

109TH CONGRESS
1ST SESSION

H. R. 2489

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.

IN THE HOUSE OF REPRESENTATIVES

MAY 19, 2005

Mr. COOPER (for himself, Mr. SHAYS, and Mr. VAN HOLLEN) introduced the following bill; which was referred to the Committee on Government Reform

A BILL

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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Improving Government
5 Accountability Act”.

1 **SEC. 2. ENHANCING INDEPENDENCE OF INSPECTORS GEN-**
2 **ERAL.**

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

5 (1) in section 3(b) by adding at the end the fol-
6 lowing:

7 “An Inspector General may be removed from office prior
8 to the expiration of his or her term only on any of the
9 following grounds:

10 “(1) Permanent incapacity.

11 “(2) Inefficiency.

12 “(3) Neglect of duty.

13 “(4) Malfeasance.

14 “(5) Conviction of a felony or conduct involving
15 moral turpitude.”; and

16 (2) in section 8G(e) by adding at the end the
17 following:

18 “An Inspector General may be removed from office prior
19 to the expiration of his or her term only on any of the
20 following grounds:

21 “(1) Permanent incapacity.

22 “(2) Inefficiency.

23 “(3) Neglect of duty.

24 “(4) Malfeasance.

25 “(5) Conviction of a felony or conduct involving
26 moral turpitude.”.

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

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

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

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

19 (2) in section 8G(c) by inserting “(1)” after
20 “(c)”, and by adding at the end the following:

21 “(2) The term of office of each Inspector Gen-
22 eral shall be seven years. An individual may serve
23 for more than one term in such office. Any indi-
24 vidual appointed to fill a vacancy in such position,
25 occurring before the expiration of the term for which

1 his or her predecessor was appointed, shall be ap-
2 pointed for a full 7-year term.”.

3 (c) APPLICATION.—The amendments made by this
4 section shall apply to any Inspector General appointed be-
5 fore, on, or after the date of the enactment of this Act.
6 The term of office of an Inspector General serving on such
7 date of enactment is deemed to begin on such date of en-
8 actment.

9 **SEC. 3. DIRECT SUBMISSION OF BUDGET REQUESTS TO**
10 **CONGRESS.**

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

14 “(f)(1) For each fiscal year, an Inspector General
15 may transmit an appropriation estimate and request to
16 the Director of the Office of Management and Budget and
17 to the appropriate committees or subcommittees of the
18 Congress, in addition to any appropriation estimate and
19 request submitted to the head of the establishment con-
20 cerned.

21 “(2) The President shall include in each budget of
22 the United States Government submitted to the Con-
23 gress—

24 “(A) a separate statement of the amount of ap-
25 propriations requested by each Inspector General

1 who has submitted an appropriation estimate under
 2 paragraph (1); and

3 “(B) a statement comparing each such appro-
 4 priation estimate and request submitted by an In-
 5 spector General and the funds requested by the head
 6 of the establishment concerned.”.

7 **SEC. 4. ESTABLISHMENT OF COUNCIL OF THE INSPECTORS**

8 **GENERAL ON INTEGRITY AND EFFICIENCY.**

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

13 **“SEC. 11. ESTABLISHMENT OF THE COUNCIL OF THE IN-**

14 **SPECTORS GENERAL ON INTEGRITY AND EF-**

15 **FICIENCY.**

16 “(a) ESTABLISHMENT.—There is established as an
 17 independent entity within the executive branch the Inspec-
 18 tors General Council (in this section referred to as the
 19 ‘Council’). The Council’s mission shall be to increase the
 20 professionalism and effectiveness of personnel by devel-
 21 oping policies, standards, and approaches to aid in the es-
 22 tablishment of a well-trained and highly skilled workforce
 23 in the offices of the Inspectors General.

24 “(b) MEMBERSHIP.—

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

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

5 “(i) section 2; or

6 “(ii) section 8G.

7 “(B) The Inspectors General of the Cen-
8 tral Intelligence Agency and the Government
9 Printing Office.

10 “(C) The Controller of the Office of Fed-
11 eral Financial Management.

12 “(D) A senior level official of the Federal
13 Bureau of Investigation designated by the Di-
14 rector of the Federal Bureau of Investigation.

15 “(E) The Director of the Office of Govern-
16 ment Ethics.

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

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

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

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

1 “(A) EXECUTIVE CHAIRPERSON.—The
2 Deputy Director for Management of the Office
3 of Management and Budget shall be the Execu-
4 tive Chairperson of the Council.

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

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

12 “(A) EXECUTIVE CHAIRPERSON.—The Ex-
13 ecutive Chairperson shall—

14 “(i) preside over meetings of the
15 Council;

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

20 “(iii) provide to the Council such in-
21 formation relating to the agencies and en-
22 tities represented on the Council as will as-
23 sist the Council in performing its func-
24 tions.

1 “(B) CHAIRPERSON.—The Chairperson
2 shall—

3 “(i) convene meetings of the Coun-
4 cil—

5 “(I) at least six times each year;

6 “(II) monthly to the extent pos-
7 sible; and

8 “(III) more frequently at his or
9 her discretion;

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

12 “(iii) appoint a Vice Chairperson to
13 assist in carrying out the functions of the
14 Council and act in the absence of the
15 Chairperson, from a category of Inspectors
16 General described in subparagraph (A)(i),
17 (A)(ii), or (B) of subsection [(a)(1)/
18 (b)(1)?], other than the category from
19 which the Chairperson was elected;

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

24 “(v) select, appoint, and employ per-
25 sonnel as needed to carry out the functions

1 of the Council subject to the availability of
2 appropriations and the provisions of title 5,
3 United States Code, governing appoint-
4 ments in the competitive service, and the
5 provisions of chapter 51 and subchapter
6 III of chapter 53 of such title, relating to
7 classification and General Schedule pay
8 rates;

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

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

20 “(viii) prepare and transmit a report
21 annually on behalf of the Council to the
22 President on the activities of the Council.

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

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

1 “(A) continually identify, review, and dis-
2 cuss areas of weakness and vulnerability in
3 Federal programs and operations with respect
4 to fraud, waste, and abuse;

5 “(B) develop plans for coordinated, Gov-
6 ernment-wide activities that address these prob-
7 lems and promote economy and efficiency in
8 Federal programs and operations, including
9 interagency and inter-entity audit, investiga-
10 tion, inspection, and evaluation programs and
11 projects to deal efficiently and effectively with
12 those problems concerning fraud and waste that
13 exceed the capability or jurisdiction of an indi-
14 vidual agency or entity;

15 “(C) develop policies that will aid in the
16 maintenance of a corps of well-trained and
17 highly skilled Office of Inspector General per-
18 sonnel;

19 “(D) maintain an Internet Web site and
20 other electronic systems for the benefit of all
21 Inspectors General, as the Council determines
22 are necessary or desirable;

23 “(E) maintain one or more academies as
24 the Council considers desirable for the profes-
25 sional training of auditors, investigators, inspec-

1 tors, evaluators, and other personnel of the var-
2 ious offices of Inspector General; and

3 “(F) make such reports to the Congress as
4 the Chairperson determines are necessary or
5 appropriate.

6 “(2) ADHERENCE AND PARTICIPATION BY MEM-
7 BERS.—Each member of the Council should, to the
8 extent permitted under law, and to the extent not in-
9 consistent with standards established by the Comp-
10 troller General of the United States for audits of
11 Federal establishments, organizations, programs, ac-
12 tivities, and functions, adhere to professional stand-
13 ards developed by the Council and participate in the
14 plans, programs, and projects of the Council.

15 “(3) EXISTING AUTHORITIES AND RESPON-
16 SIBILITIES.—The creation and operation of the
17 Council—

18 “(A) shall not affect the preeminent policy-
19 setting role of the Department of Justice in law
20 enforcement and litigation;

21 “(B) shall not affect the authority or re-
22 sponsibilities of any Government agency or enti-
23 ty; and

1 “(C) shall not affect the authority or re-
2 sponsibilities of individual members of the
3 Council.

4 “(d) INTEGRITY COMMITTEE.—

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

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

13 “(A) The official of the Federal Bureau of
14 Investigation serving on the Council, who shall
15 serve as Chairperson of the Integrity Com-
16 mittee.

17 “(B) 3 or more Inspectors General de-
18 scribed in subparagraph (A) or (B) of sub-
19 section (b)(1) appointed by the Chairperson of
20 the Council, representing both establishments
21 and designated Federal entities (as that term is
22 defined in section 8G(a)).

23 “(C) The Special Counsel of the Office of
24 Special Counsel.

1 “(D) The Director of the Office of Govern-
2 ment Ethics.

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

7 “(4) REFERRAL OF ALLEGATIONS.—

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

12 “(i) review of the substance of the al-
13 legation cannot be assigned to an agency
14 of the executive branch with appropriate
15 jurisdiction over the matter; and

16 “(ii) the Inspector General determines
17 that—

18 “(I) an objective internal inves-
19 tigation of the allegation is not fea-
20 sible; or

21 “(II) an internal investigation of
22 the allegation may appear not to be
23 objective.

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

1 “(i) any employee of an Office of In-
2 spector General who reports directly to an
3 Inspector General; or

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

6 “(C) DESIGNATION OF STAFF MEMBERS.—
7 Each Inspector General shall annually submit
8 to the Chairperson of the Integrity Committee
9 a designation of positions whose holders are
10 staff members for purposes of subparagraph
11 (B).

12 “(5) REVIEW OF ALLEGATIONS.—The Integrity
13 Committee shall—

14 “(A) review all allegations of wrongdoing it
15 receives against an Inspector General, or
16 against a staff member of an Office of Inspec-
17 tor General; and

18 “(B) refer to the Chairperson of the Integ-
19 rity Committee any allegation of wrongdoing
20 determined by the Integrity Committee to be
21 meritorious that cannot be referred to an agen-
22 cy of the executive branch with appropriate ju-
23 risdiction over the matter.

24 “(6) AUTHORITY TO INVESTIGATE ALLEGA-
25 TIONS.—

1 “(A) REQUIREMENT.—The Chairperson of
2 the Integrity Committee shall cause a thorough
3 and timely investigation of each allegation re-
4 ferred under paragraph (5)(B) to be conducted
5 in accordance with this paragraph.

6 “(B) RESOURCES.—At the request of the
7 Chairperson of the Integrity Committee, the
8 head of each agency or entity represented on
9 the Council—

10 “(i) may provide resources necessary
11 to the Integrity Committee; and

12 “(ii) may detail employees from that
13 agency or entity to the Integrity Com-
14 mittee, subject to the control and direction
15 of the Chairperson, to conduct an inves-
16 tigation pursuant to this subsection.

17 “(7) PROCEDURES FOR INVESTIGATIONS.—

18 “(A) STANDARDS APPLICABLE.—Investiga-
19 tions initiated under this subsection shall be
20 conducted in accordance with the most current
21 Quality Standards for Investigations issued by
22 the Council or by its predecessors (the Presi-
23 dent’s Council on Integrity and Efficiency and
24 the Executive Council on Integrity and Effi-
25 ciency).

1 “(B) ADDITIONAL POLICIES AND PROCE-
2 DURES.—The Integrity Committee, in conjunc-
3 tion with the Chairperson of the Council, shall
4 establish additional policies and procedures nec-
5 essary to ensure fairness and consistency in—

6 “(i) determining whether to initiate
7 an investigation;

8 “(ii) conducting investigations;

9 “(iii) reporting the results of an inves-
10 tigation; and

11 “(iv) providing the person who is the
12 subject of an investigation with an oppor-
13 tunity to respond to any Integrity Com-
14 mittee report.

15 “(C) REPORTS.—The Chairperson of the
16 Integrity Committee shall report to the Execu-
17 tive Chairperson of the Council the results of
18 any investigation that substantiates any allega-
19 tion certified under paragraph (5)(B).

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

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

4 (b) EXISTING EXECUTIVE ORDERS.—Executive
5 Order 12805, dated May 14, 1992, Executive Order
6 12805, dated March 21, 1996, and Executive Order
7 12993, dated March 26, 1996, shall have no force or ef-
8 fect.

9 (c) CONFORMING AMENDMENTS.—

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

13 (A) in sections 2(1), 4(b)(2), and
14 8G(a)(1)(A) by striking “section 11(2)” each
15 place it appears and inserting “section 12(2)”;
16 and

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

20 (2) TITLE 31, U.S.C.—Section 1105(a) of title
21 31, United States Code, is amended by striking the
22 first paragraph (33) and inserting the following:

23 “(33) a separate appropriation account for ap-
24 propriations for the Inspectors General Council, and,
25 included in that account, a separate statement of the

1 aggregate amount of appropriations requested for
2 each academy maintained by the Inspectors General
3 Council.”.

4 **SEC. 5. MISCELLANEOUS ENHANCEMENTS.**

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

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

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

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

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

19 “(i) Subchapter II of chapter 35.

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

22 “(iii) All provisions relating to the Senior Exec-
23 utive Service (as determined by the Office of Per-
24 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) INSPECTORS GENERAL OF DESIGNATED FED-
9 ERAL ENTITIES.—Notwithstanding any other provision of
10 law, the Inspector General of each designated Federal en-
11 tity (as those terms are defined under section 8G of the
12 Inspector General Act of 1978) shall, for pay and all other
13 purposes, be classified at a grade, level, or rank designa-
14 tion, as the case may be, comparable to those of a majority
15 of the senior staff members of such designated Federal
16 entity (such as, but not limited to, a General Counsel,
17 Deputy Director, or Chief of Staff) that report directly
18 to the head of such designated Federal entity.

19 (c) SUBPOENA POWER.—Section 6(a)(4) of the In-
20 spector General Act of 1978 (5 U.S.C. App.), is amend-
21 ed—

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

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

3 (d) LAW ENFORCEMENT AUTHORITY FOR DES-
4 IGNATED FEDERAL ENTITIES.—Section 6(e) of the In-
5 specter General Act of 1978 (5 U.S.C. App.) is amend-
6 ed—

7 (1) in paragraph (1) by striking “appointed
8 under section 3”; and

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

10 “(9) In this subsection the term ‘Inspector Gen-
11 eral’ means an Inspector General appointed under
12 section 3 or an Inspector General appointed under
13 section 8G”.

14 **SEC. 6. PROGRAM FRAUD CIVIL REMEDIES ACT.**

15 Section 3801(a)(1) of title 31, United States Code,
16 is amended by striking “and” after the semicolon at the
17 end of subparagraph (C), by adding “and” after the semi-
18 colon at the end of subparagraph (D), and by adding at
19 the end the following:

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

1 **SEC. 7. APPLICATION OF SEMIANNUAL REPORTING RE-**
2 **QUIREMENTS WITH RESPECT TO INSPECTION**
3 **REPORTS AND EVALUATION REPORTS.**

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

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

8 (A) by inserting “, inspection reports, and
9 evaluation reports” after “audit reports” the
10 first place it appears; and

11 (B) by striking “audit” the second place it
12 appears; and

13 (2) in subsection (a)(10) by inserting “, inspec-
14 tion reports, and evaluation reports” after “audit re-
15 ports”.

○