

**Calendar No. 68**114TH CONGRESS  
1ST SESSION**S. 579****[Report No. 114-36]**

To amend the Inspector General Act of 1978 to strengthen the independence of the Inspectors General, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 26, 2015

Mr. GRASSLEY (for himself, Mrs. MCCASKILL, Mr. JOHNSON, Ms. BALDWIN, and Mrs. ERNST) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

MAY 5, 2015

Reported by Mr. JOHNSON, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]**A BILL**

To amend the Inspector General Act of 1978 to strengthen the independence of the Inspectors General, 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; TABLE OF CONTENTS.**

2 (a) **SHORT TITLE.**—This Act may be cited as the  
3 “Inspector General Empowerment Act of 2015”.

4 (b) **TABLE OF CONTENTS.**—The table of contents for  
5 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Removal of Inspectors General.
- Sec. 3. Additional authority provisions for Inspectors General.
- Sec. 4. Additional responsibilities and resources of the Council of the Inspectors  
General on Integrity and Efficiency.
- Sec. 5. Reports and additional information.
- Sec. 6. Technical and conforming amendments.

6 **SEC. 2. REMOVAL OF INSPECTORS GENERAL.**

7 The Inspector General Act of 1978 (5 U.S.C. App.)  
8 is amended—

9 (1) in section 3—

10 (A) in the section header, by inserting  
11 “**administrative leave;**” after “**re-**  
12 **moval;**”;

13 (B) in subsection (b)—

14 (i) by striking “An Inspector General”  
15 and inserting “(1) An Inspector General”;

16 (ii) in paragraph (1), as so des-  
17 ignated, by striking the last sentence; and

18 (iii) by adding at the end the fol-  
19 lowing:

20 “(2) An Inspector General may not be placed in a  
21 paid or unpaid, nonduty status by the President—

1           “(A) unless the President, not later than 48  
2 hours after the President issues the directive to  
3 place the Inspector General in such status, commu-  
4 nicates in writing to both Houses of Congress the  
5 reasons for such action, which shall be limited to evi-  
6 dence that the continued presence in the workplace  
7 of the Inspector General may—

8           “(i) pose a threat to the employee or oth-  
9 ers;

10           “(ii) result in loss of or damage to prop-  
11 erty of the Federal Government; or

12           “(iii) otherwise jeopardize legitimate inter-  
13 ests of the Federal Government; and

14           “(B) for more than 10 days, unless the Integ-  
15 rity Committee of the Council of the Inspectors Gen-  
16 eral for Integrity and Efficiency submits to the  
17 President a written recommendation for additional  
18 time, which is acted upon by the President, and the  
19 decision is communicated immediately to both  
20 Houses of Congress.

21           “(3) Nothing in this subsection shall prohibit a per-  
22 sonnel action otherwise authorized by law.”; and

23           (2) in section 8G(e)—

24           (A) in paragraph (2), by striking the last  
25 sentence; and

1           (B) by adding at the end the following:

2           ~~“(3) An Inspector General may not be placed in a~~  
3 ~~paid or unpaid, nonduty status by the head of a designated~~  
4 ~~Federal entity—~~

5           ~~“(A) unless the head of the designated Federal~~  
6 ~~entity, not later than 48 hours after the head of the~~  
7 ~~designated Federal entity issues the directive to~~  
8 ~~place the Inspector General in such status, commu-~~  
9 ~~nicates in writing to both Houses of Congress the~~  
10 ~~reasons for such action, which shall be limited to evi-~~  
11 ~~dence that the continued presence in the workplace~~  
12 ~~of the Inspector General may—~~

13           ~~“(i) pose a threat to the employee or oth-~~  
14 ~~ers;~~

15           ~~“(ii) result in loss of or damage to prop-~~  
16 ~~erty of the Federal Government; or~~

17           ~~“(iii) otherwise jeopardize legitimate inter-~~  
18 ~~ests of the Federal Government; and~~

19           ~~“(B) for more than 10 days, unless the Integ-~~  
20 ~~riety Committee of the Council of the Inspectors Gen-~~  
21 ~~eral for Integrity and Efficiency submits to the head~~  
22 ~~of the designated Federal entity a written rec-~~  
23 ~~ommendation for additional time, which is acted~~  
24 ~~upon by the head of the designated Federal entity;~~

1 and the decision is communicated immediately to  
2 both Houses of Congress.

3 “(4) Nothing in this subsection shall prohibit a per-  
4 sonnel action otherwise authorized by law.”.

5 **SEC. 3. ADDITIONAL AUTHORITY PROVISIONS FOR INSPEC-**  
6 **TORS GENERAL.**

7 (a) SUBPOENA AUTHORITY FOR INSPECTORS GEN-  
8 ERAL TO REQUIRE TESTIMONY OF CERTAIN PERSONS.—  
9 The Inspector General Act of 1978 (5 U.S.C. App.), as  
10 amended by section 2, is further amended—

11 (1) in section 5(a)—

12 (A) in paragraph (15), by striking “and”  
13 at the end;

14 (B) in paragraph (16), by striking the pe-  
15 riod at the end and inserting “; and”; and

16 (C) by inserting at the end the following:

17 “(17) a description of the use of subpoenas for  
18 the attendance and testimony of certain witnesses  
19 under section 6A.”; and

20 (2) by inserting after section 6 the following:

21 **“SEC. 6A. ADDITIONAL AUTHORITY.**

22 “(a) TESTIMONIAL SUBPOENA AUTHORITY.—In ad-  
23 dition to the authority otherwise provided by this Act and  
24 in accordance with the requirements of this section, each  
25 Inspector General, in carrying out the provisions of this

1 Act, is authorized to require by subpoena the attendance  
2 and testimony of certain witnesses, including a contractor  
3 with the Federal Government and any former Federal em-  
4 ployee (but not including any Federal employee, who is  
5 otherwise obligated to provide testimony and cooperate  
6 with the Inspector General), necessary in the performance  
7 of the functions assigned by this Act, which subpoena, in  
8 the case of contumacy or refusal to obey, shall be enforce-  
9 able by order of any appropriate United States district  
10 court.

11 “(b) PANEL REVIEW BEFORE ISSUANCE.—

12 “(1) APPROVAL REQUIRED.—Before the  
13 issuance of a subpoena described in subsection (a),  
14 an Inspector General shall submit a request for ap-  
15 proval to issue a subpoena by a majority of a panel  
16 (in this section referred to as the ‘Subpoena Panel’),  
17 which shall be comprised of 3 members of the Coun-  
18 cil of the Inspectors General on Integrity and Effi-  
19 ciency, as designated by the Executive Chairperson  
20 of the Council of the Inspectors General on Integrity  
21 and Efficiency.

22 “(2) TIME TO RESPOND.—

23 “(A) IN GENERAL.—Except as provided in  
24 subparagraph (B), not later than 10 days after  
25 the date on which a request for approval to

1 issue a subpoena is submitted under paragraph  
 2 (1), the Subpoena Panel shall approve or deny  
 3 the request.

4 “(B) ADDITIONAL INFORMATION FOR  
 5 PANEL.—If the Subpoena Panel determines  
 6 that additional information is necessary to ap-  
 7 prove or deny a request for approval to issue a  
 8 subpoena under subparagraph (A), the Sub-  
 9 poena Panel shall, not later than 20 days after  
 10 the date on which the request is submitted—

11 “(i) request the additional informa-  
 12 tion; and

13 “(ii) approve or deny the request.

14 “(3) DENIAL BY PANEL.—If a majority of the  
 15 members of the Subpoena Panel votes to deny a re-  
 16 quest for approval to issue a subpoena under sub-  
 17 paragraph (B)(ii), the subpoena may not be issued.

18 “(c) NOTICE TO ATTORNEY GENERAL.—

19 “(1) IN GENERAL.—If the Subpoena Panel ap-  
 20 proves a request for approval to issue a subpoena  
 21 under subsection (b)(2), the Inspector General shall  
 22 notify the Attorney General that the Inspector Gen-  
 23 eral intends to issue the subpoena.

24 “(2) DECISION OF ATTORNEY GENERAL.—Not  
 25 later than 10 days after the date on which the At-

1       torney General is notified under paragraph (1), the  
2       Attorney General may—

3               “(A) object to the issuance of the subpoena  
4               if the subpoena will interfere with an ongoing  
5               investigation; or

6               “(B) approve the issuance of the subpoena.

7               “~~(3)~~ ISSUANCE OF SUBPOENA APPROVED.—If  
8       the Attorney General approves the issuance of the  
9       subpoena or does not object to the issuance of the  
10      subpoena during the 10-day period described in  
11      paragraph (2), the Inspector General may issue the  
12      subpoena.

13      “~~(d)~~ INCLUSION IN ANNUAL REPORT.—Not later  
14      than 1 year after the date of enactment of this Act, and  
15      every year thereafter, each Inspector General shall submit  
16      to the Chairperson of the Council of the Inspectors Gen-  
17      eral on Integrity and Efficiency the number of times the  
18      Inspector General issued a subpoena under this section,  
19      which shall be included by the Chairperson in the annual  
20      report required under section 11(b)(3)(B)(viii).

21      “~~(e)~~ RULE OF CONSTRUCTION.—Nothing in this sec-  
22      tion shall be construed to affect the exercise by an Inspec-  
23      tor General of any testimonial subpoena authority estab-  
24      lished under any other provision of law.”.



1           (b) MATCHING PROGRAM AND PAPERWORK REDUC-  
2 TION ACT EXCEPTION FOR INSPECTORS GENERAL.—Sec-  
3 tion 6 of the Inspector General Act of 1978 (5 U.S.C.  
4 App.) is amended by adding at the end the following:

5           “(g)(1) In this subsection, the terms ‘agency’,  
6 ‘matching program’, ‘record’, and ‘system of records’ have  
7 the meanings given those terms in section 552a(a) of title  
8 5, United States Code.

9           “(2) For purposes of section 552a of title 5, United  
10 States Code, or any other provision of law, a computerized  
11 comparison of 2 or more automated Federal systems of  
12 records, or a computerized comparison of a Federal sys-  
13 tem of records with other records or non-Federal records,  
14 performed by an Inspector General or by an agency in co-  
15 ordination with an Inspector General in conducting an  
16 audit, investigation, inspection, evaluation, or other review  
17 authorized under this Act shall not be considered a match-  
18 ing program.

19           “(3) Nothing in this subsection shall be construed to  
20 impede the exercise by an Inspector General of any match-  
21 ing program authority established under any other provi-  
22 sion of law.

23           “(h) Subchapter I of chapter 35 of title 44, United  
24 States Code, shall not apply to the collection of informa-  
25 tion during the conduct of an audit, investigation, inspec-

1 tion, evaluation, or other review conducted by the Council  
 2 of the Inspectors General on Integrity and Efficiency or  
 3 any Office of Inspector General, including any Office of  
 4 Special Inspector General.”.

5 **SEC. 4. ADDITIONAL RESPONSIBILITIES AND RESOURCES**  
 6 **OF THE COUNCIL OF THE INSPECTORS GEN-**  
 7 **ERAL ON INTEGRITY AND EFFICIENCY.**

8 Section 41 of the Inspector General Act of 1978 (5  
 9 U.S.C. App.) is amended—

10 (1) in subsection (b)—

11 (A) in paragraph (1)(B), by striking “Di-  
 12 rector of National Intelligence” and inserting  
 13 “Intelligence Community”; and

14 (B) by amending paragraph (3)(B)(viii) to  
 15 read as follows:

16 “(viii) prepare and transmit an an-  
 17 nual report on behalf of the Council on the  
 18 activities of the Council to—

19 “(I) the President;

20 “(II) the appropriate committees  
 21 of jurisdiction in the Senate and the  
 22 House of Representatives;

23 “(III) the Committee on Home-  
 24 land Security and Governmental Af-  
 25 fairs of the Senate; and

1                   “(IV) the Committee on Over-  
2                   sight and Government Reform of the  
3                   House of Representatives.”;

4           (2) in subsection (c)(1)—

5                   (A) in subparagraph (G), by striking  
6                   “and” at the end;

7                   (B) by redesignating subparagraph (H) as  
8                   subparagraph (I); and

9                   (C) by inserting after subparagraph (G)  
10                  the following:

11                   “(H) receive, review, and mediate any dis-  
12                  putes submitted in writing to the Council by an  
13                  Office of Inspector General regarding an audit,  
14                  investigation, inspection, evaluation, or project  
15                  that involves the jurisdiction of more than 1 Of-  
16                  fice of Inspector General; and”;

17           (3) in subsection (d)—

18                   (A) in paragraph (2)—

19                           (i) by striking subparagraph (C);

20                           (ii) by redesignating subparagraphs  
21                           (A), (B), and (D) as clauses (i), (ii), and  
22                           (iii), respectively, and adjusting the mar-  
23                           gins accordingly;

1 (iii) in the matter preceding clause (i),  
 2 as so redesignated, by striking “The Integ-  
 3 rity” and inserting the following:

4 “(A) IN GENERAL.—The Integrity”;

5 (iv) in clause (i), as so redesignated,  
 6 by striking “, who” and all that follows  
 7 through “Committee”;

8 (v) in clause (iii), as so redesignated,  
 9 by inserting “or the designee of the Direc-  
 10 tor” before the period at the end; and

11 (vi) by adding at the end the fol-  
 12 lowing:

13 “(B) CHAIRPERSON.—

14 “(i) IN GENERAL.—The Integrity  
 15 Committee shall elect 1 of the Inspectors  
 16 General referred to in subparagraph (A)(ii)  
 17 to act as Chairperson of the Committee (in  
 18 this subsection referred to as the ‘Chair-  
 19 person’).

20 “(ii) TERM.—The term of office of the  
 21 Chairperson shall be 2 years.”;

22 (B) by amending paragraph (5) to read as  
 23 follows:

24 “(5) REVIEW OF ALLEGATIONS.—

1           “(A) IN GENERAL.—Not later than 7 days  
2 after the date on which the Integrity Committee  
3 receives an allegation of wrongdoing against an  
4 Inspector General or against a staff member of  
5 an Office of Inspector General described under  
6 paragraph (4)(C); the allegation of wrongdoing  
7 shall be reviewed and referred to the Depart-  
8 ment of Justice or the Office of Special Counsel  
9 for investigation, or to the Integrity Committee  
10 for review, as appropriate, by—

11           “(i) a representative of the Depart-  
12 ment of Justice, as designated by the At-  
13 torney General;

14           “(ii) a representative of the Office of  
15 Special Counsel, as designated by the Spe-  
16 cial Counsel; and

17           “(iii) a representative of the Integrity  
18 Committee, as designated by the Chair-  
19 person.

20           “(B) REFERRAL TO THE CHAIRPERSON.—  
21 Not later than 7 days after the date on which  
22 an allegation of wrongdoing is referred to the  
23 Integrity Committee under subparagraph (A),  
24 the Integrity Committee shall determine wheth-

1 er to refer the allegation of wrongdoing to the  
2 Chairperson to initiate an investigation.”;

3 (C) in paragraph (6)—

4 (i) in subparagraph (A), by striking  
5 “paragraph (5)(C)” and inserting “para-  
6 graph (5)(B)”;

7 (ii) in subparagraph (B)(i), by strik-  
8 ing “may” and inserting “shall”;

9 (D) in paragraph (7)—

10 (i) in subparagraph (B)—

11 (I) in clause (i)—

12 (aa) in subclause (III), by  
13 striking “and” at the end;

14 (bb) in subclause (IV), by  
15 striking the period at the end  
16 and inserting a semicolon; and

17 (cc) by adding at the end  
18 the following:

19 “(V) except as provided in clause  
20 (ii), ensuring, to the extent possible,  
21 that investigations are conducted by  
22 Offices of Inspector General of similar  
23 size;

24 “(VI) creating a regular rotation  
25 of Inspectors General assigned to in-

1 investigate allegations through the In-  
2 tegrity Committee; and

3 “(VII) creating procedures to  
4 avoid conflicts of interest for Integrity  
5 Committee investigations.”;

6 (II) by redesignating clause (ii)  
7 as clause (iii); and

8 (III) by inserting after clause (i)  
9 the following:

10 “(ii) EXCEPTION.—The requirement  
11 under clause (i)(V) shall not apply to any  
12 Office of Inspector General with less than  
13 50 employees who are authorized to con-  
14 duct audits or investigations.”;

15 (ii) by striking subparagraph (C); and

16 (iii) by inserting after subparagraph  
17 (B) the following:

18 “(C) COMPLETION OF INVESTIGATION.—If  
19 an allegation of wrongdoing is referred to the  
20 Chairperson under paragraph (5)(B), the  
21 Chairperson—

22 “(i) shall complete the investigation  
23 not later than 120 days after the date on  
24 which the Integrity Committee made such  
25 a referral;

1           “(ii) if the investigation cannot be  
2           completed within the 120-day period de-  
3           scribed in clause (i), shall—

4                   “(I) promptly notify the congres-  
5                   sional committees described in para-  
6                   graph (8)(A)(iii); and

7                   “(II) brief the congressional com-  
8                   mittees described in paragraph  
9                   (8)(A)(iii) every 30 days until the in-  
10                  vestigation is complete.

11               “(D) CONCURRENT INVESTIGATION.—If an  
12               allegation of wrongdoing against an Inspector  
13               General or a staff member of an Office of In-  
14               specter General described under paragraph  
15               (4)(C) is referred to the Department of Justice  
16               or the Office of Special Counsel under para-  
17               graph (5)(A), the Chairperson may conduct any  
18               related investigation referred to the Chairperson  
19               under paragraph (5)(B) concurrently with the  
20               Department of Justice or the Office of Special  
21               Counsel, as applicable.

22               “(E) REPORTS.—

23                   “(i) INTEGRITY COMMITTEE INVES-  
24                   TIGATIONS.—For each investigation of an  
25                   allegation of wrongdoing referred to the



1           Chairperson under paragraph (5)(B), the  
2           Chairperson shall submit to members of  
3           the Integrity Committee a report con-  
4           taining the results of the investigation.

5           “(ii) OTHER INVESTIGATIONS.—For  
6           each allegation of wrongdoing referred to  
7           the Department of Justice or the Office of  
8           Special Counsel under paragraph (5)(A),  
9           the Attorney General or the Special Coun-  
10          sel, as applicable, shall submit to the In-  
11          tegrity Committee a report containing the  
12          results of the investigation.

13          “(iii) AVAILABILITY TO CONGRESS.—  
14          Any Member of Congress shall have access  
15          to any report authored by the Integrity  
16          Committee.”;

17          (E) by striking paragraph (8)(A)(iii) and  
18          inserting the following:

19          “(iii) submit the report, with the rec-  
20          ommendations of the Integrity Committee,  
21          to the Committee on Homeland Security  
22          and Governmental Affairs of the Senate,  
23          the Committee on Oversight and Govern-  
24          ment Reform of the House of Representa-

1           tives, and other congressional committees  
2           of jurisdiction; and

3           “~~(iv)~~ following the submission of the  
4           report under clause (iii) and upon request  
5           by any Member of Congress, submit the re-  
6           port, with the recommendations of the In-  
7           tegrity Committee, to that Member.”;

8           (F) in paragraph (9)(B), by striking  
9           “other agencies” and inserting “the Depart-  
10          ment of Justice or the Office of Special Coun-  
11          sel”;

12          (G) in paragraph (10), by striking “any of  
13          the following” and all that follows through the  
14          period at the end and inserting “any Member of  
15          Congress.”; and

16          (H) by adding at the end the following:

17          “~~(12)~~ ALLEGATIONS OF WRONGDOING AGAINST  
18          SPECIAL COUNSEL OR DEPUTY SPECIAL COUNSEL.—

19                 “(A) SPECIAL COUNSEL DEFINED.—In this  
20          paragraph, the term ‘Special Counsel’ means  
21          the Special Counsel appointed under section  
22          1211(b) of title 5, United States Code.

23                 “(B) AUTHORITY OF INTEGRITY COM-  
24          MITTEE.—

1           “(i) IN GENERAL.—An allegation of  
2 wrongdoing against the Special Counsel or  
3 the Deputy Special Counsel may be re-  
4 ceived, reviewed, and referred for investiga-  
5 tion to the same extent and in the same  
6 manner as in the case of an allegation  
7 against an Inspector General or against a  
8 staff member of an Office of Inspector  
9 General described under paragraph (4)(C),  
10 subject to the requirement that the rep-  
11 resentative designated by the Special  
12 Counsel under paragraph (5)(A)(ii) shall  
13 recuse himself or herself from the consider-  
14 ation of any allegation brought under this  
15 paragraph.

16           “(ii) COORDINATION WITH EXISTING  
17 PROVISIONS OF LAW.—This paragraph  
18 does not eliminate access to the Merit Sys-  
19 tems Protection Board for review under  
20 section 7701 of title 5, United States  
21 Code. To the extent that an allegation  
22 brought under this subsection involves sec-  
23 tion 2302(b)(8) of that title, a failure to  
24 obtain corrective action within 120 days  
25 after the date on which the allegation is re-

1 received by the Integrity Committee shall,  
 2 for purposes of section 1221 of such title,  
 3 be considered to satisfy section  
 4 1214(a)(3)(B) of that title.

5 “(C) REGULATIONS.—The Integrity Com-  
 6 mittee may prescribe any rules or regulations  
 7 necessary to carry out this paragraph, subject  
 8 to such consultation or other requirements as  
 9 may otherwise apply.

10 “(13) COMMITTEE RECORDS.—The Chairperson  
 11 of the Council shall maintain the records of the In-  
 12 tegrity Committee.”; and

13 (4) by adding at the end the following:

14 “(e) AUTHORIZATION OF APPROPRIATIONS FOR  
 15 COUNCIL.—For the purposes of carrying out this section,  
 16 there are authorized to be appropriated into the revolving  
 17 fund described in subsection (e)(3)(B), out of any money  
 18 in the Treasury not otherwise appropriated, the following  
 19 sums:

20 “(1) \$8,500,000 for fiscal year 2016.

21 “(2) \$9,000,000 for fiscal year 2017.

22 “(3) \$9,500,000 for fiscal year 2018.

23 “(4) \$10,000,000 for fiscal year 2019.

24 “(5) \$10,500,000 for fiscal year 2020.

25 “(6) \$11,000,000 for fiscal year 2021.”.

1 **SEC. 5. REPORTS AND ADDITIONAL INFORMATION.**

2 (a) **REPORT ON VACANCIES IN THE OFFICES OF IN-**  
3 **SPECTOR GENERAL.**—The Comptroller General shall—

4 (1) conduct a study of prolonged vacancies in  
5 the Offices of Inspector General during which a tem-  
6 porary appointee has served as the head of the office  
7 that includes—

8 (A) the number and duration of Inspector  
9 General vacancies;

10 (B) an examination of the extent to which  
11 the number and duration of such vacancies has  
12 changed over time;

13 (C) an evaluation of the impact such va-  
14 cancies have had on the ability of the relevant  
15 Office of the Inspector General to effectively  
16 carry out statutory requirements; and

17 (D) recommendations to minimize the du-  
18 ration of such vacancies;

19 (2) not later than 9 months after the date of  
20 enactment of this Act, present a briefing on the  
21 findings of the study conducted under paragraph (1)  
22 to—

23 (A) the Committee on Homeland Security  
24 and Governmental Affairs of the Senate; and

1           ~~(B)~~ the Committee on Oversight and Gov-  
 2           ernment Reform of the House of Representa-  
 3           tives; and

4           ~~(3)~~ not later than 15 months after the date of  
 5           enactment of this Act, submit a report on the find-  
 6           ings of the study conducted under paragraph ~~(1)~~ to  
 7           the committees described in paragraph ~~(2)~~.

8           ~~(b)~~ REPORT ON ISSUES INVOLVING MULTIPLE OF-  
 9           FICES OF INSPECTOR GENERAL.—The Council of the In-  
 10          spectors General on Integrity and Efficiency shall—

11           ~~(1)~~ conduct an analysis of critical issues that  
 12          involve the jurisdiction of more than 1 individual  
 13          Federal agency or entity to identify—

14           ~~(A)~~ each such issue that could be better  
 15          addressed through greater coordination among,  
 16          and cooperation between, individual Offices of  
 17          Inspector General;

18           ~~(B)~~ the best practices that can be em-  
 19          ployed by the Offices of Inspector General to in-  
 20          crease coordination and cooperation on each  
 21          issue identified; and

22           ~~(C)~~ any recommended statutory changes  
 23          that would facilitate coordination and coopera-  
 24          tion among the Offices of Inspector General on  
 25          critical issues; and

1           (2) not later than 1 year after the date of en-  
 2           actment of this Act, submit a report on the findings  
 3           of the analysis described in paragraph (1) to—

4                   (A) the Committee on Homeland Security  
 5                   and Governmental Affairs of the Senate; and

6                   (B) the Committee on Oversight and Gov-  
 7                   ernment Reform of the House of Representa-  
 8                   tives.

9           (c) ADDITIONAL INFORMATION.—

10           (1) IN GENERAL.—Not later than 6 months  
 11           after the date of enactment of this Act, and every  
 12           6 months thereafter, the Office of Inspector General  
 13           (in this subsection referred to as the “Office”) of  
 14           each Federal agency or department shall submit to  
 15           the appropriate committees of jurisdiction in the  
 16           Senate and the House of Representatives, the Com-  
 17           mittee on Homeland Security and Governmental Af-  
 18           fairs of the Senate, and the Committee on Oversight  
 19           and Government Reform of the House of Represent-  
 20           atives—

21                   (A) a report on each investigation con-  
 22                   ducted by the Office involving employees of the  
 23                   Federal agency or department, as applicable,  
 24                   receiving pay at the rate specified for GS-15  
 25                   level or above of the General Schedule under

1 section 5332 of title 5, United States Code,  
2 where misconduct was found but no prosecution  
3 resulted, including—

4 (i) a detailed description of the facts  
5 and circumstances of the investigation; and

6 (ii) a detailed description of the status  
7 and disposition of the matter, including—

8 (I) if the matter was referred to  
9 the Department of Justice, the date of  
10 the referral; and

11 (II) if the Department of Justice  
12 declined the referral, the date of the  
13 declination and an explanation of the  
14 reasons for the declination;

15 (B) reports authored by the Office that are  
16 not available to the public;

17 (C) a detailed description of any instance  
18 of whistleblower retaliation, including informa-  
19 tion about the official found to have engaged in  
20 retaliation and what, if any, consequences the  
21 Federal agency or department imposed to hold  
22 that official accountable; provided that the Of-  
23 fice obtains whistleblower consent before reveal-  
24 ing any personally identifiable information to  
25 Congress;



1           (D) a detailed description of any attempt  
2 by the Federal agency or department, as appli-  
3 cable, to interfere with the independence of the  
4 Office, including—

5           (i) with communication between the  
6 Office and Congress; and

7           (ii) with budget constraints designed  
8 to limit the capabilities of the Office; and

9           (E) detailed descriptions of the particular  
10 circumstances of each—

11           (i) investigation, evaluation, and audit  
12 conducted by the Office that is closed and  
13 was not disclosed to the public;

14           (ii) outstanding unimplemented rec-  
15 ommendation of the Office, as well as the  
16 aggregate potential cost savings of those  
17 open recommendations; and

18           (iii) incident where the Federal agen-  
19 cy or department, as applicable, has re-  
20 sisted or objected to oversight activities of  
21 the Office or restricted or significantly de-  
22 layed access to information, including the  
23 justification of the Federal agency or de-  
24 partment for such action; and

1           ~~(F)~~ a narrative description of any audit,  
 2           evaluation, and investigation provided by the  
 3           Office to the Federal agency or department, as  
 4           applicable, for comment but not returned within  
 5           60 days.

6           ~~(2) AVAILABILITY TO MEMBERS OF CON-~~  
 7           ~~GRESS.—~~The information described in paragraph ~~(1)~~  
 8           shall be available upon request by any Member of  
 9           Congress.

10 **SEC. 6. TECHNICAL AND CONFORMING AMENDMENTS.**

11           ~~(a) REPEALS.—~~

12           ~~(1) INSPECTOR GENERAL ACT OF 2008.—~~Sec-  
 13           tion 7(b) of the Inspector General Reform Act of  
 14           2008 (Public Law 110–409; 122 Stat. 4312; 5  
 15           U.S.C. 1211 note) is repealed.

16           ~~(2) OVERSEAS CONTINGENCY OPERATIONS.—~~  
 17           Section 744 of the Financial Services and General  
 18           Government Appropriations Act, 2009 (division D of  
 19           Public Law 111–8; 123 Stat. 693; 5 U.S.C. App.  
 20           8L) is repealed.

21           ~~(b) AGENCY APPLICABILITY.—~~

22           ~~(1) AMENDMENTS.—~~The Inspector General Act  
 23           of 1978 (5 U.S.C. App.), as amended by this Act,  
 24           is further amended—

25           ~~(A) in section 8M—~~

1 (i) in subsection (a)(1)—

2 (I) by striking “Each agency”  
3 and inserting “Each Federal agency  
4 and designated Federal entity”; and

5 (II) by striking “that agency”  
6 each place that term appears and in-  
7 serting “that Federal agency or des-  
8 ignated Federal entity”; and

9 (ii) in subsection (b)—

10 (I) in paragraph (1), by striking  
11 “agency” and inserting “Federal  
12 agency and designated Federal enti-  
13 ty”; and

14 (II) in paragraph (2), by striking  
15 “agency” each place that term ap-  
16 pears and inserting “Federal agency  
17 and designated Federal entity”; and

18 (B) in section 11(c)(3)(A)(ii), by striking  
19 “department, agency, or entity of the executive  
20 branch” and inserting “Federal agency or des-  
21 ignated Federal entity”.

22 (2) EFFECTIVE DATE.—The amendments made  
23 by paragraph (1) shall take effect on the date that  
24 is 180 days after the date of enactment of this Act.

1           (e) REQUIREMENTS FOR INSPECTORS GENERAL  
 2 WEBSITES.—Section 8M(b)(1) of the Inspector General  
 3 Act of 1978 (5 U.S.C. App.), as amended by subsection  
 4 (b)(1), is further amended—

5           (1) in subparagraph (A), by striking “report or  
 6 audit (or portion of any report or audit)” and insert-  
 7 ing “audit report, inspection report, or evaluation  
 8 report (or portion of any such report)”; and

9           (2) by striking “report or audit (or portion of  
 10 that report or audit)” each place that term appears  
 11 and inserting “report (or portion of that report)”.

12           (d) CORRECTIONS.—

13           (1) EXECUTIVE ORDER NUMBER.—Section  
 14 7(e)(2) of the Inspector General Reform Act of 2008  
 15 (Public Law 110–409; 122 Stat. 4313; 31 U.S.C.  
 16 501 note) is amended by striking “12933” and in-  
 17 serting “12993”.

18           (2) PUNCTUATION AND CROSS-REFERENCES.—  
 19 The Inspector General Act of 1978 (5 U.S.C. App.),  
 20 as amended by this Act, is further amended—

21           (A) in section 4(b)(2)—

22           (i) by striking “8F(a)(2)” each place  
 23 that term appears and inserting  
 24 “8G(a)(2)”; and

1 (ii) by striking “8F(a)(1)” and insert-  
 2 ing “8G(a)(1);”

3 (B) in section 5(a)(13), by striking  
 4 “05(b)” and inserting “804(b);”

5 (C) in section 6(a)(4), by striking “infor-  
 6 mation, as well as any tangible thing)” and in-  
 7 serting “information), as well as any tangible  
 8 thing”; and

9 (D) in section 8G(g)(3), by striking “8C”  
 10 and inserting “8D”.

11 (3) SPELLING.—The Inspector General Act of  
 12 1978 (5 U.S.C. App.), as amended by this Act, is  
 13 further amended—

14 (A) in section 3(a), by striking “subpena”  
 15 and inserting “subpoena”;

16 (B) in section 6(a)(4), by striking “sub-  
 17 penas” and inserting “subpoenas”;

18 (C) in section 8D(a)—

19 (i) in paragraph (1), by striking “sub-  
 20 penas” and inserting “subpoenas”; and

21 (ii) in paragraph (2), by striking  
 22 “subpena” each place that term appears  
 23 and inserting “subpoena”;

24 (D) in section 8E(a)—

1 (i) in paragraph (1), by striking “sub-  
2 penas” and inserting “subpoenas”; and

3 (ii) in paragraph (2), by striking  
4 “subpena” each place that term appears  
5 and inserting “subpoena”; and

6 (E) in section 8G(d)(1), by striking “sub-  
7 pena” and inserting “subpoena”.

8 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

9 (a) *SHORT TITLE.*—*This Act may be cited as the “In-  
10 spector General Empowerment Act of 2015”.*

11 (b) *TABLE OF CONTENTS.*—*The table of contents for  
12 this Act is as follows:*

*Sec. 1. Short title; table of contents.*

*Sec. 2. Nonduty status of Inspectors General; supervision.*

*Sec. 3. Additional authority provisions for Inspectors General.*

*Sec. 4. Additional responsibilities and resources of the Council of the Inspectors  
General on Integrity and Efficiency.*

*Sec. 5. Reports and additional information.*

*Sec. 6. Technical and conforming amendments.*

13 **SEC. 2. NONDUTY STATUS OF INSPECTORS GENERAL; SU-  
14 PERVISION.**

15 *The Inspector General Act of 1978 (5 U.S.C. App.) is  
16 amended—*

17 (1) *in section 3—*

18 (A) *in the section header—*

19 (i) *by striking “supervision;” and*

20 (ii) *by inserting “administrative  
21 leave;” after “removal;”*

22 (B) *in subsection (a)—*

1                   (i) by striking “and be under the gen-  
2                   eral supervision of”; and

3                   (ii) by striking “or be subject to super-  
4                   vision by,”;

5                   (C) in subsection (b)—

6                   (i) by striking “An Inspector General”  
7                   and inserting “(1) An Inspector General”;

8                   (ii) in paragraph (1), as so designated,  
9                   by striking the last sentence; and

10                  (iii) by adding at the end the fol-  
11                  lowing:

12                  “(2) An Inspector General may not be placed in a paid  
13                  or unpaid, nonduty status by the President—

14                  “(A) unless the President, not later than 48  
15                  hours after the President issues the directive to place  
16                  the Inspector General in such status, communicates in  
17                  writing to both Houses of Congress the reasons for  
18                  such action, which shall be limited to evidence that  
19                  the continued presence in the workplace of the Inspec-  
20                  tor General may—

21                  “(i) pose a threat to the employee or others;

22                  “(ii) result in loss of or damage to property  
23                  of the Federal Government; or

24                  “(iii) otherwise jeopardize legitimate inter-  
25                  ests of the Federal Government; and

1           “(B) for more than 10 days, unless the Integrity  
2           Committee of the Council of the Inspectors General for  
3           Integrity and Efficiency submits to the President a  
4           written recommendation for additional time, which is  
5           acted upon by the President, and the decision is com-  
6           municated immediately to both Houses of Congress.

7           “(3) Nothing in this subsection shall prohibit a per-  
8           sonnel action otherwise authorized by law.”; and

9           (2) in section 8G(e)—

10           (A) in paragraph (2), by striking the last  
11           sentence; and

12           (B) by adding at the end the following:

13           “(3) An Inspector General may not be placed in a paid  
14           or unpaid, nonduty status by the head of a designated Fed-  
15           eral entity—

16           “(A) unless the head of the designated Federal  
17           entity, not later than 48 hours after the head of the  
18           designated Federal entity issues the directive to place  
19           the Inspector General in such status, communicates in  
20           writing to both Houses of Congress the reasons for  
21           such action, which shall be limited to evidence that  
22           the continued presence in the workplace of the Inspec-  
23           tor General may—

24           “(i) pose a threat to the employee or others;



1                   “(ii) result in loss of or damage to property  
2                   of the Federal Government; or

3                   “(iii) otherwise jeopardize legitimate inter-  
4                   ests of the Federal Government; and

5                   “(B) for more than 10 days, unless the Integrity  
6                   Committee of the Council of the Inspectors General for  
7                   Integrity and Efficiency submits to the head of the  
8                   designated Federal entity a written recommendation  
9                   for additional time, which is acted upon by the head  
10                  of the designated Federal entity, and the decision is  
11                  communicated immediately to both Houses of Con-  
12                  gress.

13                  “(4) Nothing in this subsection shall prohibit a per-  
14                  sonnel action otherwise authorized by law.”.

15   **SEC. 3. ADDITIONAL AUTHORITY PROVISIONS FOR INSPEC-**  
16   **TORS GENERAL.**

17                  (a) *SUBPOENA AUTHORITY FOR INSPECTORS GENERAL*  
18   *TO REQUIRE TESTIMONY OF CERTAIN PERSONS.*—*The In-*  
19   *pector General Act of 1978 (5 U.S.C. App.) is amended—*

20                   (1) *in section 5(a)—*

21                                   (A) *in paragraph (15), by striking “and”*  
22                                   *at the end;*

23                                   (B) *in paragraph (16), by striking the pe-*  
24                                   *riod at the end and inserting “; and”; and*

25                                   (C) *by inserting at the end the following:*

1           “(17) a description of the use of subpoenas for  
2           the attendance and testimony of certain witnesses  
3           under section 6A.”;

4           (2) by inserting after section 6 the following:

5   **“SEC. 6A. ADDITIONAL AUTHORITY.**

6           “(a) *TESTIMONIAL SUBPOENA AUTHORITY.*—In addi-  
7           tion to the authority otherwise provided by this Act and  
8           in accordance with the requirements of this section, each  
9           Inspector General, in carrying out the provisions of this  
10          Act, is authorized to require by subpoena the attendance  
11          and testimony of certain witnesses, including a current or  
12          former contractor with the Federal Government, a current  
13          or former subcontractor (at any tier) of a contractor with  
14          the Federal Government, a current or former grantee of the  
15          Federal Government, a current or former subgrantee of a  
16          grantee of the Federal Government, a current or former em-  
17          ployee of such a contractor, subcontractor, grantee, or sub-  
18          grantee, and any former Federal employee (but not includ-  
19          ing any Federal employee, who is otherwise obligated to  
20          provide testimony and cooperate with the Inspector Gen-  
21          eral), necessary in the performance of the functions assigned  
22          by this Act, which subpoena, in the case of contumacy or  
23          refusal to obey, shall be enforceable by order of any appro-  
24          priate United States district court.

25          “(b) *PANEL REVIEW BEFORE ISSUANCE.*—

1           “(1) *APPROVAL REQUIRED.*—*Before the issuance*  
2 *of a subpoena described in subsection (a), an Inspec-*  
3 *tor General shall submit a request for approval to*  
4 *issue a subpoena by a majority of a panel (in this*  
5 *section referred to as the ‘Subpoena Panel’), which*  
6 *shall be comprised of—*

7           “(A) *3 members of the Council of the In-*  
8 *spectors General on Integrity and Efficiency, as*  
9 *designated by the Chairperson of the Council of*  
10 *the Inspectors General on Integrity and Effi-*  
11 *ciency; or*

12           “(B) *in the case of a request by an Inspec-*  
13 *tor General from the Intelligence Community,*  
14 *the 3 members designated under subparagraph*  
15 *(A) shall each be members of the Council of the*  
16 *Inspectors General on Integrity and Efficiency’s*  
17 *Intelligence Community.*

18           “(2) *TIME TO RESPOND.*—

19           “(A) *IN GENERAL.*—*Except as provided in*  
20 *subparagraph (B), not later than 10 days after*  
21 *the date on which a request for approval to issue*  
22 *a subpoena is submitted under paragraph (1),*  
23 *the Subpoena Panel shall approve or deny the*  
24 *request.*

1           “(B) *ADDITIONAL INFORMATION FOR*  
2           *PANEL.—If the Subpoena Panel determines that*  
3           *additional information is necessary to approve*  
4           *or deny a request for approval to issue a sub-*  
5           *poena under subparagraph (A), the Subpoena*  
6           *Panel shall, not later than 20 days after the date*  
7           *on which the request is submitted—*

8                   “(i) *request the additional informa-*  
9                   *tion; and*

10                   “(ii) *approve or deny the request.*

11           “(3) *DENIAL BY PANEL.—If a majority of the*  
12           *members of the Subpoena Panel votes to deny a re-*  
13           *quest for approval to issue a subpoena under subpara-*  
14           *graph (B)(ii), the subpoena may not be issued.*

15           “(c) *NOTICE TO ATTORNEY GENERAL.—*

16                   “(1) *IN GENERAL.—If the Subpoena Panel ap-*  
17                   *proves a request for approval to issue a subpoena*  
18                   *under subsection (b)(2), the Inspector General shall*  
19                   *notify the Attorney General that the Inspector Gen-*  
20                   *eral intends to issue the subpoena.*

21                   “(2) *DECISION OF ATTORNEY GENERAL.—Not*  
22                   *later than 10 days after the date on which the Attor-*  
23                   *ney General is notified under paragraph (1), the At-*  
24                   *torney General may—*

1           “(A) object to the issuance of the subpoena  
2           if the subpoena will interfere with an ongoing  
3           matter; or

4           “(B) approve the issuance of the subpoena.

5           “(3) *ISSUANCE OF SUBPOENA APPROVED.*—If the  
6           Attorney General approves the issuance of the sub-  
7           poena or does not object to the issuance of the sub-  
8           poena during the 10-day period described in para-  
9           graph (2), the Inspector General may issue the sub-  
10          poena.

11          “(d) *INCLUSION IN ANNUAL REPORT.*—Not later than  
12          1 year after the date of enactment of this section, and every  
13          year thereafter, each Inspector General shall submit to the  
14          Chairperson of the Council of the Inspectors General on In-  
15          tegrity and Efficiency the number of times the Inspector  
16          General issued a subpoena under this section, which shall  
17          be included by the Chairperson in the annual report re-  
18          quired under section 11(b)(3)(B)(viii).

19          “(e) *RULE OF CONSTRUCTION.*—Nothing in this sec-  
20          tion shall be construed to affect the exercise by an Inspector  
21          General of any testimonial subpoena authority established  
22          under any other provision of law.”; and

23                 (3) in section 8G(g)(1), by inserting “6A,” before  
24          “and 7”.

1           (b) *MATCHING PROGRAM AND PAPERWORK REDUC-*  
2 *TION ACT EXCEPTION FOR INSPECTORS GENERAL.*—*Sec-*  
3 *tion 6 of the Inspector General Act of 1978 (5 U.S.C. App.)*  
4 *is amended by adding at the end the following:*

5           “(g)(1) *In this subsection, the terms ‘agency’, ‘match-*  
6 *ing program’, ‘record’, and ‘system of records’ have the*  
7 *meanings given those terms in section 552a(a) of title 5,*  
8 *United States Code.*

9           “(2) *For purposes of section 552a of title 5, United*  
10 *States Code, or any other provision of law, a computerized*  
11 *comparison of 2 or more automated Federal systems of*  
12 *records, or a computerized comparison of a Federal system*  
13 *of records with other records or non-Federal records, per-*  
14 *formed by an Inspector General or by an agency in coordi-*  
15 *nation with an Inspector General in conducting an audit,*  
16 *investigation, inspection, evaluation, or other review au-*  
17 *thorized under this Act shall not be considered a matching*  
18 *program.*

19           “(3) *Nothing in this subsection shall be construed to*  
20 *impede the exercise by an Inspector General of any match-*  
21 *ing program authority established under any other provi-*  
22 *sion of law.*

23           “(h) *Subchapter I of chapter 35 of title 44, United*  
24 *States Code, shall not apply to the collection of information*  
25 *during the conduct of an audit, investigation, inspection,*

1 *evaluation, or other review conducted by the Council of the*  
 2 *Inspectors General on Integrity and Efficiency or any Of-*  
 3 *fice of Inspector General, including any Office of Special*  
 4 *Inspector General.”.*

5 **SEC. 4. ADDITIONAL RESPONSIBILITIES AND RESOURCES**  
 6 **OF THE COUNCIL OF THE INSPECTORS GEN-**  
 7 **ERAL ON INTEGRITY AND EFFICIENCY.**

8 *Section 11 of the Inspector General Act of 1978 (5*  
 9 *U.S.C. App.) is amended—*

10 *(1) in subsection (b)—*

11 *(A) in paragraph (1)(B), by striking “Di-*  
 12 *rector of National Intelligence” and inserting*  
 13 *“Intelligence Community”; and*

14 *(B) by amending paragraph (3)(B)(viii) to*  
 15 *read as follows:*

16 *“(viii) prepare and transmit an an-*  
 17 *nual report on behalf of the Council on the*  
 18 *activities of the Council to—*

19 *“(I) the President;*

20 *“(II) the appropriate committees*  
 21 *of jurisdiction of the Senate and the*  
 22 *House of Representatives;*

23 *“(III) the Committee on Home-*  
 24 *land Security and Governmental Af-*  
 25 *airs of the Senate; and*

1                   “(IV) the Committee on Oversight  
2                   and Government Reform of the House  
3                   of Representatives.”;

4                   (2) in subsection (c)(1)—

5                   (A) in subparagraph (G), by striking “and”  
6                   at the end;

7                   (B) by redesignating subparagraph (H) as  
8                   subparagraph (I); and

9                   (C) by inserting after subparagraph (G) the  
10                  following:

11                  “(H) receive, review, and mediate any dis-  
12                  putes submitted in writing to the Council by an  
13                  Office of Inspector General regarding an audit,  
14                  investigation, inspection, evaluation, or project  
15                  that involves the jurisdiction of more than 1 Of-  
16                  fice of Inspector General; and”;

17                  (3) in subsection (d)—

18                  (A) in paragraph (2)—

19                   (i) by striking subparagraph (C);

20                   (ii) by redesignating subparagraphs  
21                   (A), (B), and (D) as clauses (i), (ii), and  
22                   (iii), respectively, and adjusting the mar-  
23                   gins accordingly;



1           (iii) in the matter preceding clause (i),  
2           as so redesignated, by striking “The Integ-  
3           rity” and inserting the following:

4           “(A) *IN GENERAL.—The Integrity*”;

5           (iv) in clause (i), as so redesignated,  
6           by striking “, who” and all that follows  
7           through “Committee”;

8           (v) in clause (iii), as so redesignated,  
9           by inserting “or the designee of the Direc-  
10          tor” before the period at the end; and

11          (vi) by adding at the end the following:

12          “(B) *CHAIRPERSON.—*

13                 “(i) *IN GENERAL.—The Integrity Com-*  
14                 *mittee shall elect 1 of the Inspectors General*  
15                 *referred to in subparagraph (A)(ii) to act as*  
16                 *Chairperson of the Integrity Committee.*

17                 “(ii) *TERM.—The term of office of the*  
18                 *Chairperson of the Integrity Committee*  
19                 *shall be 2 years.”;*

20          (B) by amending paragraph (5) to read as  
21          follows:

22          “(5) *REVIEW OF ALLEGATIONS.—*

23                 “(A) *IN GENERAL.—Not later than 7 cal-*  
24                 *endar days after the date on which the Integrity*  
25                 *Committee receives an allegation of wrongdoing*

1           *against an Inspector General or against a staff*  
2           *member of an Office of Inspector General de-*  
3           *scribed under paragraph (4)(C), the allegation of*  
4           *wrongdoing shall be reviewed and referred to the*  
5           *Department of Justice or the Office of Special*  
6           *Counsel for investigation, or to the Integrity*  
7           *Committee for review, as appropriate, by—*

8                     *“(i) a representative of the Department*  
9                     *of Justice, as designated by the Attorney*  
10                    *General;*

11                    *“(ii) a representative of the Office of*  
12                    *Special Counsel, as designated by the Spe-*  
13                    *cial Counsel; and*

14                    *“(iii) a representative of the Integrity*  
15                    *Committee, as designated by the Chair-*  
16                    *person of the Integrity Committee.*

17                    *“(B) REFERRAL TO THE CHAIRPERSON.—*  
18                    *Not later than 15 calendar days after the date on*  
19                    *which an allegation of wrongdoing is referred to*  
20                    *the Integrity Committee under subparagraph*  
21                    *(A), the Integrity Committee shall determine*  
22                    *whether to refer the allegation of wrongdoing to*  
23                    *the Chairperson of the Integrity Committee to*  
24                    *initiate an investigation.”;*

25                    *(C) in paragraph (6)—*

- 1           (i) in subparagraph (A), by striking  
2           “paragraph (5)(C)” and inserting “para-  
3           graph (5)(B)”;
- 4           (ii) in subparagraph (B)(i), by strik-  
5           ing “may” and inserting “shall”;
- 6           (D) in paragraph (7)—
- 7           (i) in subparagraph (B)—
- 8           (I) in clause (i)—
- 9           (aa) in subclause (III), by  
10          striking “and” at the end;
- 11          (bb) in subclause (IV), by  
12          striking the period at the end and  
13          inserting a semicolon; and
- 14          (cc) by adding at the end the  
15          following:
- 16          “(V) except as provided in clause  
17          (ii), ensuring, to the extent possible,  
18          that investigations are conducted by  
19          Offices of Inspector General of similar  
20          size;
- 21          “(VI) creating a process for rota-  
22          tion of Inspectors General assigned to  
23          investigate allegations through the In-  
24          tegrity Committee; and

1           “(VII) *creating procedures to*  
2           *avoid conflicts of interest for Integrity*  
3           *Committee investigations.*”;

4           (II) *by redesignating clause (ii)*  
5           *as clause (iii); and*

6           (III) *by inserting after clause (i)*  
7           *the following:*

8           “(ii) *EXCEPTION.—The requirement*  
9           *under clause (i)(V) shall not apply to any*  
10           *Office of Inspector General with less than*  
11           *50 employees who are authorized to conduct*  
12           *audits or investigations.*”;

13           (i) *by striking subparagraph (C); and*

14           (iii) *by inserting after subparagraph*  
15           *(B) the following:*

16           “(C) *COMPLETION OF INVESTIGATION.—If*  
17           *an allegation of wrongdoing is referred to the*  
18           *Chairperson of the Integrity Committee under*  
19           *paragraph (5)(B), the Chairperson of the Integ-*  
20           *riety Committee—*

21           “(i) *shall complete the investigation*  
22           *not later than 120 calendar days after the*  
23           *date on which the Integrity Committee*  
24           *made the referral;*

1           “(ii) if the investigation cannot be  
2 completed within the 120-day period de-  
3 scribed in clause (i), shall—

4           “(I) promptly notify the congres-  
5 sional committees described in para-  
6 graph (8)(A)(iii); and

7           “(II) brief the congressional com-  
8 mittees described in paragraph  
9 (8)(A)(iii) every 30 days until the in-  
10 vestigation is complete.

11           “(D) *CONCURRENT INVESTIGATION.*—If an  
12 allegation of wrongdoing against an Inspector  
13 General or a staff member of an Office of Inspec-  
14 tor General described under paragraph (4)(C) is  
15 referred to the Department of Justice or the Of-  
16 fice of Special Counsel under paragraph (5)(A),  
17 the Chairperson of the Integrity Committee may  
18 conduct any related investigation referred to the  
19 Chairperson under paragraph (5)(B) concu-  
20 rrently with the Department of Justice or the Of-  
21 fice of Special Counsel, as applicable.

22           “(E) *REPORTS.*—

23           “(i) *INTEGRITY COMMITTEE INVES-*  
24 *TIGATIONS.*—For each investigation of an  
25 allegation of wrongdoing referred to the

1           *Chairperson of the Integrity Committee*  
2           *under paragraph (5)(B), the Chairperson of*  
3           *the Integrity Committee shall submit to*  
4           *members of the Integrity Committee and to*  
5           *the Chairperson of the Council a report con-*  
6           *taining the results of the investigation.*

7           “(ii) *OTHER INVESTIGATIONS.—For*  
8           *each allegation of wrongdoing referred to*  
9           *the Department of Justice or the Office of*  
10           *Special Counsel under paragraph (5)(A),*  
11           *the Attorney General or the Special Coun-*  
12           *sel, as applicable, shall submit to the Integ-*  
13           *riety Committee a report containing the re-*  
14           *sults of the investigation.*

15           “(iii) *AVAILABILITY TO CONGRESS.—*  
16           *Any Member of Congress shall have access*  
17           *to any report authored by the Integrity*  
18           *Committee.”;*

19           *(E) by striking paragraph (8)(A)(iii) and*  
20           *inserting the following:*

21           “(iii) *submit the report, with the rec-*  
22           *ommendations of the Integrity Committee,*  
23           *to the Committee on Homeland Security*  
24           *and Governmental Affairs of the Senate, the*  
25           *Committee on Oversight and Government*

1           *Reform of the House of Representatives, and*  
 2           *other congressional committees of jurisdic-*  
 3           *tion; and*

4           “(iv) following the submission of the  
 5           report under clause (iii) and upon request  
 6           by any Member of Congress, submit the re-  
 7           port, with the recommendations of the In-  
 8           tegrity Committee, to that Member.”;

9           (F) in paragraph (9)(B), by striking “other  
 10          agencies” and inserting “the Department of Jus-  
 11          tice or the Office of Special Counsel”;

12          (G) in paragraph (10), by striking “any of  
 13          the following” and all that follows through the  
 14          period at the end and inserting “any Member of  
 15          Congress.”; and

16          (H) by adding at the end the following:

17          “(12) ALLEGATIONS OF WRONGDOING AGAINST  
 18          SPECIAL COUNSEL OR DEPUTY SPECIAL COUNSEL.—

19                 “(A) SPECIAL COUNSEL DEFINED.—In this  
 20          paragraph, the term ‘Special Counsel’ means the  
 21          Special Counsel appointed under section 1211(b)  
 22          of title 5, United States Code.

23                 “(B) AUTHORITY OF INTEGRITY COM-  
 24          MITTEE.—

1           “(i) *IN GENERAL.*—An allegation of  
2           *wrongdoing against the Special Counsel or*  
3           *the Deputy Special Counsel may be re-*  
4           *ceived, reviewed, and referred for investiga-*  
5           *tion to the same extent and in the same*  
6           *manner as in the case of an allegation*  
7           *against an Inspector General or against a*  
8           *staff member of an Office of Inspector Gen-*  
9           *eral described under paragraph (4)(C), sub-*  
10          *ject to the requirement that the representa-*  
11          *tive designated by the Special Counsel*  
12          *under paragraph (5)(A)(ii) shall recuse*  
13          *himself or herself from the consideration of*  
14          *any allegation brought under this para-*  
15          *graph.*

16          “(ii) *COORDINATION WITH EXISTING*  
17          *PROVISIONS OF LAW.*—This paragraph shall  
18          *not eliminate access to the Merit Systems*  
19          *Protection Board for review under section*  
20          *7701 of title 5, United States Code. To the*  
21          *extent that an allegation brought under this*  
22          *paragraph involves section 2302(b)(8) of*  
23          *such title, a failure to obtain corrective ac-*  
24          *tion within 120 days after the date on*  
25          *which the allegation is received by the In-*



1            *tegrity Committee shall, for purposes of sec-*  
 2            *tion 1221 of such title, be considered to sat-*  
 3            *isfy section 1214(a)(3)(B) of such title.*

4            *“(C) REGULATIONS.—The Integrity Com-*  
 5            *mittee may prescribe any rules or regulations*  
 6            *necessary to carry out this paragraph, subject to*  
 7            *such consultation or other requirements as may*  
 8            *otherwise apply.*

9            *“(13) COMMITTEE RECORDS.—The Chairperson*  
 10          *of the Council shall maintain the records of the Integ-*  
 11          *riety Committee.”; and*

12            *(4) by adding at the end the following:*

13            *“(e) AUTHORIZATION OF APPROPRIATIONS FOR COUN-*  
 14          *CIL.—For the purposes of carrying out this section, there*  
 15          *are authorized to be appropriated into the revolving fund*  
 16          *described in subsection (c)(3)(B), out of any money in the*  
 17          *Treasury not otherwise appropriated, the following sums:*

18            *“(1) \$7,500,000 for fiscal year 2016.*

19            *“(2) \$7,800,000 for fiscal year 2017.*

20            *“(3) \$8,100,000 for fiscal year 2018.*

21            *“(4) \$8,500,000 for fiscal year 2019.*

22            *“(5) \$8,900,000 for fiscal year 2020.*

23            *“(6) \$9,300,000 for fiscal year 2021.”.*

1 **SEC. 5. REPORTS AND ADDITIONAL INFORMATION.**

2       (a) *REPORT ON VACANCIES IN THE OFFICES OF IN-*  
3 *SPECTOR GENERAL.—The Comptroller General of the*  
4 *United States shall—*

5           (1) *conduct a study of prolonged vacancies in the*  
6 *Offices of Inspector General during which a tem-*  
7 *porary appointee has served as the head of the office*  
8 *that includes—*

9                   (A) *the number and duration of Inspector*  
10 *General vacancies;*

11                   (B) *an examination of the extent to which*  
12 *the number and duration of such vacancies has*  
13 *changed over time;*

14                   (C) *an evaluation of the impact such vacan-*  
15 *cies have had on the ability of the relevant Office*  
16 *of Inspector General to effectively carry out stat-*  
17 *utory requirements; and*

18                   (D) *recommendations to minimize the dura-*  
19 *tion of such vacancies;*

20       (2) *not later than 9 months after the date of en-*  
21 *actment of this Act, present a briefing on the findings*  
22 *of the study conducted under paragraph (1) to—*

23                   (A) *the Committee on Homeland Security*  
24 *and Governmental Affairs of the Senate; and*

1           (B) *the Committee on Oversight and Gov-*  
2           *ernment Reform of the House of Representatives;*  
3           *and*

4           (3) *not later than 15 months after the date of en-*  
5           *actment of this Act, submit a report on the findings*  
6           *of the study conducted under paragraph (1) to the*  
7           *committees described in paragraph (2).*

8           (b) *REPORT ON ISSUES INVOLVING MULTIPLE OF-*  
9           *FICES OF INSPECTOR GENERAL.—The Council of the In-*  
10          *spectors General on Integrity and Efficiency shall—*

11           (1) *conduct an analysis of critical issues that in-*  
12          *volve the jurisdiction of more than 1 individual Fed-*  
13          *eral agency or entity to identify—*

14           (A) *each such issue that could be better ad-*  
15          *dressed through greater coordination among, and*  
16          *cooperation between, individual Offices of In-*  
17          *spector General;*

18           (B) *the best practices that can be employed*  
19          *by the Offices of Inspector General to increase co-*  
20          *ordination and cooperation on each issue identi-*  
21          *fied; and*

22           (C) *any recommended statutory changes*  
23          *that would facilitate coordination and coopera-*  
24          *tion among the Offices of Inspector General on*  
25          *critical issues; and*

1           (2) *not later than 1 year after the date of enact-*  
2 *ment of this Act, submit a report on the findings of*  
3 *the analysis described in paragraph (1) to—*

4                   (A) *the Committee on Homeland Security*  
5 *and Governmental Affairs of the Senate; and*

6                   (B) *the Committee on Oversight and Gov-*  
7 *ernment Reform of the House of Representatives.*

8 (c) *ADDITIONAL INFORMATION.—*

9           (1) *IN GENERAL.—On a semiannual basis to co-*  
10 *incide with the preparation of the semiannual report*  
11 *required under section 5 of the Inspector General Act*  
12 *of 1978 (5 U.S.C. App.), the Office of Inspector Gen-*  
13 *eral (in this subsection referred to as the “Office”) of*  
14 *each Federal agency or department shall submit to*  
15 *the appropriate committees of jurisdiction in the Sen-*  
16 *ate and the House of Representatives, the Committee*  
17 *on Homeland Security and Governmental Affairs of*  
18 *the Senate, and the Committee on Oversight and Gov-*  
19 *ernment Reform of the House of Representatives—*

20                   (A) *a report on each investigation con-*  
21 *ducted by the Office involving employees of the*  
22 *Federal agency or department, as applicable, re-*  
23 *ceiving pay at the rate specified for GS-15 level*  
24 *or above of the General Schedule under section*  
25 *5332 of title 5, United States Code, where mis-*

1           *conduct was found but no prosecution resulted,*  
2           *including—*

3                     *(i) a detailed description of the facts*  
4                     *and circumstances of the investigation; and*

5                     *(ii) a detailed description of the status*  
6                     *and disposition of the matter, including—*

7                             *(I) if the matter was referred to*  
8                             *the Department of Justice, the date of*  
9                             *the referral; and*

10                            *(II) if the Department of Justice*  
11                            *declined the referral, the date of the*  
12                            *declination and an explanation of the*  
13                            *reasons for the declination;*

14                            *(B) reports authored by the Office that are*  
15                            *not available to the public;*

16                            *(C) a detailed description of any instance of*  
17                            *whistleblower retaliation, including information*  
18                            *about the official found to have engaged in retal-*  
19                            *iation and what, if any, consequences the Fed-*  
20                            *eral agency or department imposed to hold that*  
21                            *official accountable, provided that the Office ob-*  
22                            *tains whistleblower consent before revealing the*  
23                            *whistleblower's personally identifiable informa-*  
24                            *tion to Congress;*

1           (D) a detailed description of any attempt  
2 by the Federal agency or department, as applica-  
3 ble, to interfere with the independence of the Of-  
4 fice, including—

5           (i) with communication between the  
6 Office and Congress; and

7           (ii) with budget constraints designed to  
8 limit the capabilities of the Office;

9           (E) detailed descriptions of the particular  
10 circumstances of each—

11           (i) investigation, evaluation, and audit  
12 conducted by the Office that is closed and  
13 was not disclosed to the public;

14           (ii) outstanding unimplemented rec-  
15 ommendation of the Office, as well as the  
16 aggregate potential cost savings of those  
17 open recommendations; and

18           (iii) incident where the Federal agency  
19 or department, as applicable, has resisted or  
20 objected to oversight activities of the Office  
21 or restricted or significantly delayed access  
22 to information, including the justification  
23 of the Federal agency or department for  
24 such action; and

1           (F) a narrative description of any audit,  
2           evaluation, and inspection provided by the Office  
3           to the Federal agency or department, as applica-  
4           ble, for comment that was not returned within  
5           60 days.

6           (2) AVAILABILITY TO MEMBERS OF CONGRESS.—  
7           The information described in paragraph (1) shall be  
8           available upon request by any Member of Congress.

9           (d) DUTY TO SUBMIT AND MAKE AVAILABLE TO THE  
10          PUBLIC CERTAIN WORK PRODUCTS.—Section 4 of the In-  
11          spector General Act of 1978 (5 U.S.C. App.) is amended  
12          by adding at the end the following:

13           “(e)(1) Whenever an Inspector General, in carrying  
14          out the duties and responsibilities established under this  
15          Act, issues a work product that makes a recommendation  
16          or otherwise suggests corrective action, the Inspector Gen-  
17          eral shall—

18           “(A) submit the work product to—

19           “(i) the head of the establishment;

20           “(ii) the Committee on Homeland Security  
21          and Governmental Affairs and the Committee on  
22          Appropriations of the Senate;

23           “(iii) the Committee on Oversight and Gov-  
24          ernment Reform and the Committee on Appro-  
25          priations of the House of Representatives;

1           “(iv) the congressional committees of juris-  
2           diction;

3           “(v) if the work product was initiated upon  
4           request by an individual or entity other than the  
5           Inspector General, that individual or entity; and

6           “(vi) any Member of Congress upon request;  
7           and

8           “(B) not later than 3 days after the work prod-  
9           uct is submitted in final form to the head of the estab-  
10          lishment, post the work product on the website of the  
11          Office of Inspector General.

12          “(2) Nothing in this subsection shall be construed to  
13          authorize the public disclosure of information that is spe-  
14          cifically prohibited from disclosure by any other provision  
15          of law.”.

16          (e) *POSTING OF REPORTS ON WEBSITES OF OFFICES*  
17          *OF INSPECTORS GENERAL.*—Section 8M(b) of the Inspector  
18          General Act of 1978 (5 U.S.C. App.) is amended—

19                 (1) in paragraph (1)(A), by striking “is made  
20                 publicly available” and inserting “is submitted in  
21                 final form to the head of the Federal agency or the  
22                 head of the designated Federal entity, as applicable”;  
23                 and

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



1           “(3) *RULE OF CONSTRUCTION.*—Nothing in this  
 2           *subsection shall be construed to authorize the public*  
 3           *disclosure of information that is prohibited from dis-*  
 4           *closure by any other provision of law.”.*

5 **SEC. 6. TECHNICAL AND CONFORMING AMENDMENTS.**

6           (a) *REPEALS.*—

7                 (1) *INSPECTOR GENERAL ACT OF 2008.*—Section  
 8                 7(b) of the *Inspector General Reform Act of 2008*  
 9                 (Public Law 110–409; 122 Stat. 4312; 5 U.S.C. 1211  
 10                note) is repealed.

11               (2) *FINANCIAL SERVICES AND GENERAL GOVERN-*  
 12                *MENT APPROPRIATIONS ACT, 2009.*—Section 744 of the  
 13                *Financial Services and General Government Appro-*  
 14                *propriations Act, 2009 (division D of Public Law 111–*  
 15                8; 123 Stat. 693) is repealed.

16           (b) *AGENCY APPLICABILITY.*—

17               (1) *AMENDMENTS.*—The *Inspector General Act of*  
 18                1978 (5 U.S.C. App.), as amended by this Act, is fur-  
 19                ther amended—

20                         (A) in section 8M—

21                                 (i) in subsection (a)(1)—

22   (I) by striking “Each agency”  
 23   and inserting “Each Federal agency  
 24   and designated Federal entity”; and

1                   (II) by striking “that agency”  
 2                   each place that term appears and in-  
 3                   serting “that Federal agency or des-  
 4                   ignated Federal entity”;

5                   (ii) in subsection (b)—

6                   (I) in paragraph (1), by striking  
 7                   “agency” and inserting “Federal agen-  
 8                   cy and designated Federal entity”; and

9                   (II) in paragraph (2), by striking  
 10                  “agency” each place that term appears  
 11                  and inserting “Federal agency and  
 12                  designated Federal entity”; and

13                  (iii) by adding at the end the fol-  
 14                  lowing:

15                  “(c) *DEFINITIONS.*—In this section, the terms ‘des-  
 16                  ignated Federal entity’ and ‘head of the designated Federal  
 17                  entity’ have the meanings given those terms in section  
 18                  8G(a).”; and

19                  (B) in section 11(c)(3)(A)(ii), by striking  
 20                  “department, agency, or entity of the executive  
 21                  branch” and inserting “Federal agency or des-  
 22                  ignated Federal entity (as defined in section  
 23                  8G(a))”.

1           (2) *EFFECTIVE DATE.*—*The amendments made*  
2           *by paragraph (1) shall take effect on the date that is*  
3           *180 days after the date of enactment of this Act.*

4           (c) *REQUIREMENTS FOR INSPECTORS GENERAL*  
5           *WEBSITES.*—*Section 8M(b)(1) of the Inspector General Act*  
6           *of 1978 (5 U.S.C. App.), as amended by this Act, is further*  
7           *amended—*

8           (1) *in subparagraph (A), by striking “report or*  
9           *audit (or portion of any report or audit)” and insert-*  
10          *ing “audit report, inspection report, or evaluation re-*  
11          *port (or portion of any such report)”;* and

12          (2) *by striking “report or audit (or portion of*  
13          *that report or audit)” each place that term appears*  
14          *and inserting “report (or portion of that report)”.*

15          (d) *CORRECTIONS.*—

16          (1) *EXECUTIVE ORDER NUMBER.*—*Section*  
17          *7(c)(2) of the Inspector General Reform Act of 2008*  
18          *(Public Law 110–409; 122 Stat. 4313; 31 U.S.C. 501*  
19          *note) is amended by striking “12933” and inserting*  
20          *“12993”.*

21          (2) *PUNCTUATION AND CROSS-REFERENCES.*—  
22          *The Inspector General Act of 1978 (5 U.S.C. App.),*  
23          *as amended by this Act, is further amended—*

24                  (A) *in section 4(b)(2)—*

1                   (i) by striking “8F(a)(2)” each place  
2                   that term appears and inserting  
3                   “8G(a)(2)”; and

4                   (ii) by striking “8F(a)(1)” and insert-  
5                   ing “8G(a)(1)”;

6                   (B) in section 5(a)(13), by striking “05(b)”  
7                   and inserting “804(b)”;

8                   (C) in section 6(a)(4), by striking “infor-  
9                   mation, as well as any tangible thing)” and in-  
10                  serting “information), as well as any tangible  
11                  thing”; and

12                  (D) in section 8G(g)(3), by striking “8C”  
13                  and inserting “8D”.

14                  (3) SPELLING.—*The Inspector General Act of*  
15                  *1978 (5 U.S.C. App.), as amended by this Act, is fur-*  
16                  *ther amended—*

17                         (A) in section 3(a), by striking “subpena”  
18                         and inserting “subpoena”;

19                         (B) in section 6(a)(4), by striking “sub-  
20                         penas” and inserting “subpoenas”;

21                         (C) in section 8D(a)—

22                                 (i) in paragraph (1), by striking “sub-  
23                                 penas” and inserting “subpoenas”; and

1                   (ii) in paragraph (2), by striking  
2                   “subpena” each place that term appears  
3                   and inserting “subpoena”;

4                   (D) in section 8E(a)—

5                   (i) in paragraph (1), by striking “sub-  
6                   penas” and inserting “subpoenas”; and

7                   (ii) in paragraph (2), by striking  
8                   “subpena” each place that term appears  
9                   and inserting “subpoena”; and

10                  (E) in section 8G(d)(1), by striking “sub-  
11                  pena” and inserting “subpoena”.

Calendar No. 68

114<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

**S. 579**

[Report No. 114-36]

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## **A BILL**

To amend the Inspector General Act of 1978 to strengthen the independence of the Inspectors General, and for other purposes.

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MAY 5, 2015

Reported with an amendment