

In the Senate of the United States,

September 24 (legislative day, September 17), 2008.

Resolved, That the bill from the House of Representatives (H.R. 928) entitled “An Act to amend the Inspector General Act of 1978 to enhance the independence of the Inspectors General, to create a Council of the Inspectors General on Integrity and Efficiency, and for other purposes.”, do pass with the following

AMENDMENT:

Strike all after the enacting clause and insert the following:

1 ***SECTION 1. SHORT TITLE.***

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

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

6 *Section 8G(c) of the Inspector General Act of 1978 (5*
7 *U.S.C. App.) is amended by adding at the end “Each In-*
8 *spector General shall be appointed without regard to polit-*
9 *ical affiliation and solely on the basis of integrity and dem-*

1 *onstrated ability in accounting, auditing, financial anal-*
2 *ysis, law, management analysis, public administration, or*
3 *investigations.”.*

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

5 (a) *ESTABLISHMENTS.*—Section 3(b) of the Inspector
6 *General Act of 1978 (5 U.S.C. App.) is amended by striking*
7 *the second sentence and inserting “If an Inspector General*
8 *is removed from office or is transferred to another position*
9 *or location within an establishment, the President shall*
10 *communicate in writing the reasons for any such removal*
11 *or transfer to both Houses of Congress, not later than 30*
12 *days before the removal or transfer. Nothing in this sub-*
13 *section shall prohibit a personnel action otherwise author-*
14 *ized by law, other than transfer or removal.”.*

15 (b) *DESIGNATED FEDERAL ENTITIES.*—Section 8G(e)
16 *of the Inspector General Act of 1978 (5 U.S.C. App.) is*
17 *amended by striking “shall promptly communicate in writ-*
18 *ing the reasons for any such removal or transfer to both*
19 *Houses of the Congress.” and inserting “shall communicate*
20 *in writing the reasons for any such removal or transfer to*
21 *both Houses of Congress, not later than 30 days before the*
22 *removal or transfer. Nothing in this subsection shall pro-*
23 *hibit a personnel action otherwise authorized by law, other*
24 *than transfer or removal.”.*

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

2 (a) *INSPECTORS GENERAL AT LEVEL III OF EXECU-*
3 *TIVE SCHEDULE.*—

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

7 “(e) *The annual rate of basic pay for an Inspector*
8 *General (as defined under section 12(3)) shall be the rate*
9 *payable for level III of the Executive Schedule under section*
10 *5314 of title 5, United States Code, plus 3 percent.*”.

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

15 (A) *Inspector General, Department of Edu-*
16 *cation.*

17 (B) *Inspector General, Department of En-*
18 *ergy.*

19 (C) *Inspector General, Department of*
20 *Health and Human Services.*

21 (D) *Inspector General, Department of Agri-*
22 *culture.*

23 (E) *Inspector General, Department of Hous-*
24 *ing and Urban Development.*

25 (F) *Inspector General, Department of*
26 *Labor.*

1 (G) *Inspector General, Department of*
2 *Transportation.*

3 (H) *Inspector General, Department of Vet-*
4 *erans Affairs.*

5 (I) *Inspector General, Department of Home-*
6 *land Security.*

7 (J) *Inspector General, Department of De-*
8 *fense.*

9 (K) *Inspector General, Department of State.*

10 (L) *Inspector General, Department of Com-*
11 *merce.*

12 (M) *Inspector General, Department of the*
13 *Interior.*

14 (N) *Inspector General, Department of Jus-*
15 *tice.*

16 (O) *Inspector General, Department of the*
17 *Treasury.*

18 (P) *Inspector General, Agency for Inter-*
19 *national Development.*

20 (Q) *Inspector General, Environmental Pro-*
21 *tection Agency.*

22 (R) *Inspector General, Export-Import*
23 *Bank.*

24 (S) *Inspector General, Federal Emergency*
25 *Management Agency.*

1 (T) *Inspector General, General Services Ad-*
2 *ministration.*

3 (U) *Inspector General, National Aero-*
4 *navitics and Space Administration.*

5 (V) *Inspector General, Nuclear Regulatory*
6 *Commission.*

7 (W) *Inspector General, Office of Personnel*
8 *Management.*

9 (X) *Inspector General, Railroad Retirement*
10 *Board.*

11 (Y) *Inspector General, Small Business Ad-*
12 *ministration.*

13 (Z) *Inspector General, Tennessee Valley Au-*
14 *thority.*

15 (AA) *Inspector General, Federal Deposit In-*
16 *surance Corporation.*

17 (BB) *Inspector General, Resolution Trust*
18 *Corporation.*

19 (CC) *Inspector General, Central Intelligence*
20 *Agency.*

21 (DD) *Inspector General, Social Security*
22 *Administration.*

23 (EE) *Inspector General, United States Post-*
24 *al Service.*

1 (3) *APPLICABILITY TO OTHER INSPECTORS GEN-*
2 *ERAL.*—

3 (A) *IN GENERAL.*—*Notwithstanding any*
4 *other provision of law, the annual rate of basic*
5 *pay of the Inspector General of the Central Intel-*
6 *ligence Agency, the Special Inspector General for*
7 *Iraq Reconstruction, and the Special Inspector*
8 *General for Afghanistan Reconstruction shall be*
9 *that of an Inspector General as defined under*
10 *section 12(3) of the Inspector General Act of*
11 *1978 (5 U.S.C. App.) (as amended by section*
12 *7(a) of this Act).*

13 (B) *PROHIBITION OF CASH BONUS OR*
14 *AWARDS.*—*Section 3(f) of the Inspector General*
15 *Act of 1978 (5 U.S.C. App.) (as amended by sec-*
16 *tion 5 of this Act) shall apply to the Inspectors*
17 *General described under subparagraph (A).*

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

22 (b) *INSPECTORS GENERAL OF DESIGNATED FEDERAL*
23 *ENTITIES.*—

24 (1) *IN GENERAL.*—*Notwithstanding any other*
25 *provision of law, the Inspector General of each des-*

1 *ignated Federal entity (as those terms are defined*
2 *under section 8G of the Inspector General Act of 1978*
3 *(5 U.S.C. App.)) shall, for pay and all other pur-*
4 *poses, be classified at a grade, level, or rank designa-*
5 *tion, as the case may be, at or above those of a major-*
6 *ity of the senior level executives of that designated*
7 *Federal entity (such as a General Counsel, Chief In-*
8 *formation Officer, Chief Financial Officer, Chief*
9 *Human Capital Officer, or Chief Acquisition Officer).*
10 *The pay of an Inspector General of a designated Fed-*
11 *eral entity (as those terms are defined under section*
12 *8G of the Inspector General Act of 1978 (5 U.S.C.*
13 *App.)) shall be not less than the average total com-*
14 *penetration (including bonuses) of the senior level ex-*
15 *ecutives of that designated Federal entity calculated*
16 *on an annual basis.*

17 (2) *LIMITATION ON ADJUSTMENT.—*

18 (A) *IN GENERAL.—In the case of an Inspec-*
19 *tor General of a designated Federal entity whose*
20 *pay is adjusted under paragraph (1), the total*
21 *increase in pay in any fiscal year resulting from*
22 *that adjustment may not exceed 25 percent of the*
23 *average total compensation (including bonuses)*
24 *of the Inspector General of that entity for the*
25 *preceding 3 fiscal years.*

1 (B) *SUNSET OF LIMITATION.*—*The limita-*
2 *tion under subparagraph (A) shall not apply to*
3 *any adjustment made in fiscal year 2013 or each*
4 *fiscal year thereafter.*

5 (c) *SAVINGS PROVISION FOR NEWLY APPOINTED IN-*
6 *SPECTORS GENERAL.*—

7 (1) *IN GENERAL.*—*The provisions of section 3392*
8 *of title 5, United States Code, other than the terms*
9 *“performance awards” and “awarding of ranks” in*
10 *subsection (c)(1) of such section, shall apply to career*
11 *appointees of the Senior Executive Service who are*
12 *appointed to the position of Inspector General.*

13 (2) *NONREDUCTION IN PAY.*—*Notwithstanding*
14 *any other provision of law, career Federal employees*
15 *serving on an appointment made pursuant to statu-*
16 *tory authority found other than in section 3392 of*
17 *title 5, United States Code, shall not suffer a reduc-*
18 *tion in pay, not including any bonus or performance*
19 *award, as a result of being appointed to the position*
20 *of Inspector General.*

21 (d) *SAVINGS PROVISION.*—*Nothing in this section shall*
22 *have the effect of reducing the rate of pay of any individual*
23 *serving on the date of enactment of this section as an In-*
24 *spector General of—*

1 (1) *an establishment as defined under section*
 2 *12(2) of the Inspector General Act of 1978 (5 U.S.C.*
 3 *App.) (as amended by section 7(a) of this Act);*

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

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

9 (4) *any other entity of the Government for which*
 10 *the position of Inspector General is established by*
 11 *statute.*

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

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

16 “(f) *An Inspector General (as defined under section*
 17 *8G(a)(6) or 12(3)) may not receive any cash award or cash*
 18 *bonus, including any cash award under chapter 45 of title*
 19 *5, United States Code.”.*

20 **SEC. 6. SEPARATE COUNSEL TO SUPPORT INSPECTORS**
 21 **GENERAL.**

22 (a) **COUNSELS TO INSPECTORS GENERAL OF ESTAB-**
 23 **LISHMENT.**—*Section 3 of the Inspector General Act of 1978*
 24 *(5 U.S.C. App.) (as amended by sections 4 and 5 of this*
 25 *Act) is further amended by adding at the end the following:*

1 “(g) *Each Inspector General shall, in accordance with*
 2 *applicable laws and regulations governing the civil service,*
 3 *obtain legal advice from a counsel either reporting directly*
 4 *to the Inspector General or another Inspector General.”.*

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

9 “(4) *Each Inspector General shall—*

10 “(A) *in accordance with applicable laws and regula-*
 11 *tions governing appointments within the designated Fed-*
 12 *eral entity, appoint a Counsel to the Inspector General who*
 13 *shall report to the Inspector General;*

14 “(B) *obtain the services of a counsel appointed by and*
 15 *directly reporting to another Inspector General on a reim-*
 16 *bursable basis; or*

17 “(C) *obtain the services of appropriate staff of the*
 18 *Council of the Inspectors General on Integrity and Effi-*
 19 *ciency on a reimbursable basis.”.*

20 (c) *RULE OF CONSTRUCTION.*—*Nothing in the amend-*
 21 *ments made by this section shall be construed to alter the*
 22 *duties and responsibilities of the counsel for any establish-*
 23 *ment or designated Federal entity, except for the avail-*
 24 *ability of counsel as provided under sections 3(g) and 8G(g)*
 25 *of the Inspector General Act of 1978 (5 U.S.C. App.) (as*

1 *amended by this section). The Counsel to the Inspector Gen-*
 2 *eral shall perform such functions as the Inspector General*
 3 *may prescribe.*

4 **SEC. 7. ESTABLISHMENT OF COUNCIL OF THE INSPECTORS**
 5 **GENERAL ON INTEGRITY AND EFFICIENCY.**

6 *(a) ESTABLISHMENT.—The Inspector General Act of*
 7 *1978 (5 U.S.C. App.) is amended by redesignating sections*
 8 *11 and 12 as sections 12 and 13, respectively, and by insert-*
 9 *ing after section 10 the following:*

10 **“SEC. 11. ESTABLISHMENT OF THE COUNCIL OF THE IN-**
 11 **SPECTORS GENERAL ON INTEGRITY AND EF-**
 12 **FICIENCY.**

13 *“(a) ESTABLISHMENT AND MISSION.—*

14 *“(1) ESTABLISHMENT.—There is established as*
 15 *an independent entity within the executive branch the*
 16 *Council of the Inspectors General on Integrity and*
 17 *Efficiency (in this section referred to as the ‘Coun-*
 18 *cil’).*

19 *“(2) MISSION.—The mission of the Council shall*
 20 *be to—*

21 *“(A) address integrity, economy, and effec-*
 22 *tiveness issues that transcend individual Govern-*
 23 *ment agencies; and*

24 *“(B) increase the professionalism and effec-*
 25 *tiveness of personnel by developing policies,*

standards, and approaches to aid in the establishment of a well-trained and highly skilled workforce in the offices of the Inspectors General.

“(b) MEMBERSHIP.—

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

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

“(i) section 2; or

“(ii) section 8G.

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

“(C) The Controller of the Office of Federal Financial Management.

“(D) A senior level official of the Federal Bureau of Investigation designated by the Director of the Federal Bureau of Investigation.

“(E) The Director of the Office of Government Ethics.

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

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

1 “(H) *The Deputy Director for Management*
2 *of the Office of Management and Budget.*

3 “(I) *The Inspectors General of the Library*
4 *of Congress, Capitol Police, Government Print-*
5 *ing Office, Government Accountability Office,*
6 *and the Architect of the Capitol.*

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

9 “(A) *EXECUTIVE CHAIRPERSON.—The Dep-*
10 *uty Director for Management of the Office of*
11 *Management and Budget shall be the Executive*
12 *Chairperson of the Council.*

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

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

20 “(A) *EXECUTIVE CHAIRPERSON.—The Exec-*
21 *utive Chairperson shall—*

22 “(i) *preside over meetings of the Coun-*
23 *cil;*

24 “(ii) *provide to the heads of agencies*
25 *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 enti-*
5 *ties represented on the Council as assists the*
6 *Council in performing its functions.*

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

9 *“(i) convene meetings of the Council—*

10 *“(I) at least 6 times each year;*

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

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

15 *“(ii) carry out the functions and duties*
16 *of the Council under subsection (c);*

17 *“(iii) appoint a Vice Chairperson to*
18 *assist in carrying out the functions of the*
19 *Council and act in the absence of the Chair-*
20 *person, from a category of Inspectors Gen-*
21 *eral described in subparagraph (A)(i),*
22 *(A)(ii), or (B) of paragraph (1), other than*
23 *the category from which the Chairperson*
24 *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 provisions of
8 title 5, United States Code, governing ap-
9 pointments in the competitive service, and
10 the provisions of chapter 51 and subchapter
11 III of chapter 53 of such title, relating to
12 classification and General Schedule pay
13 rates;

14 “(vi) to the extent and in such
15 amounts as may be provided in advance by
16 appropriations Acts, made available from
17 the revolving fund established under sub-
18 section (c)(3)(B), or as otherwise provided
19 by law, enter into contracts and other ar-
20 rangements with public agencies and pri-
21 vate persons to carry out the functions and
22 duties of the Council;

23 “(vii) establish, in consultation with
24 the members of the Council, such committees
25 as determined by the Chairperson to be nec-

1 *essary and appropriate for the efficient con-*
2 *duct of Council functions; and*

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

6 *“(c) FUNCTIONS AND DUTIES OF COUNCIL.—*

7 *“(1) IN GENERAL.—The Council shall—*

8 *“(A) continually identify, review, and dis-*
9 *cuss areas of weakness and vulnerability in Fed-*
10 *eral programs and operations with respect to*
11 *fraud, waste, and abuse;*

12 *“(B) develop plans for coordinated, Govern-*
13 *mentwide activities that address these problems*
14 *and promote economy and efficiency in Federal*
15 *programs and operations, including interagency*
16 *and interentity audit, investigation, inspection,*
17 *and evaluation programs and projects to deal ef-*
18 *ficiently and effectively with those problems con-*
19 *cerning fraud and waste that exceed the capa-*
20 *bility or jurisdiction of an individual agency or*
21 *entity;*

22 *“(C) develop policies that will aid in the*
23 *maintenance of a corps of well-trained and high-*
24 *ly skilled Office of Inspector General personnel;*

1 “(D) maintain an Internet website and
2 other electronic systems for the benefit of all In-
3 spectors General, as the Council determines are
4 necessary or desirable;

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

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

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

17 “(H) perform other duties within the au-
18 thority and jurisdiction of the Council, as appro-
19 priate.

20 “(2) ADHERENCE AND PARTICIPATION BY MEM-
21 BERS.—To the extent permitted under law, and to the
22 extent not inconsistent with standards established by
23 the Comptroller General of the United States for au-
24 dits of Federal establishments, organizations, pro-

1 *grams, activities, and functions, each member of the*
 2 *Council, as appropriate, shall—*

3 *“(A) adhere to professional standards devel-*
 4 *oped by the Council; and*

5 *“(B) participate in the plans, programs,*
 6 *and projects of the Council, except that in the*
 7 *case of a member described under subsection*
 8 *(b)(1)(I) , the member shall participate only to*
 9 *the extent requested by the member and approved*
 10 *by the Executive Chairperson and Chairperson.*

11 *“(3) ADDITIONAL ADMINISTRATIVE AUTHORI-*
 12 *TIES.—*

13 *“(A) INTERAGENCY FUNDING.—Notwith-*
 14 *standing section 1532 of title 31, United States*
 15 *Code, or any other provision of law prohibiting*
 16 *the interagency funding of activities described*
 17 *under subclause (I), (II), or (III) of clause (i),*
 18 *in the performance of the responsibilities, au-*
 19 *thorities, and duties of the Council—*

20 *“(i) the Executive Chairperson may*
 21 *authorize the use of interagency funding*
 22 *for—*

23 *“(I) Governmentwide training of*
 24 *employees of the Offices of the Inspec-*
 25 *tors General;*

1 “(II) *the functions of the Integrity*
2 *Committee of the Council; and*

3 “(III) *any other authorized pur-*
4 *pose determined by the Council; and*

5 “(ii) *upon the authorization of the Ex-*
6 *ecutive Chairperson, any department, agen-*
7 *cy, or entity of the executive branch which*
8 *has a member on the Council shall fund or*
9 *participate in the funding of such activities.*

10 “(B) *REVOLVING FUND.—*

11 “(i) *IN GENERAL.—The Council may—*

12 “(I) *establish in the Treasury of*
13 *the United States a revolving fund to*
14 *be called the Inspectors General Coun-*
15 *cil Fund; or*

16 “(II) *enter into an arrangement*
17 *with a department or agency to use an*
18 *existing revolving fund.*

19 “(ii) *AMOUNTS IN REVOLVING FUND.—*

20 “(I) *IN GENERAL.—Amounts*
21 *transferred to the Council under this*
22 *subsection shall be deposited in the re-*
23 *volving fund described under clause*
24 *(i)(I) or (II).*

1 “(II) *TRAINING.*—*Any remaining*
2 *unexpended balances appropriated for*
3 *or otherwise available to the Inspectors*
4 *General Criminal Investigator Acad-*
5 *emy and the Inspectors General Audi-*
6 *tor Training Institute shall be trans-*
7 *ferred to the revolving fund described*
8 *under clause (i)(I) or (II).*

9 “(iii) *USE OF REVOLVING FUND.*—

10 “(I) *IN GENERAL.*—*Except as pro-*
11 *vided under subclause (II), amounts in*
12 *the revolving fund described under*
13 *clause (i)(I) or (II) may be used to*
14 *carry out the functions and duties of*
15 *the Council under this subsection.*

16 “(II) *TRAINING.*—*Amounts trans-*
17 *ferred into the revolving fund described*
18 *under clause (i)(I) or (II) may be used*
19 *for the purpose of maintaining any*
20 *training academy as determined by the*
21 *Council.*

22 “(iv) *AVAILABILITY OF FUNDS.*—
23 *Amounts in the revolving fund described*
24 *under clause (i)(I) or (II) shall remain*

1 *available to the Council without fiscal year*
2 *limitation.*

3 “(C) *SUPERSEDING PROVISIONS.*—No provi-
4 *sion of law enacted after the date of enactment*
5 *of this subsection shall be construed to limit or*
6 *supersede any authority under subparagraph (A)*
7 *or (B), unless such provision makes specific ref-*
8 *erence to the authority in that paragraph.*

9 “(4) *EXISTING AUTHORITIES AND RESPONSIBIL-*
10 *ITIES.*—*The establishment and operation of the Coun-*
11 *cil shall not affect—*

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

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

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

18 “(d) *INTEGRITY COMMITTEE.*—

19 “(1) *ESTABLISHMENT.*—*The Council shall have*
20 *an Integrity Committee, which shall receive, review,*
21 *and refer for investigation allegations of wrongdoing*
22 *that are made against Inspectors General and staff*
23 *members of the various Offices of Inspector General*
24 *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 Committee,*
6 *and maintain the records of the Committee.*

7 “(B) *Four Inspectors General described in*
8 *subparagraph (A) or (B) of subsection (b)(1) ap-*
9 *pointed by the Chairperson of the Council, rep-*
10 *resenting both establishments and designated*
11 *Federal entities (as that term is defined in sec-*
12 *tion 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 a*
20 *legal advisor to the Integrity Committee.*

21 “(4) *REFERRAL OF ALLEGATIONS.*—

22 “(A) *REQUIREMENT.*—*An Inspector General*
23 *shall refer to the Integrity Committee any allega-*
24 *tion of wrongdoing against a staff member of the*
25 *office of that Inspector General, if—*

1 “(i) review of the substance of the alle-
2 gation cannot be assigned to an agency of
3 the executive branch with appropriate juris-
4 diction 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 ob-
12 jective.

13 “(B) *DEFINITION.*—In this paragraph the
14 term ‘staff member’ means any employee of an
15 Office of Inspector General who—

16 “(i) reports directly to an Inspector
17 General; or

18 “(ii) is designated by an Inspector
19 General under subparagraph (C).

20 “(C) *DESIGNATION OF STAFF MEMBERS.*—
21 Each Inspector General shall annually submit to
22 the Chairperson of the Integrity Committee a
23 designation of positions whose holders are staff
24 members for purposes of subparagraph (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 *pector General, or against a staff member of an*
6 *Office of Inspector General described under para-*
7 *graph (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 *riety Committee any allegation of wrongdoing de-*
13 *termined by the Integrity Committee under sub-*
14 *paragraph (A) to be potentially meritorious that*
15 *cannot be referred to an agency under subpara-*
16 *graph (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 in*
23 *accordance with this paragraph.*

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

1 *of each agency or entity represented on the Coun-*
2 *cil—*

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

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

10 “(7) *PROCEDURES FOR INVESTIGATIONS.—*

11 “(A) *STANDARDS APPLICABLE.—Investiga-*
12 *tions initiated under this subsection shall be con-*
13 *ducted in accordance with the most current*
14 *Quality Standards for Investigations issued by*
15 *the Council or by its predecessors (the President’s*
16 *Council on Integrity and Efficiency and the Ex-*
17 *ecutive Council on Integrity and Efficiency).*

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

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

10 “(ii) *SUBMISSION TO CONGRESS.—The*
11 *Council shall submit a copy of the policies*
12 *and procedures established under clause (i)*
13 *to the congressional committees of jurisdic-*
14 *tion.*

15 “(C) *REPORTS.—*

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

23 “(ii) *ALLEGATIONS OF WRONGDOING.—*
24 *For allegations referred to an agency under*
25 *paragraph (5)(B), the head of that agency*

1 *shall make a report containing the results of*
2 *the investigation and shall provide such re-*
3 *port to members of the Integrity Committee.*

4 “(8) *ASSESSMENT AND FINAL DISPOSITION.*—

5 “(A) *IN GENERAL.*—*With respect to any re-*
6 *port received under paragraph (7)(C), the Integ-*
7 *rity Committee shall—*

8 “(i) *assess the report;*

9 “(ii) *forward the report, with the rec-*
10 *ommendations of the Integrity Committee,*
11 *including those on disciplinary action,*
12 *within 30 days (to the maximum extent*
13 *practicable) after the completion of the in-*
14 *vestigation, to the Executive Chairperson of*
15 *the Council and to the President (in the*
16 *case of a report relating to an Inspector*
17 *General of an establishment or any em-*
18 *ployee of that Inspector General) or the*
19 *head of a designated Federal entity (in the*
20 *case of a report relating to an Inspector*
21 *General of such an entity or any employee*
22 *of that Inspector General) for resolution;*
23 *and*

24 “(iii) *submit to the Committee on Gov-*
25 *ernment Oversight and Reform of the House*

1 *of Representatives, the Committee on Home-*
2 *land Security and Governmental Affairs of*
3 *the Senate, and other congressional commit-*
4 *tees of jurisdiction an executive summary of*
5 *such report and recommendations within 30*
6 *days after the submission of such report to*
7 *the Executive Chairperson under clause (ii).*

8 “(B) *DISPOSITION.*—*The Executive Chair-*
9 *person of the Council shall report to the Integrity*
10 *Committee the final disposition of the matter, in-*
11 *cluding what action was taken by the President*
12 *or agency head.*

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

18 “(A) *The number of allegations received.*

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

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

1 “(D) *The number of allegations closed with-*
2 *out referral.*

3 “(E) *The date each allegation was received*
4 *and the date each allegation was finally disposed*
5 *of.*

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

12 “(G) *Other matters that the Council con-*
13 *siders appropriate.*

14 “(10) *REQUESTS FOR MORE INFORMATION.—*
15 *With respect to paragraphs (8) and (9), the Council*
16 *shall provide more detailed information about specific*
17 *allegations upon request from any of the following:*

18 “(A) *The chairperson or ranking member of*
19 *the Committee on Homeland Security and Gov-*
20 *ernmental Affairs of the Senate.*

21 “(B) *The chairperson or ranking member of*
22 *the Committee on Oversight and Government Re-*
23 *form of the House of Representatives.*

24 “(C) *The chairperson or ranking member of*
25 *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 person*
 4 *against the United States, its agencies, its officers, or*
 5 *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 *egrity 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 (c) *EFFECTIVE DATE AND EXISTING EXECUTIVE OR-*
20 *DERS.—*

21 (1) *COUNCIL.—Not later than 180 days after the*
22 *date of the enactment of this Act, the Council of the*
23 *Inspectors General on Integrity and Efficiency estab-*
24 *lished under this section shall become effective and*
25 *operational.*

(2) *EXECUTIVE ORDERS.*—*Executive Order No. 12805, dated May 11, 1992, and Executive Order No. 12933, dated March 21, 1996 (as in effect before the date of the enactment of this Act) shall have no force or effect on and after the earlier of—*

(A) the date on which the Council of the Inspectors General on Integrity and Efficiency becomes effective and operational as determined by the Executive Chairperson of the Council; or

(B) the last day of the 180-day period beginning on the date of enactment of this Act.

(d) *TECHNICAL AND CONFORMING AMENDMENTS.*—

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

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

(B) in section 8G(a), in the matter preceding paragraph (1), by striking “section 11” and inserting “section 12”.

(2) *SEPARATE APPROPRIATIONS ACCOUNT.*—*Section 1105(a) of title 31, United States Code, is*

1 *amended by striking the first paragraph (33) and in-*
 2 *serting the following:*

3 *“(33) a separate appropriation account for ap-*
 4 *propriations for the Council of the Inspectors General*
 5 *on Integrity and Efficiency, and, included in that ac-*
 6 *count, a separate statement of the aggregate amount*
 7 *of appropriations requested for each academy main-*
 8 *tained by the Council of the Inspectors General on In-*
 9 *tegrity and Efficiency.”.*

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

11 *Section 6 of the Inspector General Act of 1978 (5*
 12 *U.S.C. App.) is amended by adding at the end the following:*

13 *“(f)(1) For each fiscal year, an Inspector General shall*
 14 *transmit a budget estimate and request to the head of the*
 15 *establishment or designated Federal entity to which the In-*
 16 *spector General reports. The budget request shall specify the*
 17 *aggregate amount of funds requested for such fiscal year for*
 18 *the operations of that Inspector General and shall specify*
 19 *the amount requested for all training needs, including a*
 20 *certification from the Inspector General that the amount*
 21 *requested satisfies all training requirements for the Inspec-*
 22 *tor General’s office for that fiscal year, and any resources*
 23 *necessary to support the Council of the Inspectors General*
 24 *on Integrity and Efficiency. Resources necessary to support*
 25 *the Council of the Inspectors General on Integrity and Effi-*

1 *ciency shall be specifically identified and justified in the*
2 *budget request.*

3 “(2) *In transmitting a proposed budget to the Presi-*
4 *dent for approval, the head of each establishment or des-*
5 *ignated Federal entity shall include—*

6 “(A) *an aggregate request for the Inspector Gen-*
7 *eral;*

8 “(B) *amounts for Inspector General training;*

9 “(C) *amounts for support of the Council of the*
10 *Inspectors General on Integrity and Efficiency; and*

11 “(D) *any comments of the affected Inspector*
12 *General with respect to the proposal.*

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

15 “(A) *a separate statement of the budget estimate*
16 *prepared in accordance with paragraph (1);*

17 “(B) *the amount requested by the President for*
18 *each Inspector General;*

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

21 “(D) *the amount requested by the President for*
22 *support for the Council of the Inspectors General on*
23 *Integrity and Efficiency; and*

24 “(E) *any comments of the affected Inspector*
25 *General with respect to the proposal if the Inspector*

1 *General concludes that the budget submitted by the*
 2 *President would substantially inhibit the Inspector*
 3 *General from performing the duties of the office.”.*

4 **SEC. 9. SUBPOENA POWER.**

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

7 *(1) by inserting “in any medium (including*
 8 *electronically stored information, as well as any tan-*
 9 *gible thing)” after “other data”; and*

10 *(2) by striking “subpena” and inserting “sub-*
 11 *poena”.*

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

13 *Section 3801(a)(1) of title 31, United States Code, is*
 14 *amended—*

15 *(1) in subparagraph (D), by striking “and” after*
 16 *the semicolon;*

17 *(2) in subparagraph (E), by striking the period*
 18 *and inserting “; and”; and*

19 *(3) by adding at the end the following:*

20 *“(F) a designated Federal entity (as such*
 21 *term is defined under section 8G(a)(2) of the In-*
 22 *spector General Act of 1978);”.*

1 **SEC. 11. LAW ENFORCEMENT AUTHORITY FOR DESIGNATED**
 2 **FEDERAL ENTITIES.**

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

5 *(1) in paragraph (1) by striking “appointed*
 6 *under section 3”; and*

7 *(2) by adding at the end the following:*

8 *“(9) In this subsection, the term ‘Inspector General’*
 9 *means an Inspector General appointed under section 3 or*
 10 *an Inspector General appointed under section 8G.”.*

11 **SEC. 12. APPLICATION OF SEMIANNUAL REPORTING RE-**
 12 **QUIREMENTS WITH RESPECT TO INSPECTION**
 13 **REPORTS AND EVALUATION REPORTS.**

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

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

18 *(A) by inserting “, inspection reports, and*
 19 *evaluation reports” after “audit reports” the*
 20 *first place it appears; and*

21 *(B) by striking “audit” the second place it*
 22 *appears; and*

23 *(2) in subsection (a)(10) by inserting “, inspec-*
 24 *tion reports, and evaluation reports” after “audit re-*
 25 *ports”.*

1 **SEC. 13. INFORMATION ON WEBSITES OF OFFICES OF IN-**
 2 **SPECTORS GENERAL.**

3 (a) *IN GENERAL.*—*The Inspector General Act of 1978*
 4 *(5 U.S.C. App.) is amended by inserting after section 8K*
 5 *the following:*

6 **“SEC. 8L. INFORMATION ON WEBSITES OF OFFICES OF IN-**
 7 **SPECTORS GENERAL.**

8 “(a) *DIRECT LINKS TO INSPECTORS GENERAL OF-*
 9 *FICES.*—

10 “(1) *IN GENERAL.*—*Each agency shall establish*
 11 *and maintain on the homepage of the website of that*
 12 *agency, a direct link to the website of the Office of the*
 13 *Inspector General of that agency.*

14 “(2) *ACCESSIBILITY.*—*The direct link under*
 15 *paragraph (1) shall be obvious and facilitate accessi-*
 16 *bility to the website of the Office of the Inspector Gen-*
 17 *eral.*

18 “(b) *REQUIREMENTS FOR INSPECTORS GENERAL*
 19 *WEBSITES.*—

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

22 “(A) *not later than 3 days after any report*
 23 *or audit (or portion of any report or audit) is*
 24 *made publicly available, post that report or*
 25 *audit (or portion of that report or audit) on the*
 26 *website of the Office of Inspector General; and*

1 “(B) ensure that any posted report or audit
2 (or portion of that report or audit) described
3 under subparagraph (A)—

4 “(i) is easily accessible from a direct
5 link on the homepage of the website of the
6 Office of the Inspector General;

7 “(ii) includes a summary of the find-
8 ings of the Inspector General; and

9 “(iii) is in a format that—

10 “(I) is searchable and
11 downloadable; and

12 “(II) facilitates printing by indi-
13 viduals of the public accessing the
14 website.

15 “(2) REPORTING OF FRAUD, WASTE, AND
16 ABUSE.—

17 “(A) IN GENERAL.—The Inspector General
18 of each agency shall establish and maintain a di-
19 rect link on the homepage of the website of the
20 Office of the Inspector General for individuals to
21 report fraud, waste, and abuse. Individuals re-
22 porting fraud, waste, or abuse using the direct
23 link established under this paragraph shall not
24 be required to provide personally identifying in-
25 formation relating to that individual.

1 “(B) ANONYMITY.—*The Inspector General of*
 2 *each agency shall not disclose the identity of any*
 3 *individual making a report under this para-*
 4 *graph without the consent of the individual un-*
 5 *less the Inspector General determines that such a*
 6 *disclosure is unavoidable during the course of the*
 7 *investigation.”.*

8 (b) REPEAL.—*Section 746(b) of the Financial Services*
 9 *and General Government Appropriations Act, 2008 (5*
 10 *U.S.C. App. note; 121 Stat. 2034) is repealed.*

11 (c) IMPLEMENTATION.—*Not later than 180 days after*
 12 *the date of enactment of this Act, the head of each agency*
 13 *and the Inspector General of each agency shall implement*
 14 *the amendment made by this section.*

15 **SEC. 14. OTHER ADMINISTRATIVE AUTHORITIES.**

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

19 “(d)(1)(A) *For purposes of applying the provisions of*
 20 *law identified in subparagraph (B)—*

21 “(i) *each Office of Inspector General shall be con-*
 22 *sidered to be a separate agency; and*

23 “(ii) *the Inspector General who is the head of an*
 24 *office referred to in clause (i) shall, with respect to*
 25 *such office, have the functions, powers, and duties of*

1 *an agency head or appointing authority under such*
 2 *provisions.*

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

5 *“(i) Subchapter II of chapter 35.*

6 *“(ii) Sections 8335(b), 8336, 8344, 8414, 8468,*
 7 *and 8425(b).*

8 *“(iii) All provisions relating to the Senior Exec-*
 9 *utive Service (as determined by the Office of Per-*
 10 *sonnel Management), subject to paragraph (2).*

11 *“(2) For purposes of applying section 4507(b) of title*
 12 *5, United States Code, paragraph (1)(A)(ii) shall be ap-*
 13 *plied by substituting ‘the Council of the Inspectors General*
 14 *on Integrity and Efficiency (established by section 11 of the*
 15 *Inspector General Act) shall’ for ‘the Inspector General who*
 16 *is the head of an office referred to in clause (i) shall, with*
 17 *respect to such office,’.”.*

18 *(b) AUTHORITY OF TREASURY INSPECTOR GENERAL*
 19 *FOR TAX ADMINISTRATION TO PROTECT INTERNAL REV-*
 20 *ENUE SERVICE EMPLOYEES.—Section 8D(k)(1)(C) of the*
 21 *Inspector General Act of 1978 (5 U.S.C. App.) is amended*

- 1 *by striking “physical security” and inserting “protection*
- 2 *to the Commissioner of Internal Revenue”.*

Attest:

Secretary.

110TH CONGRESS
2D SESSION

H.R. 928

AMENDMENT