

107TH CONGRESS  
1ST SESSION

# S. 1065

To amend the Inspector General Act of 1978 (5 U.S.C. App.) to establish an Inspector General for the Federal Bureau of Investigation, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JUNE 20, 2001

Mr. DURBIN (for himself and Mr. SPECTER) introduced the following bill;  
which was read twice and referred to the Committee on the Judiciary

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## A BILL

To amend the Inspector General Act of 1978 (5 U.S.C. App.) to establish an Inspector General for the Federal Bureau of Investigation, 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,*

3 **SECTION 1. INSPECTOR GENERAL FOR THE FEDERAL BU-**  
4 **REAU OF INVESTIGATION.**

5 (a) SHORT TITLE.—This Act may be cited as the  
6 “Inspector General for the Federal Bureau of Investiga-  
7 tion Act of 2001”.

8 (b) ESTABLISHMENT OF AN INSPECTOR GENERAL  
9 FOR THE FEDERAL BUREAU OF INVESTIGATION.—The

1 matter following paragraph (3) of section 2 of the Inspec-  
 2 tor General Act of 1978 (5 U.S.C. App.) is amended—

3 (1) in subparagraph (A), by striking “subpara-  
 4 graph (B); and” and inserting “subparagraphs (A)  
 5 and (B);”;

6 (2) in subparagraph (B), by striking the period  
 7 and inserting “; and”; and

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

9 “(C) in the establishment of the Depart-  
 10 ment of the Justice—

11 “(i) an Office of Inspector General of  
 12 the Department of Justice; and

13 “(ii) an Office of Inspector General  
 14 for the Federal Bureau of Investigation.”.

15 (c) AMENDMENTS TO SECTION 8E OF THE INSPEC-  
 16 TOR GENERAL ACT OF 1978.—

17 (1) LIMITATION ON AUTHORITY OF INSPECTOR  
 18 GENERAL.—Section 8E(a) of the Inspector General  
 19 Act of 1978 (5 U.S.C. App.) is amended by adding  
 20 at the end the following:

21 “(4) Paragraphs (1), (2), and (3) shall apply to  
 22 the Attorney General and the Director of the Fed-  
 23 eral Bureau of Investigation, and the Inspector Gen-  
 24 eral for the Federal Bureau of Investigation in the  
 25 same manner and to the same extent as such para-

1       graphs apply to the Attorney General and the In-  
 2       specter General of the Department of Justice, re-  
 3       spectively.”.

4               (2) DUTIES OF INSPECTOR GENERAL OF THE  
 5       DEPARTMENT OF JUSTICE; RELATIONSHIP TO THE  
 6       INSPECTOR GENERAL FOR THE FEDERAL BUREAU  
 7       OF INVESTIGATION.—Section 8E(b) of the Inspector  
 8       General Act of 1978 (5 U.S.C. App.) is amended—

9               (A) by inserting “(1)” after “(b)”;

10              (B) by redesignating paragraphs (1)  
 11              through (3) as subparagraphs (A) through (C),  
 12              respectively; and

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

14       “(2) The Inspector General of the Department of  
 15       Justice shall exercise all duties and responsibilities of an  
 16       Inspector General for the Department of Justice other  
 17       than the duties and responsibilities exercised by the In-  
 18       specter General for the Federal Bureau of Investigation.

19       “(3) The Attorney General shall establish procedures  
 20       under which the Inspector General of the Department of  
 21       Justice and the Inspector General for the Federal Bureau  
 22       of Investigation will—

23              “(A) determine how audits and investigations  
 24              are allocated in cases of overlapping jurisdiction; and

1           “(B) provide for coordination, cooperation, and  
2           efficiency in the conduct of such audits and inves-  
3           tigations.”.

4           (3) TRANSMISSION OF REPORTS.—Section  
5           8E(c) of the Inspector General Act of 1978 (5  
6           U.S.C. App.) is amended—

7                       (A) by inserting “(1)” after “(c)”;

8                       (B) by striking “Government Operations”  
9                       and inserting “Government Reform”; and

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

11           “(2)(A) Any report made by the Inspector General  
12           for the Federal Bureau of Investigation that is required  
13           to be transmitted by the Attorney General to the appro-  
14           priate committees or subcommittees of Congress under  
15           section 5(d) shall also be transmitted, within the 7-day  
16           period specified under such subsection, to the Director of  
17           the Federal Bureau of Investigation.

18           “(B) Subparagraph (A) shall not apply to any report  
19           the subject of which is the Director of the Federal Bureau  
20           of Investigation.”.

21           (4) INSPECTOR GENERAL FOR THE FEDERAL  
22           BUREAU OF INVESTIGATION.—Section 8E of the In-  
23           spector General Act of 1978 (5 U.S.C. App.) is  
24           amended by adding at the end the following:

1       “(d) The Inspector General for the Federal Bureau  
2 of Investigation shall exercise all duties and responsibil-  
3 ities of an Inspector General of an establishment with re-  
4 spect to the Department of Justice and the Attorney Gen-  
5 eral on all matters relating to the Federal Bureau of In-  
6 vestigation. The Inspector General for the Federal Bureau  
7 of Investigation shall have sole authority under this Act  
8 to conduct an audit or investigation of the Director of the  
9 Federal Bureau of Investigation.

10       “(e) In addition to the requirements of the first sen-  
11 tence of section 3(a), the Inspector General for the Fed-  
12 eral Bureau of Investigation should have demonstrated  
13 ability to lead a large and complex organization.

14       “(f) An individual appointed to the position of Inspec-  
15 tor General for the Federal Bureau of Investigation, the  
16 Assistant Inspector General for Auditing of the Office of  
17 the Inspector General for the Federal Bureau of Investiga-  
18 tion under section 3(d)(1), the Assistant Inspector Gen-  
19 eral for Investigations of the Office of the Inspector Gen-  
20 eral for the Federal Bureau of Investigation under section  
21 3(d)(2), or any position of Deputy Inspector General of  
22 the Office of the Inspector General for the Federal Bureau  
23 of Investigation may not be an employee of the Federal  
24 Bureau of Investigation—

1           “(1) during the 2-year period preceding the  
2           date of appointment to such position; or

3           “(2) during the 5-year period following the date  
4           such individual ends service in such position.

5           “(g)(1) The Attorney General or the Director of the  
6           Federal Bureau of Investigation may request, in writing,  
7           the Inspector General for the Federal Bureau of Investiga-  
8           tion to conduct an audit or investigation relating to the  
9           Federal Bureau of Investigation. If the Inspector General  
10          for the Federal Bureau of Investigation determines not to  
11          conduct such audit or investigation, the Inspector General  
12          shall timely provide a written explanation for such deter-  
13          mination to the Attorney General or the Director of the  
14          Federal Bureau of Investigation.

15          “(2)(A) Any final report of an audit conducted by  
16          the Inspector General for the Federal Bureau of Investiga-  
17          tion shall be timely submitted by the Inspector General  
18          to the Attorney General and the Director of the Federal  
19          Bureau of Investigation.

20          “(B) The Inspector General for the Federal Bureau  
21          of Investigation shall—

22                 “(i) periodically submit to the Attorney General  
23                 and the Director of the Federal Bureau of Investiga-  
24                 tion a list of investigations for which a final report  
25                 has been completed by the Inspector General; and

1 “(ii) provide a copy of any such report to—

2 “(I) the Attorney General, upon the re-  
3 quest of the Attorney General; or

4 “(II) the Director of the Federal Bureau  
5 of Investigation, upon the request of the Direc-  
6 tor, unless the subject of the report is the Di-  
7 rector of the Federal Bureau of Investigation.

8 “(C) This paragraph applies regardless of whether  
9 the applicable audit or investigation is requested under  
10 paragraph (1).”.

11 (d) TRANSFER OF FUNCTIONS.—

12 (1) IN GENERAL.—Section 9(a)(1) of the In-  
13 spector General Act of 1978 (5 U.S.C. App.) is  
14 amended in subparagraph (I)—

15 (A) by inserting “(i)” after “(I)”;

16 (B) by inserting “and” after the semicolon;

17 and

18 (C) by adding at the end the following:

19 “(ii) of the Federal Bureau of Inves-  
20 tigation, effective 180 days after the date  
21 of enactment of the Inspector General for  
22 the Federal Bureau of Investigation Act of  
23 2001, the division of such bureau referred  
24 to as the ‘Inspections Division’ and that  
25 portion of each of the divisions or offices

1 of such bureau which is engaged in inter-  
 2 nal audit and investigative activities;”.

3 (2) TERMINATION OF OFFICE OF THE INSPEC-  
 4 TIONS DIVISION.—Effective upon the transfer of  
 5 functions under the amendment made by paragraph  
 6 (1), the division of the Federal Bureau of Investiga-  
 7 tion referred to as the “Inspections Division” and  
 8 the Federal Bureau of Investigation Office of Pro-  
 9 fessional Responsibility are terminated.

10 (e) AUDITS AND REPORTS OF AGENCY FINANCIAL  
 11 STATEMENTS.—Subject to section 3521(g) of title 31,  
 12 United States Code—

13 (1) the Inspector General of the Department of  
 14 Justice shall, subject to paragraph (2)—

15 (A) audit each financial statement in ac-  
 16 cordance with section 3521(e) of such title; and

17 (B) prepare and submit each report re-  
 18 quired under section 3521(f) of such title; and

19 (2) the Inspector General for the Federal Bu-  
 20 reau of Investigation shall—

21 (A) audit that portion of each financial  
 22 statement referred to under paragraph (1)(A)  
 23 that relates to custodial and administrative ac-  
 24 counts of the Federal Bureau of Investigation;  
 25 and



1 (B) prepare that portion of each report re-  
 2 ferred to under paragraph (1)(B) that relates  
 3 to custodial and administrative accounts of the  
 4 Federal Bureau of Investigation.

5 (f) TECHNICAL AND CONFORMING AMENDMENTS.—

6 (1) AMENDMENTS RELATING TO REFERENCES  
 7 TO THE INSPECTOR GENERAL OF THE DEPARTMENT  
 8 OF JUSTICE.—

9 (A) LIMITATION ON AUTHORITY.—Section  
 10 8E(a) of the Inspector General Act of 1978 (5  
 11 U.S.C. App.) is amended—

12 (i) in the first sentence of paragraph  
 13 (1), by inserting “of the Department of the  
 14 Justice” after “Inspector General”;

15 (ii) in paragraph (2), by inserting “of  
 16 the Department of Justice” after “prohibit  
 17 the Inspector General”; and

18 (iii) in paragraph (3)—

19 (I) in the first sentence, by in-  
 20 serting “of the Department of Jus-  
 21 tice” after “notify the Inspector Gen-  
 22 eral”; and

23 (II) in the second sentence, by  
 24 inserting “of the Department of Jus-

1                   tice” after “notice, the Inspector Gen-  
2                   eral”.

3                   (B) DUTIES.—Section 8E(b) of the Inspec-  
4           tor General Act of 1978 (5 U.S.C. App.) is  
5           amended—

6                   (i) in paragraph (1), by striking “the  
7           Inspector General” and inserting “such In-  
8           specter General”; and

9                   (ii) in paragraph (2), by inserting “of  
10          the Department of Justice” after “Inspec-  
11          tor General”.

12           (2) EMPLOYEE OR CONTRACTOR COM-  
13   PLAINTS.—Section 8H(a)(1)(B) of the Inspector  
14   General Act of 1978 (5 U.S.C. App.) is amended by  
15   striking “Department of Justice” and inserting  
16   “Federal Bureau of Investigation”.

17           (3) EXECUTIVE SCHEDULE LEVEL IV POSITION.—  
18   Section 5315 of title 5, United States Code, is  
19   amended by inserting after the item relating to the  
20   Inspector General, Department of Justice the fol-  
21   lowing:

22                   “Inspector General, Federal Bureau of Inves-  
23           tigation.”.

- 1 (g) EFFECTIVE DATE.—This Act shall take effect  
2 180 days after the date of enactment of this Act.

