

110TH CONGRESS
1ST SESSION

H. R. 928

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.

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 “Improving Government Accountability Act”.

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. Enhancing independence of Inspectors General.
- Sec. 3. Direct submission of budget requests to Congress.
- Sec. 4. Establishment of Council of the Inspectors General on Integrity and Efficiency.
- Sec. 5. Pay and bonuses of Inspectors General.
- Sec. 6. Miscellaneous enhancements.
- Sec. 7. Program Fraud Civil Remedies Act.
- Sec. 8. Application of semiannual reporting requirements with respect to inspection reports and evaluation reports.
- Sec. 9. Information on websites of Offices of Inspectors General.
- Sec. 10. Amendments to special provisions concerning the Department of Justice.
- Sec. 11. Annual Inspector General performance reviews of Federal programs and agencies.

6 **SEC. 2. ENHANCING INDEPENDENCE OF INSPECTORS GEN-**
7 **ERAL.**

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

10 (1) in section 3(b) by striking “the reasons for
11 any such removal to both Houses of Congress.” and
12 inserting the following: “in writing the reasons for
13 any such removal to both Houses of Congress and
14 to the Inspector General of the establishment at
15 least 30 days before such removal. An Inspector
16 General may be removed from office prior to the ex-
17 piration of his or her term only on any of the fol-
18 lowing grounds:

1 “(1) Permanent incapacity.

2 “(2) Inefficiency.

3 “(3) Neglect of duty.

4 “(4) Malfeasance.

5 “(5) Conviction of a felony or conduct involving
6 moral turpitude.

7 “(6) Knowing violation of a law, rule, or regula-
8 tion.

9 “(7) Gross mismanagement.

10 “(8) Gross waste of funds.

11 “(9) Abuse of authority.”; and

12 (2) in section 8G(e) by striking “an Inspector
13 General” and all that follows through the period at
14 the end and inserting the following: “the head of a
15 designated Federal entity intends to remove an In-
16 spector General from office or transfer an Inspector
17 General to another position or location within such
18 designated Federal entity, the head of such entity
19 shall communicate in writing the reasons for any
20 such removal or transfer to both Houses of Congress
21 and to the Inspector General of the entity at least
22 30 days before such removal or transfer.”.

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

1 (1) in section 3 by adding at the end the fol-
2 lowing:

3 “(e)(1) The term of office of each Inspector General
4 shall be seven years. An individual may serve for more
5 than one term in such office. Any individual appointed and
6 confirmed to fill a vacancy in such position, occurring be-
7 fore the expiration of the term for which his or her prede-
8 cessor was appointed, shall be appointed and confirmed
9 for a full seven-year term.

10 “(2) An individual may continue to serve as Inspector
11 General beyond the expiration of the term for which the
12 individual is appointed until a successor is appointed and
13 confirmed, except that such individual may not continue
14 to serve for more than 1 year after the date on which the
15 term would otherwise expire under paragraph (1).”; and

16 (2) in section 8G(e) by inserting “(1)” after
17 “(e)”, and by adding at the end the following:

18 “(2) The term of office of each Inspector General
19 shall be seven years. An individual may serve for more
20 than one term in such office. Any individual appointed to
21 fill a vacancy in such position, occurring before the expira-
22 tion of the term for which his or her predecessor was ap-
23 pointed, shall be appointed for a full 7-year term.”.

24 (3) in section 3(a), by inserting after the first
25 sentence the following: “A committee of Inspectors

1 General of the Inspectors General Council estab-
2 lished under section 11 shall review nominations in
3 light of these requirements, and the results of the
4 committee's review shall be provided to the Senate
5 prior to the confirmation process.”.

6 (4) in section 8G(c), by adding at the end the
7 following: “The head of the designated Federal enti-
8 ty shall ask the committee of Inspectors General re-
9 ferred to in section 3(a) for a report on the quali-
10 fications of each final candidate for Inspector Gen-
11 eral and shall not appoint an Inspector General be-
12 fore reviewing such report.”.

13 (c) APPLICATION.—The amendments made by this
14 section shall apply to any Inspector General appointed on
15 or after the date of the enactment of this Act.

16 **SEC. 3. DIRECT SUBMISSION OF BUDGET REQUESTS TO**
17 **CONGRESS.**

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

21 “(f)(1) For each fiscal year, an Inspector General
22 shall inform the appropriate committees or subcommittees
23 of the Congress if the budget request submitted by the
24 head of the establishment would substantially inhibit the
25 Inspector General from performing the duties of the office.

1 “(2) The President shall include in each budget of
 2 the United States Government submitted to the Congress
 3 a separate statement of the amount of appropriations re-
 4 quested by each Inspector General.”.

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

7 (a) ESTABLISHMENT.—The Inspector General Act of
 8 1978 (5 U.S.C. App.) is amended by redesignating sec-
 9 tions 11 and 12 in order as sections 12 and 13, and by
 10 inserting after section 10 the following new section:

11 “ESTABLISHMENT OF THE COUNCIL OF THE INSPECTORS
 12 GENERAL ON INTEGRITY AND EFFICIENCY

13 “SEC. 11. (a) ESTABLISHMENT.—There is estab-
 14 lished as an independent entity within the executive
 15 branch the Inspectors General Council (in this section re-
 16 ferred to as the ‘Council’). The Council’s mission shall be
 17 to coordinate and enhance governmental efforts to pro-
 18 mote integrity and efficiency and to detect and prevent
 19 fraud, waste, and abuse in Federal programs.

20 “(b) MEMBERSHIP.—

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

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

25 “(i) section 2; or

26 “(ii) section 8G.

1 “(B) The Inspectors General of the Cen-
2 tral Intelligence Agency and the Government
3 Printing Office.

4 “(C) The Controller of the Office of Fed-
5 eral Financial Management.

6 “(D) A senior level official of the Federal
7 Bureau of Investigation designated by the Di-
8 rector of the Federal Bureau of Investigation.

9 “(E) The Director of the Office of Govern-
10 ment Ethics.

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

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

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

17 “(2) CHAIRPERSON AND EXECUTIVE CHAIR-
18 PERSON.—

19 “(A) EXECUTIVE CHAIRPERSON.—The
20 Deputy Director for Management of the Office
21 of Management and Budget shall be the Execu-
22 tive Chairperson of the Council.

23 “(B) CHAIRPERSON.—The Council shall
24 elect one of the Inspectors General referred to
25 in paragraph (1)(A) or (B) to act as Chair-

1 person of the Council. The term of office of the
2 Chairperson shall be two years.

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

5 “(A) EXECUTIVE CHAIRPERSON.—The Ex-
6 ecutive Chairperson shall—

7 “(i) preside over meetings of the
8 Council;

9 “(ii) provide to the heads of agencies
10 and entities represented on the Council
11 with summary reports of the activities of
12 the Council; and

13 “(iii) provide to the Council such in-
14 formation relating to the agencies and en-
15 tities represented on the Council as will as-
16 sist the Council in performing its func-
17 tions.

18 “(B) CHAIRPERSON.—The Chairperson
19 shall—

20 “(i) convene meetings of the Coun-
21 cil—

22 “(I) at least six times each year;

23 “(II) monthly to the extent pos-
24 sible; and

1 “(III) more frequently at his or
2 her discretion;

3 “(ii) exercise the functions and duties
4 of the Council under subsection (c);

5 “(iii) appoint a Vice Chairperson to
6 assist in carrying out the functions of the
7 Council and act in the absence of the
8 Chairperson, from a category of Inspectors
9 General described in subparagraph (A)(i),
10 (A)(ii), or (B) of subsection (b)(1), other
11 than the category from which the Chair-
12 person was elected;

13 “(iv) make such payments from funds
14 otherwise available to the Council as may
15 be necessary to carry out the functions of
16 the Council;

17 “(v) select, appoint, and employ per-
18 sonnel as needed to carry out the functions
19 of the Council subject to the availability of
20 appropriations and the provisions of title 5,
21 United States Code, governing appoint-
22 ments in the competitive service, and the
23 provisions of chapter 51 and subchapter
24 III of chapter 53 of such title, relating to

1 classification and General Schedule pay
2 rates;

3 “(vi) to the extent and in such
4 amounts as may be provided in advance by
5 appropriations Acts, enter into contracts
6 and other arrangements with public agen-
7 cies and private persons to carry out the
8 functions and duties of the Council;

9 “(vii) establish, in consultation with
10 the members of the Council, such commit-
11 tees as determined by the Chairperson to
12 be necessary and appropriate for the effi-
13 cient conduct of Council functions; and

14 “(viii) prepare and transmit a report
15 annually on behalf of the Council to the
16 President on the activities of the Council.

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

18 “(1) IN GENERAL.—The Council shall—

19 “(A) continually identify, review, and dis-
20 cuss areas of weakness and vulnerability in
21 Federal programs and operations with respect
22 to fraud, waste, and abuse;

23 “(B) develop plans for coordinated, Gov-
24 ernment-wide activities that address these prob-
25 lems and promote economy and efficiency in

1 Federal programs and operations, including
2 interagency and inter-entity audit, investiga-
3 tion, inspection, and evaluation programs and
4 projects to deal efficiently and effectively with
5 those problems concerning fraud and waste that
6 exceed the capability or jurisdiction of an indi-
7 vidual agency or entity;

8 “(C) develop policies and professional
9 standards that will aid in the maintenance of a
10 corps of well-trained and highly skilled Office of
11 Inspector General personnel;

12 “(D) maintain an Internet Web site and
13 other electronic systems for the benefit of all
14 Inspectors General, as the Council determines
15 are necessary or desirable;

16 “(E) maintain one or more academies as
17 the Council considers desirable for the profes-
18 sional training of auditors, investigators, inspec-
19 tors, evaluators, and other personnel of the var-
20 ious offices of Inspector General; and

21 “(F) make such reports to the Congress as
22 the Chairperson determines are necessary or
23 appropriate.

24 “(2) ADHERENCE AND PARTICIPATION BY MEM-
25 BERS.—Each member of the Council should, to the

1 extent permitted under law, and to the extent not in-
2 consistent with standards established by the Comp-
3 troller General of the United States for audits of
4 Federal establishments, organizations, programs, ac-
5 tivities, and functions, adhere to professional stand-
6 ards developed by the Council and participate in the
7 plans, programs, and projects of the Council.

8 “(3) EXISTING AUTHORITIES AND RESPON-
9 SIBILITIES.—The creation and operation of the
10 Council—

11 “(A) shall not affect the preeminent policy-
12 setting role of the Department of Justice in law
13 enforcement and litigation;

14 “(B) shall not affect the authority or re-
15 sponsibilities of any Government agency or enti-
16 ty; and

17 “(C) shall not affect the authority or re-
18 sponsibilities of individual members of the
19 Council.

20 “(d) ADMINISTRATIVE PROVISIONS.—

21 “(1) DIRECTOR OF OMB.—The Director of the
22 Office of Management and Budget shall provide the
23 Council with such administrative support as may be
24 necessary for the performance of the functions of the
25 Council.

1 “(2) HEADS.—The head of each establishment
2 and designated Federal entity represented on the
3 Council shall provide the persons representing the
4 establishment or entity with such administrative
5 support as may be necessary, in accordance with
6 law, to enable the persons representing the establish-
7 ment or entity to carry out their responsibilities.

8 “(e) INTEGRITY COMMITTEE.—

9 “(1) ESTABLISHMENT.—The Council shall have
10 an Integrity Committee, which shall receive, review,
11 and refer for investigation allegations of wrongdoing
12 that are made against Inspectors General and cer-
13 tain staff members of the various Offices of Inspec-
14 tor General.

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

17 “(A) The official of the Federal Bureau of
18 Investigation serving on the Council, who shall
19 serve as Chairperson of the Integrity Com-
20 mittee.

21 “(B) Four Inspectors General described in
22 subparagraph (A) or (B) of subsection (b)(1)
23 appointed by the Chairperson of the Council,
24 representing both establishments and des-

1 ignated Federal entities (as that term is defined
2 in section 8G(a)).

3 “(C) The Special Counsel of the Office of
4 Special Counsel.

5 “(D) The Director of the Office of Govern-
6 ment Ethics.

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

11 “(4) REFERRAL OF ALLEGATIONS.—

12 “(A) REQUIREMENT.—An Inspector Gen-
13 eral shall refer to the Integrity Committee any
14 allegation of wrongdoing against a staff mem-
15 ber of his or her office, if—

16 “(i) review of the substance of the al-
17 legation cannot be assigned to an agency
18 of the executive branch with appropriate
19 jurisdiction over the matter; and

20 “(ii) the Inspector General determines
21 that—

22 “(I) an objective internal inves-
23 tigation of the allegation is not fea-
24 sible; or

1 “(II) an internal investigation of
2 the allegation may appear not to be
3 objective.

4 “(B) STAFF MEMBER DEFINED.—In this
5 subsection the term ‘staff member’ means—

6 “(i) any employee of an Office of In-
7 specter General who reports directly to an
8 Inspector General, acts with the knowledge
9 of the Inspector General, or against whom
10 an allegation is made because such allega-
11 tion is related to an allegation against the
12 Inspector General, except that if an allega-
13 tion concerns a member of the Integrity
14 Committee, that member shall recuse him-
15 self from consideration of the matter; or

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

18 “(C) DESIGNATION OF STAFF MEMBERS.—
19 Each Inspector General shall annually submit
20 to the Chairperson of the Integrity Committee
21 a designation of positions whose holders are
22 staff members for purposes of subparagraph
23 (B).

24 “(5) REVIEW OF ALLEGATIONS.—The Integrity
25 Committee shall—

1 “(A) review all allegations of wrongdoing it
2 receives against an Inspector General, or
3 against a staff member of an Office of Inspec-
4 tor General;

5 “(B) refer any allegation of wrongdoing to
6 the agency of the executive branch with appro-
7 priate jurisdiction over the matter; and

8 “(C) refer to the Chairperson of the Integ-
9 rity Committee any allegation of wrongdoing
10 determined by the Integrity Committee to be
11 potentially meritorious that cannot be referred
12 to an agency under subparagraph (B).

13 “(6) AUTHORITY TO INVESTIGATE ALLEGA-
14 TIONS.—

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

20 “(B) RESOURCES.—At the request of the
21 Chairperson of the Integrity Committee, the
22 head of each agency or entity represented on
23 the Council—

24 “(i) may provide resources necessary
25 to the Integrity Committee; and

1 “(ii) may detail employees from that
2 agency or entity to the Integrity Com-
3 mittee, subject to the control and direction
4 of the Chairperson, to conduct an inves-
5 tigation pursuant to this subsection.

6 “(7) PROCEDURES FOR INVESTIGATIONS.—

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

15 “(B) ADDITIONAL POLICIES AND PROCE-
16 DURES.—The Integrity Committee, in conjunc-
17 tion with the Chairperson of the Council, shall
18 establish additional policies and procedures nec-
19 essary to ensure fairness and consistency in—

20 “(i) determining whether to initiate
21 an investigation;

22 “(ii) conducting investigations;

23 “(iii) reporting the results of an inves-
24 tigation; and

1 “(iv) providing the person who is the
2 subject of an investigation with an oppor-
3 tunity to respond to any Integrity Com-
4 mittee report.

5 “(8) REPORT.—

6 “(A) For allegations referred under para-
7 graph (5)(C), the Chairperson of the Integrity
8 Committee shall make a report containing the
9 results of his investigation and shall provide
10 such report to members of the Integrity Com-
11 mittee.

12 “(B) For allegations referred under para-
13 graph (5)(B), the head of an agency shall make
14 a report containing the results of the investiga-
15 tion and shall provide such report to members
16 of the Integrity Committee.

17 “(9) ASSESSMENT AND FINAL DISPOSITION.—

18 “(A) With respect to any report received
19 under paragraph (8), the Integrity Committee
20 shall—

21 “(i) assess the report;

22 “(ii) forward the report, with the In-
23 tegrity Committee recommendations, in-
24 cluding those on disciplinary action, within
25 180 days (to the maximum extent prac-

1 ticable) after the completion of the inves-
2 tigation, to the Executive Chairperson of
3 the Council and to the President (in the
4 case of a report relating to an Inspector
5 General of an establishment or his staff) or
6 the head of a designated Federal entity (in
7 the case of a report relating to an Inspec-
8 tor General of such an entity or his staff)
9 for resolution; and

10 “(iii) submit to Congress a copy of
11 such report and recommendations within
12 30 days after the submission of such re-
13 port to the Executive Chairperson under
14 clause (ii).

15 “(B) The Chairperson of the Council shall
16 report to the Integrity Committee the final dis-
17 position of the matter, including what action
18 was taken by the President or agency head.

19 “(10) ANNUAL REPORT.—

20 “(A) MATTERS COVERED.—The Council
21 shall submit to Congress and the President by
22 December 31st of each year a report on the ac-
23 tivities of the Integrity Committee during the
24 preceding fiscal year. The report shall include
25 the following:

1 “(i) The number of allegations re-
2 ceived.

3 “(ii) The number of allegations re-
4 ferred to other agencies, including the
5 number of allegations referred for criminal
6 investigation.

7 “(iii) The number of allegations re-
8 ferred to the Chairperson of the Integrity
9 Committee for investigation.

10 “(iv) The number of allegations closed
11 without referral.

12 “(v) The date each allegation was re-
13 ceived and the date each allegation was fi-
14 nally disposed of.

15 “(vi) In the case of allegations re-
16 ferred to the Chairperson of the Integrity
17 Committee, a summary of the status of the
18 investigation of the allegations and, in the
19 case of investigations completed during the
20 preceding fiscal year, a summary of the
21 findings of the investigations.

22 “(vii) Other matters that the Council
23 considers appropriate.

24 “(B) REQUESTS FOR MORE INFORMA-
25 TION.—The Council shall provide more detailed

1 information about specific allegations upon re-
2 quest from any of the following:

3 “(i) The chairman or ranking member
4 of the Committee on Oversight and Gov-
5 ernment Reform of the House of Rep-
6 resentatives.

7 “(ii) The chairman or ranking mem-
8 ber of the Committee on Homeland Secu-
9 rity and Governmental Affairs of the Sen-
10 ate.

11 “(iii) The chairman or ranking mem-
12 ber of the congressional committees of ju-
13 risdiction.

14 “(11) NO RIGHT OR BENEFIT.—This subsection
15 is not intended to create any right or benefit, sub-
16 stantive or procedural, enforceable at law by a per-
17 son against the United States, its agencies, its offi-
18 cers, or any person.

19 “(f) APPLICATION.—The provisions of this section
20 apply only to the Inspectors General (and their offices)
21 listed in subsection (b)(1)(A) and (B).”.

22 (b) EXECUTIVE ORDERS AND POLICIES AND PROCE-
23 DURES.—

24 (1) EXISTING EXECUTIVE ORDERS.—Executive
25 Order No. 12805, dated May 11, 1992, and Execu-

1 tive Order No. 12993, dated March 21, 1996, shall
2 have no force or effect.

3 (2) POLICIES AND PROCEDURES.—Not later
4 than 180 days after the date of the enactment of
5 this Act, the Inspectors General Council shall adopt
6 policies and procedures to implement this section
7 and the amendments made by this section. To the
8 maximum extent practicable, the policies and proce-
9 dures shall include all provisions of Executive Order
10 No. 12805 and Executive Order No. 12933 (as in
11 effect before the date of the enactment of this Act).

12 (c) CONFORMING AMENDMENTS.—

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

16 (A) in sections 2(1), 4(b)(2), and
17 8G(a)(1)(A) by striking “section 11(2)” each
18 place it appears and inserting “section 12(2)”;
19 and

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

23 (2) TITLE 31, U.S.C.—Section 1105(a) of title
24 31, United States Code, is amended by striking the
25 first paragraph (33) and inserting the following:

1 “(33) a separate appropriation account for ap-
2 propriations for the Inspectors General Council, and,
3 included in that account, a separate statement of the
4 aggregate amount of appropriations requested for
5 each academy maintained by the Inspectors General
6 Council.”.

7 **SEC. 5. PAY AND BONUSES OF INSPECTORS GENERAL.**

8 (a) PROHIBITION OF CASH BONUS OR AWARDS.—
9 Section 3 of the Inspector General Act of 1978 (5 U.S.C.
10 App.), as amended by the preceding provisions of this Act,
11 is further amended by adding at the end the following:

12 “(f) An Inspector General (as defined under section
13 8G(a)(6) or 11(3)) may not receive any cash award or
14 cash bonus, including any cash award under chapter 45
15 of title 5, United States Code.”.

16 (b) INSPECTORS GENERAL AT LEVEL III OF EXECU-
17 TIVE SCHEDULE.—

18 (1) IN GENERAL.—Section 3 of the Inspector
19 General Act of 1978 (5 U.S.C. App.), as amended
20 by the preceding provisions of this Act, is further
21 amended by adding at the end the following:

22 “(g) The annual rate of basic pay for an Inspector
23 General (as defined under section 11(3)) shall be the rate
24 payable for level III of the Executive Schedule under sec-
25 tion 5314 of title 5, United States Code, plus 3 percent.”.

1 (2) CONFORMING AMENDMENT.—Section 5315
2 of title 5, United States Code, is amended by strik-
3 ing the item relating to each of the following posi-
4 tions:

5 (A) Inspector General, Department of
6 Education.

7 (B) Inspector General, Department of En-
8 ergy.

9 (C) Inspector General, Department of
10 Health and Human Services.

11 (D) Inspector General, Department of Ag-
12 riculture.

13 (E) Inspector General, Department of
14 Housing and Urban Development.

15 (F) Inspector General, Department of
16 Labor.

17 (G) Inspector General, Department of
18 Transportation.

19 (H) Inspector General, Department of Vet-
20 erans Affairs.

21 (I) Inspector General, Department of
22 Homeland Security.

23 (J) Inspector General, Department of De-
24 fense.

1 (K) Inspector General, Department of
2 State.

3 (L) Inspector General, Department of
4 Commerce.

5 (M) Inspector General, Department of the
6 Interior.

7 (N) Inspector General, Department of Jus-
8 tice.

9 (O) Inspector General, Department of the
10 Treasury.

11 (P) Inspector General, Agency for Inter-
12 national Development.

13 (Q) Inspector General, Environmental Pro-
14 tection Agency.

15 (R) Inspector General, Export-Import
16 Bank.

17 (S) Inspector General, Federal Emergency
18 Management Agency.

19 (T) Inspector General, General Services
20 Administration.

21 (U) Inspector General, National Aero-
22 nautics and Space Administration.

23 (V) Inspector General, Nuclear Regulatory
24 Commission.

1 (W) Inspector General, Office of Personnel
2 Management.

3 (X) Inspector General, Railroad Retirement Board.
4

5 (Y) Inspector General, Small Business Administration.
6

7 (Z) Inspector General, Tennessee Valley Authority.
8

9 (AA) Inspector General, Federal Deposit Insurance Corporation.
10

11 (BB) Inspector General, Resolution Trust Corporation.
12

13 (CC) Inspector General, Central Intelligence Agency.
14

15 (DD) Inspector General, Social Security Administration.
16

17 (EE) Inspector General, United States Postal Service.
18

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

23 (4) SAVINGS PROVISION.—Nothing in this subsection shall have the effect of reducing the rate of
24

1 pay of any individual serving as an Inspector Gen-
2 eral on the effective date of this subsection.

3 (c) INSPECTORS GENERAL OF DESIGNATED FED-
4 ERAL ENTITIES.—Notwithstanding any other provision of
5 law, the Inspector General of each designated Federal en-
6 tity (as those terms are defined under section 8G of the
7 Inspector General Act of 1978) shall, for pay and all other
8 purposes, be classified at a grade, level, or rank designa-
9 tion, as the case may be, comparable to those of a majority
10 of the senior staff members of such designated Federal
11 entity (such as, but not limited to, a General Counsel,
12 Deputy Director, or Chief of Staff) that report directly
13 to the head of such designated Federal entity. The head
14 of a designated Federal entity shall set the annual rate
15 of basic pay for an Inspector General (as defined under
16 such section 8G) 3 percent above the annual rate of basic
17 pay for senior staff members classified at a comparable
18 grade, level, or rank designation (or, if those senior staff
19 members receive different rates, the annual rate of basic
20 pay for a majority of those senior staff members, as deter-
21 mined by the head of the designated Federal entity con-
22 cerned).

23 (d) SAVINGS PROVISION FOR NEWLY APPOINTED IN-
24 SPECTORS GENERAL.—The provisions of section 3392,
25 title 5, United States Code, other than the terms “per-

1 formance awards” and “awarding of ranks” in subsection
2 (c)(1) of such section, shall apply to career appointees of
3 the Senior Executive Service who are appointed to the po-
4 sition of Inspector General.

5 **SEC. 6. MISCELLANEOUS ENHANCEMENTS.**

6 (a) OFFICES AS DISCRETE AGENCIES.—Section 6(d)
7 of the Inspector General Act of 1978 (5 U.S.C. App.) is
8 amended to read as follows:

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

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

13 “(ii) the Inspector General who is the head of
14 an office referred to in clause (i) shall, with respect
15 to such office, have the functions, powers, and duties
16 of an agency head or appointing authority under
17 such provisions.

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

20 “(i) Subchapter II of chapter 35.

21 “(ii) Sections 8335(b), 8336, 8414, and
22 8425(b).

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

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

8 (b) SUBPOENA POWER.—Section 6(a)(4) of the In-
9 spector General Act of 1978 (5 U.S.C. App.), is amend-
10 ed—

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

14 (2) by striking “subpena” and inserting “sub-
15 poena”.

16 (c) LAW ENFORCEMENT AUTHORITY FOR DES-
17 IGNATED FEDERAL ENTITIES.—Section 6(e) of the In-
18 spector General Act of 1978 (5 U.S.C. App.) is amend-
19 ed—

20 (1) in paragraph (1) by striking “appointed
21 under section 3”; and

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

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

1 (d) QUALIFICATIONS OF INSPECTORS GENERAL OF
2 DESIGNATED FEDERAL ENTITIES.—Section 8G(e)(1) of
3 the Inspector General Act of 1978 (5 U.S.C. App.), as
4 amended by this Act, is further amended by striking the
5 period and inserting “without regard to political affili-
6 ation, and solely on the basis of integrity and dem-
7 onstrated ability in accounting, auditing, financial anal-
8 ysis, law, management analysis, public administration, or
9 investigations.

10 (e) AUTHORITY OF TREASURY INSPECTOR GENERAL
11 FOR TAX ADMINISTRATION TO PROTECT INTERNAL REV-
12 ENUE SERVICE EMPLOYEES.—Section 8D(k)(1)(C) of the
13 Inspector General Act of 1978 (5 U.S.C. App.) is amended
14 by striking “and the providing of physical security”.

15 (f) AMENDMENT RELATING TO AUTHORITY OF
16 COMPTROLLER GENERAL TO ADMINISTER OATHS.—Sec-
17 tion 711 of title 31, United States Code, is amended in
18 paragraph (4) by striking “when auditing and settling ac-
19 counts” and inserting “upon the specific approval only of
20 the Comptroller General or the Deputy Comptroller Gen-
21 eral”.

22 (g) AMENDMENTS RELATING TO COMPTROLLER
23 GENERAL REPORTS.—

24 (1) Section 719(b)(1) of title 31, United States
25 Code, is amended—

1 (A) by striking “and” at the end of sub-
2 paragraph (B);

3 (B) by striking the period and inserting “;
4 and” at the end of subparagraph (C); and

5 (C) by adding at the end the following new
6 subparagraph:

7 “(D) for Federal agencies subject to sections
8 901 to 903 of this title and other agencies des-
9 ignated by the Comptroller General, an assessment
10 of their overall degree of cooperation in making per-
11 sonnel available for interview, providing written an-
12 swers to questions, submitting to an oath authorized
13 by the Comptroller General under section 711 of this
14 title, granting access to records, providing timely
15 comments to draft reports, adopting recommenda-
16 tions in reports, and responding to such other mat-
17 ters as the Comptroller General considers appro-
18 priate.”.

19 (2) Section 719(c) of such title is amended—

20 (A) by striking “and” at the end of para-
21 graph (2);

22 (B) by striking the period and inserting “;
23 and” at the end of paragraph (3); and

24 (C) by adding at the end the following new
25 paragraph:

1 “(4) as soon as practicable when an agency or
2 other entity does not, within a reasonable period of
3 time after a request by the Comptroller General,
4 make personnel available for interview, provide writ-
5 ten answers to questions, or submit to an oath au-
6 thorized by the Comptroller General under section
7 711 of this title.”.

8 **SEC. 7. PROGRAM FRAUD CIVIL REMEDIES ACT.**

9 Section 3801(a)(1) of title 31, United States Code,
10 is amended by striking “and” after the semicolon at the
11 end of subparagraph (C), by adding “and” after the semi-
12 colon at the end of subparagraph (D), and by adding at
13 the end the following:

14 “(E) a designated Federal entity (as such
15 term is defined under section 8G(a)(2) of the
16 Inspector General Act of 1978).”.

17 **SEC. 8. APPLICATION OF SEMIANNUAL REPORTING RE-**
18 **QUIREMENTS WITH RESPECT TO INSPECTION**
19 **REPORTS AND EVALUATION REPORTS.**

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

22 (1) in subsection (a)(6)—

23 (A) by inserting “, inspection report, and
24 evaluation report” after “audit report”; and

1 (B) by striking “audit” the second place it
2 appears;

3 (2) in each of subsections (a)(8), (a)(9), (b)(2),
4 and (b)(3)—

5 (A) by inserting “, inspection reports, and
6 evaluation reports” after “audit reports” the
7 first place it appears; and

8 (B) by striking “audit” the second place it
9 appears; and

10 (3) in subsection (a)(10) by inserting “, inspec-
11 tion report, and evaluation report” after “audit re-
12 port”.

13 **SEC. 9. INFORMATION ON WEBSITES OF OFFICES OF IN-**
14 **SPECTORS GENERAL.**

15 (a) DEFINITION.—In this section, the term “agency”
16 has the meaning provided the term “Federal agency”
17 under section 11(5) of the Inspector General Act of 1978
18 (5 U.S.C. App.).

19 (b) DIRECT LINKS TO INSPECTORS GENERAL OF-
20 FICES.—

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

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

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

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

9 (A) not later than 1 day after any report
10 or audit (or portion of any report or audit) is
11 made publicly available, post that report or
12 audit (or portion of that report or audit) on the
13 website of the Office of the Inspector General;
14 and

15 (B) ensure that any posted report or audit
16 (or portion of that report or audit) described
17 under subparagraph (A)—

18 (i) is easily accessible from a direct
19 link on the homepage of the website of the
20 Office of the Inspector General;

21 (ii) includes a summary of the find-
22 ings of the Inspector General; and

23 (iii) is in a format that—

24 (I) is searchable, sortable, and
25 downloadable; and

1 (II) facilitates printing by indi-
2 viduals of the public who are access-
3 ing the website.

4 (2) OPTION TO RECEIVE RELATED INFORMA-
5 TION.—The Inspector General of each agency shall
6 provide a service on the website of the Office of the
7 Inspector General through which—

8 (A) an individual may elect to automati-
9 cally receive information (including subsequent
10 reports or audits) relating to any posted report
11 or audit (or portion of that report or audit) de-
12 scribed under paragraph (1)(A); and

13 (B) the Inspector General shall electroni-
14 cally transmit the information or notice of the
15 availability of the information to that individual
16 without further request.

17 (3) REPORTING OF WASTE, FRAUD, AND
18 ABUSE.—

19 (A) IN GENERAL.—The Inspector General
20 of each agency shall establish and maintain a
21 direct link on the homepage of the website of
22 the Office of the Inspector General for individ-
23 uals to report waste, fraud, and abuse.

24 (B) ANONYMITY.—The Inspector General
25 of each agency shall take such actions as nec-

1 essary to ensure the anonymity of any indi-
2 vidual making a report under this paragraph.

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

7 **SEC. 10. AMENDMENTS TO SPECIAL PROVISIONS CON-**
8 **CERNING THE DEPARTMENT OF JUSTICE.**

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

13 (b) CONFORMING AMENDMENTS.—Section 8E of
14 such Act is further amended—

15 (1) in subsection (b)—

16 (A) by striking “and paragraph (3)” in
17 paragraph (2);

18 (B) by redesignating paragraph (4) as
19 paragraph (3); and

20 (C) by redesignating paragraph (5) as
21 paragraph (4) and in that paragraph by strik-
22 ing “(4)” and inserting “(3)”; and

23 (2) in subsection (d), by striking “, except with
24 respect to allegations described in subsection
25 (b)(3),”.

1 **SEC. 11. ANNUAL INSPECTOR GENERAL PERFORMANCE RE-**
2 **VIEWS OF FEDERAL PROGRAMS AND AGEN-**
3 **CIES.**

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

6 (1) by redesignating subsections (a), (b), (c),
7 and (d) as subsections (b), (c), (d), and (e), respec-
8 tively;

9 (2) by inserting before subsection (b) (as so re-
10 designated) the following new subsection:

11 “(a) It shall be the principle duty and responsibility
12 of each Inspector General, with respect to the establish-
13 ment within which his Office is established, to review an-
14 nually the operations, efficiency, and effectiveness of all
15 Federal programs within such establishment and submit
16 to the Congress and the President not later than Sep-
17 tember 1 of each year recommendations, accompanied by
18 proposed legislation, on whether an abolishment, reorga-
19 nization, consolidation, or transfer of existing Federal pro-
20 grams and agencies is necessary—

21 “(1) to reduce Federal expenditures;

22 “(2) to increase efficiency of government oper-
23 ations;

24 “(3) to eliminate overlap and duplication in
25 Federal programs and offices;

1 “(4) to abolish agencies or programs that no
2 longer serve an important governmental purpose;
3 and

4 “(5) to identify reductions in amounts of discre-
5 tionary budget authority or direct spending that can
6 be dedicated to Federal deficit reduction.”; and

7 (3) in subsection (e)(1) (as so redesignated), by
8 striking “(a)(1)” and inserting “(b)(1)”.

9 (b) CONFORMING AMENDMENTS.—The Inspector
10 General Act of 1978 (5 U.S.C. App.) is further amend-
11 ed—

12 (1) in section 8(d), by striking “section 4(d)”
13 and inserting “section 4(e)”; and

14 (2) in section 8D(k)(2)(A), by striking “section
15 4(d)” and inserting “section 4(e)”.

Passed the House of Representatives October 3,
2007.

Attest:

Clerk.

110TH CONGRESS
1ST SESSION

H. R. 928

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.