

110<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 2324

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## AN ACT

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

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

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

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

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

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

14 (a) ESTABLISHMENTS.—Section 3(b) of the Inspector  
15 General Act of 1978 (5 U.S.C. App.) is amended by strik-  
16 ing the second sentence and inserting “If an Inspector  
17 General is removed from office or is transferred to another  
18 position or location within an establishment, the President  
19 shall communicate in writing the reasons for any such re-  
20 moval or transfer to both Houses of Congress, not later  
21 than 30 days before the removal or transfer. Nothing in  
22 this subsection shall prohibit a personnel action otherwise  
23 authorized by law, other than transfer or removal.”.

24 (b) DESIGNATED FEDERAL ENTITIES.—Section  
25 8G(e) of the Inspector General Act of 1978 (5 U.S.C.  
26 App.) is amended by striking “shall promptly commu-

1 nicate in writing the reasons for any such removal or  
2 transfer to both Houses of the Congress.” and inserting  
3 “shall communicate in writing the reasons for any such  
4 removal or transfer to both Houses of Congress, not later  
5 than 30 days before the removal or transfer. Nothing in  
6 this subsection shall prohibit a personnel action otherwise  
7 authorized by law, other than transfer or removal.”.

8 (c) LEGISLATIVE AGENCIES.—

9 (1) LIBRARY OF CONGRESS.—Section  
10 1307(c)(2) of the Legislative Branch Appropriations  
11 Act, 2006 (2 U.S.C. 185(c)(2)) is amended by strik-  
12 ing the second sentence and inserting “If the Inspec-  
13 tor General is removed from office or is transferred  
14 to another position or location within the Library of  
15 Congress, the Librarian of Congress shall commu-  
16 nicate in writing the reasons for any such removal  
17 or transfer to both Houses of Congress, not later  
18 than 30 days before the removal or transfer. Noth-  
19 ing in this paragraph shall prohibit a personnel ac-  
20 tion otherwise authorized by law, other than transfer  
21 or removal.”.

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

1           “(3) REMOVAL.—The Inspector General may be  
2 removed or transferred from office before the expira-  
3 tion of his term only by the unanimous vote of all  
4 of the voting members of the Capitol Police Board.  
5 If an Inspector General is removed from office or is  
6 transferred to another position or location within the  
7 Capitol Police, the Capitol Police Board shall com-  
8 municate in writing the reasons for any such re-  
9 moval or transfer to the Committee on Rules and  
10 Administration of the Senate, the Committee on  
11 House Administration of the House of Representa-  
12 tives, and the Committees on Appropriations of the  
13 Senate and the House of Representatives, not later  
14 than 30 days before the removal or transfer. Noth-  
15 ing in this paragraph shall prohibit a personnel ac-  
16 tion otherwise authorized by law, other than transfer  
17 or removal.”.

18           (3) GOVERNMENT PRINTING OFFICE.—Section  
19 3902(b)(2) of title 44, United States Code, is  
20 amended by striking the second sentence and insert-  
21 ing “If the Inspector General is removed from office  
22 or is transferred to another position or location with-  
23 in the Government Printing Office, the Public Print-  
24 er shall communicate in writing the reasons for any  
25 such removal or transfer to both Houses of Con-

1       gress, not later than 30 days before the removal or  
2       transfer. Nothing in this paragraph shall prohibit a  
3       personnel action otherwise authorized by law, other  
4       than transfer or removal.”.

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

6       (a) INSPECTORS GENERAL AT LEVEL III OF EXECU-  
7       TIVE SCHEDULE.—

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

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

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

19               (A) Inspector General, Department of  
20      Education.

21               (B) Inspector General, Department of En-  
22      ergy.

23               (C) Inspector General, Department of  
24      Health and Human Services.

1 (D) Inspector General, Department of Ag-  
2 riculture.

3 (E) Inspector General, Department of  
4 Housing and Urban Development.

5 (F) Inspector General, Department of  
6 Labor.

7 (G) Inspector General, Department of  
8 Transportation.

9 (H) Inspector General, Department of Vet-  
10 erans Affairs.

11 (I) Inspector General, Department of  
12 Homeland Security.

13 (J) Inspector General, Department of De-  
14 fense.

15 (K) Inspector General, Department of  
16 State.

17 (L) Inspector General, Department of  
18 Commerce.

19 (M) Inspector General, Department of the  
20 Interior.

21 (N) Inspector General, Department of Jus-  
22 tice.

23 (O) Inspector General, Department of the  
24 Treasury.

1 (P) Inspector General, Agency for Inter-  
2 national Development.

3 (Q) Inspector General, Environmental Pro-  
4 tection Agency.

5 (R) Inspector General, Export-Import  
6 Bank.

7 (S) Inspector General, Federal Emergency  
8 Management Agency.

9 (T) Inspector General, General Services  
10 Administration.

11 (U) Inspector General, National Aero-  
12 nautics and Space Administration.

13 (V) Inspector General, Nuclear Regulatory  
14 Commission.

15 (W) Inspector General, Office of Personnel  
16 Management.

17 (X) Inspector General, Railroad Retire-  
18 ment Board.

19 (Y) Inspector General, Small Business Ad-  
20 ministration.

21 (Z) Inspector General, Tennessee Valley  
22 Authority.

23 (AA) Inspector General, Federal Deposit  
24 Insurance Corporation.

1           (BB) Inspector General, Resolution Trust  
2           Corporation.

3           (CC) Inspector General, Central Intel-  
4           ligence Agency.

5           (DD) Inspector General, Social Security  
6           Administration.

7           (EE) Inspector General, United States  
8           Postal Service.

9           (3) ADDITIONAL TECHNICAL AND CONFORMING  
10          AMENDMENT.—Section 194(b) of the National and  
11          Community Service Act of 1990 (42 U.S.C.  
12          12651e(b)) is amended by striking paragraph (3).

13          (b) INSPECTORS GENERAL OF DESIGNATED FED-  
14          ERAL ENTITIES.—Notwithstanding any other provision of  
15          law, the Inspector General of each designated Federal en-  
16          tity (as those terms are defined under section 8G of the  
17          Inspector General Act of 1978 (5 U.S.C. App.)) shall, for  
18          pay and all other purposes, be classified at a grade, level,  
19          or rank designation, as the case may be, at or above those  
20          of a majority of the senior level executives of that des-  
21          ignated Federal entity (such as a General Counsel, Chief  
22          Information Officer, Chief Financial Officer, Chief  
23          Human Capital Officer, or Chief Acquisition Officer). The  
24          pay of an Inspector General of a designated Federal entity  
25          (as those terms are defined under section 8G of the In-



1 spector General Act of 1978 (5 U.S.C. App.)) shall be not  
2 less than the average total compensation of the senior level  
3 executives of that designated Federal entity calculated on  
4 an annual basis.

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

12 (d) SAVINGS PROVISION.—Nothing in this section  
13 shall have the effect of reducing the rate of pay of any  
14 individual serving on the date of enactment of this section  
15 as an Inspector General of—

16 (1) an establishment as defined under section  
17 11(2) of the Inspector General Act of 1978 (5  
18 U.S.C. App.);

19 (2) a designated Federal entity as defined  
20 under section 8G(2) of the Inspector General Act of  
21 1978 (5 U.S.C. App.);

22 (3) a legislative agency for which the position of  
23 Inspector General is established by statute; or

1           (4) any other entity of the Government for  
2           which the position of Inspector General is estab-  
3           lished by statute.

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

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

8           “(f) An Inspector General (as defined under section  
9 8G(a)(6) or 11(3)) may not receive any cash award or  
10 cash bonus, including any cash award under chapter 45  
11 of title 5, United States Code.”.

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

13                           **GENERAL.**

14           (a) COUNSELS TO INSPECTORS GENERAL OF ESTAB-  
15 LISHMENT.—Section 3 of the Inspector General Act of  
16 1978 (5 U.S.C. App.) (as amended by sections 4 and 5  
17 of this Act) is further amended by adding at the end the  
18 following:

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

23           (b) COUNSELS TO INSPECTORS GENERAL OF DES-  
24 IGNATED FEDERAL ENTITIES.—Section 8G(g) of the In-

1 spector General Act of 1978 (5 U.S.C. App.) is amended  
2 by adding at the end the following:

3           “(4) Each Inspector General shall, in accord-  
4           ance with applicable laws and regulations governing  
5           appointments within the designated Federal entity,  
6           appoint a Counsel to the Inspector General who  
7           shall report to the Inspector General or obtain the  
8           services of a counsel appointed by and directly re-  
9           porting to another Inspector General or the Council  
10          of the Inspectors General on Integrity and Efficiency  
11          on a reimbursable basis.”.

12          (c) **RULE OF CONSTRUCTION.**—Nothing in the  
13 amendments made by this section shall be construed to  
14 alter the duties and responsibilities of the counsel for any  
15 establishment or designated Federal entity.

16 **SEC. 7. ESTABLISHMENT OF COUNCIL OF THE INSPECTORS**  
17 **GENERAL ON INTEGRITY AND EFFICIENCY.**

18          (a) **ESTABLISHMENT.**—The Inspector General Act of  
19 1978 (5 U.S.C. App.) is amended by redesignating sec-  
20 tions 11 and 12 as sections 12 and 13, respectively, and  
21 by inserting after section 10 the following:

22 **“SEC. 11. ESTABLISHMENT OF THE COUNCIL OF THE IN-**  
23 **SPECTORS GENERAL ON INTEGRITY AND EF-**  
24 **FICIENCY.**

25          “(a) **ESTABLISHMENT AND MISSION.**—

1           “(1) ESTABLISHMENT.—There is established as  
2           an independent entity within the executive branch  
3           the Council of the Inspectors General on Integrity  
4           and Efficiency (in this section referred to as the  
5           ‘Council’).

6           “(2) MISSION.—The mission of the Council  
7           shall be to—

8                   “(A) address integrity, economy, and effec-  
9                   tiveness issues that transcend individual Gov-  
10                   ernment agencies; and

11                   “(B) increase the professionalism and ef-  
12                   fectiveness of personnel by developing policies,  
13                   standards, and approaches to aid in the estab-  
14                   lishment of a well-trained and highly skilled  
15                   workforce in the offices of the Inspectors Gen-  
16                   eral.

17           “(b) MEMBERSHIP.—

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

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

22                           “(i) section 2; or

23                           “(ii) section 8G.

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

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           “(I) The Office of Inspectors General of  
18 the Library of Congress, Capitol Police, and the  
19 Government Printing Office.

20           “(J) Any other members designated by the  
21 President.

22           “(2) CHAIRPERSON AND EXECUTIVE CHAIR-  
23 PERSON.—

24           “(A) EXECUTIVE CHAIRPERSON.—The  
25 Deputy Director for Management of the Office

1 of Management and Budget shall be the Execu-  
2 tive Chairperson of the Council.

3 “(B) CHAIRPERSON.—The Council shall  
4 elect 1 of the Inspectors General referred to in  
5 paragraph (1)(A) or (B) to act as Chairperson  
6 of the Council. The term of office of the Chair-  
7 person shall be 2 years.

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

10 “(A) EXECUTIVE CHAIRPERSON.—The Ex-  
11 ecutive Chairperson shall—

12 “(i) preside over meetings of the  
13 Council;

14 “(ii) provide to the heads of agencies  
15 and entities represented on the Council  
16 summary reports of the activities of the  
17 Council; and

18 “(iii) provide to the Council such in-  
19 formation relating to the agencies and en-  
20 tities represented on the Council as assists  
21 the Council in performing its functions.

22 “(B) CHAIRPERSON.—The Chairperson  
23 shall—

24 “(i) convene meetings of the Coun-  
25 cil—

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“(I) at least 6 times each year;

“(II) monthly to the extent possible; and

“(III) more frequently at the discretion of the Chairperson;

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

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

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

“(v) select, appoint, and employ personnel as needed to carry out the functions of the Council subject to the availability of appropriations and the provisions of title 5, United States Code, governing appointments in the competitive service, and the

1 provisions of chapter 51 and subchapter  
2 III of chapter 53 of such title, relating to  
3 classification and General Schedule pay  
4 rates;

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

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

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

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

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

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



1           “(B) develop plans for coordinated, govern-  
2           mentwide activities that address these problems  
3           and promote economy and efficiency in Federal  
4           programs and operations, including interagency  
5           and interentity audit, investigation, inspection,  
6           and evaluation programs and projects to deal  
7           efficiently and effectively with those problems  
8           concerning fraud and waste that exceed the ca-  
9           pability or jurisdiction of an individual agency  
10          or entity;

11          “(C) develop policies that will aid in the  
12          maintenance of a corps of well-trained and  
13          highly skilled Office of Inspector General per-  
14          sonnel;

15          “(D) maintain an Internet website and  
16          other electronic systems for the benefit of all  
17          Inspectors General, as the Council determines  
18          are necessary or desirable;

19          “(E) maintain 1 or more academies as the  
20          Council considers desirable for the professional  
21          training of auditors, investigators, inspectors,  
22          evaluators, and other personnel of the various  
23          offices of Inspector General;

24          “(F) submit recommendations of individ-  
25          uals to the appropriate appointing authority for

1           any appointment to an office of Inspector Gen-  
2           eral described under subsection (b)(1)(A) or  
3           (B);

4           “(G) make such reports to Congress as the  
5           Chairperson determines are necessary or appro-  
6           priate; and

7           “(H) perform other duties within the au-  
8           thority and jurisdiction of the Council, as ap-  
9           propriate.

10          “(2) ADHERENCE AND PARTICIPATION BY MEM-  
11          BERS.—To the extent permitted under law, and to  
12          the extent not inconsistent with standards estab-  
13          lished by the Comptroller General of the United  
14          States for audits of Federal establishments, organi-  
15          zations, programs, activities, and functions, each  
16          member of the Council shall adhere to professional  
17          standards developed by the Council and participate  
18          in the plans, programs, and projects of the Council,  
19          as appropriate.

20          “(3) ADDITIONAL ADMINISTRATIVE AUTHORI-  
21          TIES.—

22          “(A) INTERAGENCY FUNDING.—Notwith-  
23          standing section 1532 of title 31, United States  
24          Code, or any other provision of law prohibiting  
25          the interagency funding of activities described

1 under subclause (I), (II), or (III) of clause (i),  
2 in the performance of the responsibilities, au-  
3 thorities, and duties of the Council—

4 “(i) the Executive Chairperson may  
5 authorize the use of interagency funding  
6 for—

7 “(I) Governmentwide training of  
8 employees of the Offices of the Inspec-  
9 tors General;

10 “(II) the functions of the Integ-  
11 rity Committee of the Council; and

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

14 “(ii) upon the authorization of the  
15 Executive Chairperson, any department,  
16 agency, or entity of the executive branch  
17 which has a member on the Council shall  
18 fund or participate in the funding of such  
19 activities.

20 “(B) SUPERSEDING PROVISIONS.—No pro-  
21 vision of law enacted after the date of enact-  
22 ment of this subsection shall be construed to  
23 limit or supersede the authority under para-  
24 graph (1), unless such provision makes specific  
25 reference to the authority in that paragraph.

1           “(4) EXISTING AUTHORITIES AND RESPON-  
2           SIBILITIES.—The establishment and operation of the  
3           Council shall not affect—

4                   “(A) the role of the Department of Justice  
5                   in law enforcement and litigation;

6                   “(B) the authority or responsibilities of  
7                   any Government agency or entity; and

8                   “(C) the authority or responsibilities of in-  
9                   dividual members of the Council.

10          “(d) INTEGRITY COMMITTEE.—

11               “(1) ESTABLISHMENT.—The Council shall have  
12               an Integrity Committee, which shall receive, review,  
13               and refer for investigation allegations of wrongdoing  
14               that are made against Inspectors General and staff  
15               members of the various Offices of Inspector General  
16               described under paragraph (4)(C).

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

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

23                   “(B) Three or more Inspectors General de-  
24                   scribed in subparagraph (A) or (B) of sub-  
25                   section (b)(1) appointed by the Chairperson of

1 the Council, representing both establishments  
2 and designated Federal entities (as that term is  
3 defined in section 8G(a)).

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

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

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

12 “(4) REFERRAL OF ALLEGATIONS.—

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

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

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

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

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

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

6                   “(i) any employee of an Office of In-  
7                   spector General who reports directly to an  
8                   Inspector General; or

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

11                  “(C) DESIGNATION OF STAFF MEMBERS.—  
12                  Each Inspector General shall annually submit  
13                  to the Chairperson of the Integrity Committee  
14                  a designation of positions whose holders are  
15                  staff members for purposes of subparagraph  
16                  (B).

17                  “(5) REVIEW OF ALLEGATIONS.—The Integrity  
18                  Committee shall—

19                  “(A) review all allegations of wrongdoing  
20                  the Integrity Committee receives against an In-  
21                  spector General, or against a staff member of  
22                  an Office of Inspector General described under  
23                  paragraph (4)(C);

1           “(B) refer any allegation of wrongdoing to  
2           the agency of the executive branch with appro-  
3           priate jurisdiction over the matter; and

4           “(C) refer to the Chairperson of the Integ-  
5           rity Committee any allegation of wrongdoing  
6           determined by the Integrity Committee under  
7           subparagraph (A) to be potentially meritorious  
8           that cannot be referred to an agency under sub-  
9           paragraph (B).

10          “(6) AUTHORITY TO INVESTIGATE ALLEGA-  
11          TIONS.—

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

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

21                   “(i) may provide resources necessary  
22                   to the Integrity Committee; and

23                   “(ii) may detail employees from that  
24                   agency or entity to the Integrity Com-  
25                   mittee, subject to the control and direction

1 of the Chairperson, to conduct an inves-  
2 tigation under this subsection.

3 “(7) PROCEDURES FOR INVESTIGATIONS.—

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

12 “(B) ADDITIONAL POLICIES AND PROCE-  
13 DURES.—

14 “(i) ESTABLISHMENT.—The Integrity  
15 Committee, in conjunction with the Chair-  
16 person of the Council, shall establish addi-  
17 tional policies and procedures necessary to  
18 ensure fairness and consistency in—

19 “(I) determining whether to ini-  
20 tiate an investigation;

21 “(II) conducting investigations;

22 “(III) reporting the results of an  
23 investigation; and

24 “(IV) providing the person who is  
25 the subject of an investigation with an



1 opportunity to respond to any Integ-  
2 rity Committee report.

3 “(ii) SUBMISSION TO CONGRESS.—  
4 The Council shall submit a copy of the  
5 policies and procedures established under  
6 clause (i) to the congressional committees  
7 of jurisdiction.

8 “(C) REPORTS.—

9 “(i) POTENTIALLY MERITORIOUS AL-  
10 LEGATIONS.—For allegations described  
11 under paragraph (5)(C), the Chairperson  
12 of the Integrity Committee shall make a  
13 report containing the results of the inves-  
14 tigation of the Chairperson and shall pro-  
15 vide such report to members of the Integ-  
16 rity Committee.

17 “(ii) ALLEGATIONS OF WRONG-  
18 DOING.—For allegations referred to an  
19 agency under paragraph (5)(B), the head  
20 of that agency shall make a report con-  
21 taining the results of the investigation and  
22 shall provide such report to members of  
23 the Integrity Committee.

24 “(8) ASSESSMENT AND FINAL DISPOSITION.—

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

4                   “(i) assess the report;

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

20                   “(iii) submit to the congressional com-  
21 mittees of jurisdiction an executive sum-  
22 mary of such report and recommendations  
23 within 30 days after the submission of  
24 such report to the Executive Chairperson  
25 under clause (ii).

1           “(B) DISPOSITION.—The Executive Chair-  
2           person of the Council shall report to the Integ-  
3           rity Committee the final disposition of the mat-  
4           ter, including what action was taken by the  
5           President or agency head.

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

11                 “(A) The number of allegations received.

12                 “(B) The number of allegations referred to  
13           other agencies, including the number of allega-  
14           tions referred for criminal investigation.

15                 “(C) The number of allegations referred to  
16           the Chairperson of the Integrity Committee for  
17           investigation.

18                 “(D) The number of allegations closed  
19           without referral.

20                 “(E) The date each allegation was received  
21           and the date each allegation was finally dis-  
22           posed of.

23                 “(F) In the case of allegations referred to  
24           the Chairperson of the Integrity Committee, a  
25           summary of the status of the investigation of

1 the allegations and, in the case of investigations  
2 completed during the preceding fiscal year, a  
3 summary of the findings of the investigations.

4 “(G) Other matters that the Council con-  
5 siders appropriate.

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

11 “(A) The chairperson or ranking member  
12 of the Committee on Homeland Security and  
13 Governmental Affairs of the Senate.

14 “(B) The chairperson or ranking member  
15 of the Committee on Oversight and Government  
16 Reform of the House of Representatives.

17 “(C) The chairperson or ranking member  
18 of the congressional committees of jurisdiction.

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

24 (b) ALLEGATIONS OF WRONGDOING AGAINST SPE-  
25 CIAL COUNSEL OR DEPUTY SPECIAL COUNSEL.—

1 (1) DEFINITIONS.—In this section—

2 (A) the term “Integrity Committee” means  
3 the Integrity Committee established under sec-  
4 tion 11(d) of the Inspector General Act of 1978  
5 (5 U.S.C. App), as amended by this Act; and

6 (B) the term “Special Counsel” refers to  
7 the Special Counsel appointed under section  
8 1211(b) of title 5, United States Code.

9 (2) AUTHORITY OF INTEGRITY COMMITTEE.—

10 (A) IN GENERAL.—An allegation of wrong-  
11 doing against the Special Counsel or the Dep-  
12 uty Special Counsel may be received, reviewed,  
13 and referred for investigation by the Integrity  
14 Committee to the same extent and in the same  
15 manner as in the case of an allegation against  
16 an Inspector General (or a member of the staff  
17 of an Office of Inspector General), subject to  
18 the requirement that the Special Counsel recuse  
19 himself or herself from the consideration of any  
20 allegation brought under this paragraph.

21 (B) COORDINATION WITH EXISTING PROVI-  
22 SIONS OF LAW.—This subsection does not elimi-  
23 nate access to the Merit Systems Protection  
24 Board for review under section 7701 of title 5,  
25 United States Code. To the extent that an alle-

1 gation brought under this subsection involves  
2 section 2302(b)(8) of that title, a failure to ob-  
3 tain corrective action within 120 days after the  
4 date on which that allegation is received by the  
5 Integrity Committee shall, for purposes of sec-  
6 tion 1221 of such title, be considered to satisfy  
7 section 1214(a)(3)(B) of that title.

8 (3) REGULATIONS.—The Integrity Committee  
9 may prescribe any rules or regulations necessary to  
10 carry out this subsection, subject to such consulta-  
11 tion or other requirements as might otherwise apply.

12 (c) EXISTING EXECUTIVE ORDERS.—Executive  
13 Order 12805, dated May 11, 1992, and Executive Order  
14 12993, dated March 21, 1996, shall have no force or ef-  
15 fect.

16 (d) TECHNICAL AND CONFORMING AMENDMENTS.—

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

20 (A) in sections 2(1), 4(b)(2), and  
21 8G(a)(1)(A) by striking “section 11(2)” each  
22 place it appears and inserting “section 12(2)”;  
23 and

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

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

8 “(33) a separate appropriation account for ap-  
9 propriations for the Council of the Inspectors Gen-  
10 eral on Integrity and Efficiency, and, included in  
11 that account, a separate statement of the aggregate  
12 amount of appropriations requested for each acad-  
13 emy maintained by the Council of the Inspectors  
14 General on Integrity and Efficiency.”.

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

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

19 “(f)(1) For each fiscal year, an Inspector General  
20 shall transmit a budget estimate and request to the head  
21 of the establishment or designated Federal entity to which  
22 the Inspector General reports. The budget request shall  
23 specify the aggregate amount of funds requested for such  
24 fiscal year for the operations of that Inspector General  
25 and shall specify the amount requested for all training

1 needs, including a certification from the Inspector General  
2 that the amount requested satisfies all training require-  
3 ments for the Inspector General’s office for that fiscal  
4 year, and any resources necessary to support the Council  
5 of the Inspectors General on Integrity and Efficiency. Re-  
6 sources necessary to support the Council of the Inspectors  
7 General on Integrity and Efficiency shall be specifically  
8 identified and justified in the budget request.

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

12 “(A) an aggregate request for the Inspector  
13 General;

14 “(B) amounts for Inspector General training;

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

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

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

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

23 “(B) the amount requested by the President for  
24 each Inspector General;



1           “(C) the amount requested by the President for  
2 training of Inspectors General;

3           “(D) the amount requested by the President for  
4 support for the Council of the Inspectors General on  
5 Integrity and Efficiency; and

6           “(E) if the Inspector General concludes that the  
7 budget submitted by the President would substan-  
8 tially inhibit the Inspector General from performing  
9 the duties of the office, any comments of the af-  
10 fected Inspector General with respect to the pro-  
11 posal.”.

12 **SEC. 9. SUBPOENA POWER.**

13       Section 6(a)(4) of the Inspector General Act of 1978  
14 (5 U.S.C. App.) is amended—

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

18           (2) by striking “subpena” and inserting “sub-  
19 poena”.

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

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

23           (1) in subparagraph (D), by striking “and”  
24 after the semicolon;

1           (2) in subparagraph (E), by adding “and” after  
2 the semicolon; and

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

4                   “(F) a designated Federal entity (as such  
5 term is defined under section 8G(a)(2) of the  
6 Inspector General Act of 1978).”.

7 **SEC. 11. LAW ENFORCEMENT AUTHORITY FOR DES-**  
8 **IGNATED FEDERAL ENTITIES.**

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

11           (1) in paragraph (1) by striking “appointed  
12 under section 3”; and

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

14                   “(9) In this subsection the term ‘Inspector Gen-  
15 eral’ means an Inspector General appointed under  
16 section 3 or an Inspector General appointed under  
17 section 8G.”.

18 **SEC. 12. APPLICATION OF SEMIANNUAL REPORTING RE-**  
19 **QUIREMENTS WITH RESPECT TO INSPECTION**  
20 **REPORTS AND EVALUATION REPORTS.**

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

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

1 (A) by inserting “, inspection reports, and  
 2 evaluation reports” after “audit reports” the  
 3 first place it appears; and

4 (B) by striking “audit” the second place it  
 5 appears; and

6 (2) in subsection (a)(10) by inserting “, inspec-  
 7 tion reports, and evaluation reports” after “audit re-  
 8 ports”.

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

11 (a) IN GENERAL.—The Inspector General Act of  
 12 1978 (5 U.S.C. App.) is amended by inserting after sec-  
 13 tion 8K the following:

14 **“SEC. 8L. INFORMATION ON WEBSITES OF OFFICES OF IN-**  
 15 **SPECTORS GENERAL.**

16 “(a) DIRECT LINKS TO INSPECTORS GENERAL OF-  
 17 FICES.—

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

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

1       “(b) REQUIREMENTS FOR INSPECTORS GENERAL  
2 WEBSITES.—

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

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

16                       “(B) ensure that any posted report or  
17 audit (or portion of that report or audit) de-  
18 scribed under subparagraph (A)—

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

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

24                               “(iii) is in a format that—

1                   “(I) is searchable and download-  
2                   able; and

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

6                   “(2) REPORTING OF FRAUD, WASTE, AND  
7                   ABUSE.—

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

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

24                  (b) IMPLEMENTATION.—Not later than 180 days  
25                  after the date of enactment of this Act, the head of each

1 agency and the Inspector General of each agency shall im-  
2 plement the amendment made by this section.

3 **SEC. 14. OTHER ADMINISTRATIVE AUTHORITIES.**

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

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

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

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

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

18 “(i) Subchapter II of chapter 35.

19 “(ii) Sections 8335(b), 8336, 8344, 8414,  
20 8468, and 8425(b).

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

24 “(2) For purposes of applying section 4507(b) of title  
25 5, United States Code, paragraph (1)(A)(ii) shall be ap-

1 plied by substituting ‘the Council of the Inspectors Gen-  
 2 eral on Integrity and Efficiency (established by section 11  
 3 of the Inspector General Act) shall’ for ‘the Inspector Gen-  
 4 eral who is the head of an office referred to in clause (i)  
 5 shall, with respect to such office,’.”.

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

11 **SEC. 15. GOVERNMENT ACCOUNTABILITY OFFICE RE-**  
 12 **PORTS.**

13 (a) **IN GENERAL.**—

14 (1) **SUBMISSION.**—Not later than 360 days  
 15 after the date of enactment of this Act, the Govern-  
 16 ment Accountability Office shall submit a report ex-  
 17 amining the adequacy of mechanisms to ensure ac-  
 18 countability of the Offices of Inspector General to—

19 (A) the Committee on Homeland Security  
 20 and Governmental Affairs of the Senate; and

21 (B) the Committee on Government Reform  
 22 of the House of Representatives.

23 (2) **CONTENTS.**—The report submitted under  
 24 paragraph (1) shall examine—

1           (A) the practices, policies, and procedures  
2           of the Integrity Committee of the Council of the  
3           Inspectors General on Integrity and Efficiency  
4           (and its predecessor committee); and

5           (B) the practices, policies, and procedures  
6           of the Offices of Inspector General with respect  
7           to complaints by and about employees of any  
8           Office of Inspector General that are not within  
9           the jurisdiction of the Integrity Committee.

10       (b) PAY OF INSPECTORS GENERAL.—Not later than  
11       270 days after the date of enactment of this Act, the Gov-  
12       ernment Accountability Office shall submit a report to the  
13       congressional committees of jurisdiction on the implemen-  
14       tation of section 4.

Passed the Senate April 23, 2008.

Attest:

*Secretary.*





110<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**S. 2324**

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**AN ACT**

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