or audit) described
21 under subparagraph (A)—

22 (i) is easily accessible from a direct
23 link on the homepage of the website of the
24 Office of the Inspector General;

1 (ii) includes a summary of the find-
2 ings of the Inspector General; and

3 (iii) is in a format that—

4 (I) is searchable and
5 downloadable; and

6 (II) facilitates printing by indi-
7 viduals of the public accessing the
8 website.

9 (2) REPORTING OF FRAUD, WASTE, AND
10 ABUSE.—

11 (A) IN GENERAL.—The Inspector General
12 of each agency shall establish and maintain a
13 direct link on the homepage of the website of
14 the Office of the Inspector General for individ-
15 uals to report fraud, waste, and abuse. Individ-
16 uals reporting fraud, waste, or abuse using the
17 direct link established under this paragraph
18 shall not be required to provide personally iden-
19 tifying information relating to that individual.

20 (B) ANONYMITY.—The Inspector General
21 of each agency shall not disclose the identity of
22 any individual making a report under this para-
23 graph without the consent of the individual un-
24 less the Inspector General determines that such

1 a disclosure is unavoidable during the course of
 2 the investigation.

3 (d) IMPLEMENTATION.—Not later than 180 days
 4 after the date of enactment of this Act, the head of each
 5 agency and the Inspector General of each agency shall im-
 6 plement this section.

7 **SEC. 13. INFORMATION ON WEBSITES OF OFFICES OF IN-**
 8 **SPECTORS GENERAL.**

9 (a) IN GENERAL.—The Inspector General Act of 1978
 10 (5 U.S.C. App.) is amended by inserting after section 8K
 11 the following:

12 **“SEC. 8L. INFORMATION ON WEBSITES OF OFFICES OF IN-**
 13 **SPECTORS GENERAL.**

14 “(a) DIRECT LINKS TO INSPECTORS GENERAL OF-
 15 FICES.—

16 “(1) IN GENERAL.—Each agency shall establish
 17 and maintain on the homepage of the website of that
 18 agency, a direct link to the website of the Office of the
 19 Inspector General of that agency.

20 “(2) ACCESSIBILITY.—The direct link under
 21 paragraph (1) shall be obvious and facilitate accessi-
 22 bility to the website of the Office of the Inspector Gen-
 23 eral.

24 “(b) REQUIREMENTS FOR INSPECTORS GENERAL
 25 WEBSITES.—

1 “(1) *POSTING OF REPORTS AND AUDITS.*—*The*
2 *Inspector General of each agency shall—*

3 “(A) *in accordance with section 552a of*
4 *title 5, United States Code (commonly referred to*
5 *as the Privacy Act), not later than 3 working*
6 *days after any report or audit (or portion of any*
7 *report or audit), that is subject to release under*
8 *section 552 of that title (commonly referred to as*
9 *the Freedom of Information Act), is made pub-*
10 *licly available, post that report or audit (or por-*
11 *tion of that report or audit) on the website of the*
12 *Office of the Inspector General; and*

13 “(B) *ensure that any posted report or audit*
14 *(or portion of that report or audit) described*
15 *under subparagraph (A)—*

16 “(i) *is easily accessible from a direct*
17 *link on the homepage of the website of the*
18 *Office of the Inspector General;*

19 “(ii) *includes a summary of the find-*
20 *ings of the Inspector General; and*

21 “(iii) *is in a format that—*

22 “(I) *is searchable and download-*
23 *able; and*

1 “(II) facilitates printing by indi-
2 viduals of the public accessing the
3 website.

4 “(2) REPORTING OF FRAUD, WASTE, AND
5 ABUSE.—

6 “(A) IN GENERAL.—The Inspector General
7 of each agency shall establish and maintain a di-
8 rect link on the homepage of the website of the
9 Office of the Inspector General for individuals to
10 report fraud, waste, and abuse. Individuals re-
11 porting fraud, waste, or abuse using the direct
12 link established under this paragraph shall not
13 be required to provide personally identifying in-
14 formation relating to that individual.

15 “(B) ANONYMITY.—The Inspector General of
16 each agency shall not disclose the identity of any
17 individual making a report under this para-
18 graph without the consent of the individual un-
19 less the Inspector General determines that such a
20 disclosure is unavoidable during the course of the
21 investigation.”.

22 “(b) IMPLEMENTATION.—Not later than 180 days after
23 the date of enactment of this Act, the head of each agency
24 and the Inspector General of each agency shall implement
25 the amendment made by this section.

1 **SEC. 14. INVESTIGATIONS OF DEPARTMENT OF JUSTICE**
2 **PERSONNEL.**

3 (a) AMENDMENT TO REQUIREMENT RELATING TO
4 CERTAIN REFERRALS.—Section 8E(b) of the Inspector
5 General Act of 1978 (5 U.S.C. App.) is amended by strik-
6 ing paragraph (3).

7 (b) TECHNICAL AND CONFORMING AMENDMENTS.—
8 Section 8E of the Inspector General Act of 1978 (5 U.S.C.
9 App.) is further amended—

10 (1) in subsection (b)—

11 (A) by striking “and paragraph (3)” in
12 paragraph (2);

13 (B) by redesignating paragraph (4) as
14 paragraph (3); and

15 (C) by redesignating paragraph (5) as
16 paragraph (4) and in that paragraph by strik-
17 ing “(4)” and inserting “(3)”; and

18 (2) in subsection (d), by striking “, except with
19 respect to allegations described in subsection
20 (b)(3),”.

21 **SEC. 15. OTHER ADMINISTRATIVE AUTHORITIES.**

22 (a) IN GENERAL.—Section 6(d) of the Inspector Gen-
23 eral Act of 1978 (5 U.S.C. App.) is amended to read as
24 follows:

25 “(d)(1)(A) For purposes of applying the provisions
26 of law identified in subparagraph (B)—

1 “(i) each Office of Inspector General shall be
2 considered to be a separate agency; and

3 “(ii) the Inspector General who is the head of
4 an office referred to in clause (i) shall, with respect
5 to such office, have the functions, powers, and duties
6 of an agency head or appointing authority under
7 such provisions.

8 “(B) This paragraph applies with respect to the fol-
9 lowing provisions of title 5, United States Code:

10 “(i) Subchapter II of chapter 35.

11 “(ii) Sections 8335(b), 8336, 8344, 8414,
12 8468, and 8425(b).

13 “(iii) All provisions relating to the Senior Exec-
14 utive Service (as determined by the Office of Per-
15 sonnel Management), subject to paragraph (2).

16 “(2) For purposes of applying section 4507(b) of title
17 5, United States Code, paragraph (1)(A)(ii) shall be ap-
18 plied by substituting ‘the Council of the Inspectors Gen-
19 eral on Integrity and Efficiency (established by section 11
20 of the Inspector General Act) shall’ for ‘the Inspector Gen-
21 eral who is the head of an office referred to in clause (i)
22 shall, with respect to such office.’”.

23 (b) AUTHORITY OF TREASURY INSPECTOR GENERAL
24 FOR TAX ADMINISTRATION ~~To~~ *To* PROTECT INTERNAL
25 REVENUE SERVICE EMPLOYEES.—Section 8D(k)(1)(C) of

1 the Inspector General Act of 1978 (5 U.S.C. App.) is
2 amended by striking “and the providing of physical secu-
3 rity”.

4 **SEC. 16. GOVERNMENT ACCOUNTABILITY OFFICE RE-**
5 **PORTS.**

6 (a) IN GENERAL.—

7 (1) SUBMISSION.—Not later than 360 days
8 after the date of enactment of this Act, the Govern-
9 ment Accountability Office shall submit a report ex-
10 amining the adequacy of mechanisms to ensure ac-
11 countability of the Offices of Inspector General to—

12 (A) the Committee on Homeland Security
13 and Governmental Affairs of the Senate; and

14 (B) the Committee on Government Reform
15 of the House of Representatives.

16 (2) CONTENTS.—The report submitted under
17 paragraph (1) shall examine—

18 (A) the practices, policies, and procedures
19 of the Integrity Committee of the Council of the
20 Inspectors General on Integrity and Efficiency
21 (and its predecessor committee); and

22 (B) the practices, policies, and procedures
23 of the Offices of Inspector General with respect
24 to complaints by and about employees of any

1 Office of Inspector General that are not within
2 the jurisdiction of the Integrity Committee.

3 (b) PAY OF INSPECTORS GENERAL.—Not later than
4 270 days after the date of enactment of this Act, the Gov-
5 ernment Accountability Office shall submit a report to the
6 congressional committees of jurisdiction on the implemen-
7 tation of section 4.

Calendar No. 578

110TH CONGRESS
2^D SESSION

S. 2324

[Report No. 110-262]

A BILL

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

FEBRUARY 22, 2008

Reported with amendments