

113TH CONGRESS
2D SESSION

H. R. 5492

To amend the Inspector General Act of 1978 to strengthen the independence of the Inspectors General, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 16, 2014

Mr. ISSA (for himself, Mr. CUMMINGS, and Mr. MEADOWS) introduced the following bill; which was referred to the Committee on Oversight and Government Reform

A BILL

To amend the Inspector General Act of 1978 to strengthen the independence of the Inspectors General, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Inspector General Empowerment Act of 2014”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Additional authority provisions for Inspectors General.

Sec. 3. Clarification of resources available to the Council of the Inspectors General on Integrity and Efficiency.

Sec. 4. Additional responsibilities of the Council of the Inspectors General on Integrity and Efficiency.

Sec. 5. Paperwork Reduction Act exemption.

Sec. 6. Amendments to the Inspector General Act of 1978 and the Inspector General Reform Act of 2008.

Sec. 7. Reports required.

1 **SEC. 2. ADDITIONAL AUTHORITY PROVISIONS FOR INSPEC-**
 2 **TORS GENERAL.**

3 (a) SUBPOENA AUTHORITY FOR INSPECTORS GEN-
 4 ERAL TO REQUIRE TESTIMONY OF CERTAIN PERSONS.—

5 The Inspector General Act of 1978 (5 U.S.C. App.) is
 6 amended—

7 (1) by inserting after section 6 the following
 8 new section:

9 **“SEC. 6A. ADDITIONAL AUTHORITY.**

10 “(a) TESTIMONIAL SUBPOENA AUTHORITY.—In ad-
 11 dition to the authority otherwise provided by this Act and
 12 in accordance with the requirements of this section, each
 13 Inspector General, in carrying out the provisions of this
 14 Act, is authorized to require by subpoena the attendance
 15 and testimony of certain witnesses, including a contractor
 16 with the Federal Government and any former Federal em-
 17 ployee (but not including any Federal employee), nec-
 18 essary in the performance of the functions assigned by this
 19 Act, which subpoena, in the case of contumacy or refusal
 20 to obey, shall be enforceable by order of any appropriate
 21 United States district court.

22 “(b) PANEL REVIEW BEFORE ISSUANCE.—

1 “(1) APPROVAL REQUIRED.—Before the
2 issuance of a subpoena described in subsection (a),
3 an Inspector General shall submit a request for ap-
4 proval to issue a subpoena by a majority of a panel
5 (in this section, referred to as the ‘Subpoena
6 Panel’), which shall be comprised of each Chair (or
7 a designee of such chair) of the Audit, Inspections,
8 and Evaluation Committees of the Council of the In-
9 spectors General on Integrity and Efficiency.

10 “(2) TIME TO RESPOND.—

11 “(A) IN GENERAL.—Except as provided in
12 subparagraph (B), the Subpoena Panel shall
13 approve or deny a request for approval to issue
14 a subpoena not later than 10 days after the
15 submission of such request.

16 “(B) ADDITIONAL INFORMATION FOR
17 PANEL.—If the Subpoena Panel determines
18 that additional information is necessary to ap-
19 prove or deny such request, the Subpoena Panel
20 shall request such information and shall ap-
21 prove or deny such request not later than 20
22 days after the submission of such request.

23 “(3) DENIAL BY PANEL.—If a majority of the
24 Subpoena Panel denies the approval of a subpoena,
25 that subpoena may not be issued.

1 “(c) NOTICE TO ATTORNEY GENERAL.—

2 “(1) IN GENERAL.—If the Subpoena Panel ap-
3 proves a subpoena under subsection (b), the Inspec-
4 tor General shall notify the Attorney General that
5 the Inspector General intends to issue the subpoena.

6 “(2) DENIAL FOR INTERFERENCE WITH AN ON-
7 GOING INVESTIGATION.—Not later than 10 days
8 after the date on which the Attorney General is noti-
9 fied pursuant to paragraph (1), the Attorney Gen-
10 eral may object to the issuance of the subpoena be-
11 cause the subpoena will interfere with an ongoing in-
12 vestigation and the subpoena may not be issued.

13 “(3) ISSUANCE OF SUBPOENA APPROVED.—If
14 the Attorney General does not object to the issuance
15 of the subpoena during the ten-day period described
16 in paragraph (2), the Inspector General may issue
17 the subpoena.”; and

18 (2) in section 5(a)—

19 (A) in paragraph (15), by striking “; and”
20 and inserting a semicolon;

21 (B) in paragraph (16), by striking the pe-
22 riod at the end and inserting “; and”; and

23 (C) by inserting at the end the following
24 new paragraph:

1 “(17) a description of the use of subpoenas for
2 the attendance and testimony of certain witnesses
3 authorized under section 6A.”.

4 (b) MATCHING PROGRAM EXCEPTION FOR INSPEC-
5 TORS GENERAL.—Section 6(a) of the Inspector General
6 Act of 1978 (5 U.S.C. App.) is amended—

7 (1) in paragraph (8), by striking “; and” and
8 inserting a semicolon;

9 (2) by redesignating paragraph (9) as para-
10 graph (10); and

11 (3) by inserting after paragraph (8) the fol-
12 lowing new paragraph:

13 “(9) notwithstanding paragraph (12) of sub-
14 section (e) and subsections (o), (p), (q), (r), and (u)
15 of section 552a of title 5, United States Code, to
16 compare, through a matching program (as defined in
17 such section), any Federal records with other Fed-
18 eral or non-Federal records, while conducting an
19 audit, investigation, inspection, evaluation, or other
20 review authorized under this Act to identify weak-
21 nesses that may lead to waste, fraud, or abuse and
22 to detect improper payments and fraud; and”.

1 **SEC. 3. CLARIFICATION OF RESOURCES AVAILABLE TO THE**
 2 **COUNCIL OF THE INSPECTORS GENERAL ON**
 3 **INTEGRITY AND EFFICIENCY.**

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

7 “(e) AUTHORIZATION OF APPROPRIATIONS FOR
 8 COUNCIL.—For the purposes of carrying out this section,
 9 there are authorized to be appropriated into the revolving
 10 fund described in subsection (c)(3)(B), out of any money
 11 in the Treasury not otherwise appropriated, the following
 12 sums:

- 13 “(1) \$8,000,000 for fiscal year 2015.
- 14 “(2) \$8,500,000 for fiscal year 2016.
- 15 “(3) \$9,000,000 for fiscal year 2017.
- 16 “(4) \$9,500,000 for fiscal year 2018.
- 17 “(5) \$10,000,000 for fiscal year 2019.
- 18 “(6) \$10,500,000 for fiscal year 2020.
- 19 “(7) \$11,000,000 for fiscal year 2021.”.

20 **SEC. 4. ADDITIONAL RESPONSIBILITIES OF THE COUNCIL**
 21 **OF THE INSPECTORS GENERAL ON INTEG-**
 22 **RITY AND EFFICIENCY.**

23 (a) FUNCTIONS AND DUTIES OF COUNCIL.—Section
 24 11(c)(1) of the Inspector General Act of 1978 (5 U.S.C.
 25 App.) is amended—

1 (1) in subparagraph (G), by striking “; and”
2 and inserting a semicolon;

3 (2) by redesignating subparagraph (H) as sub-
4 paragraph (I); and

5 (3) by inserting after subparagraph (G) the fol-
6 lowing new subparagraph:

7 “(H) receive, review, and mediate any dis-
8 putes submitted in writing to the Council by an
9 Office of Inspector General regarding an audit,
10 investigation, inspection, evaluation, or project
11 that involves the jurisdiction of more than one
12 Federal agency or entity; and”.

13 (b) INTEGRITY COMMITTEE.—Section 11(d) of the
14 Inspector General Act of 1978 (5 U.S.C. App.) is amend-
15 ed—

16 (1) in paragraph (5)—

17 (A) in subparagraph (B), by striking “;
18 and” and inserting a semicolon;

19 (B) in subparagraph (C), by striking the
20 period at the end and inserting “; and”; and

21 (C) by inserting at the end the following
22 new subparagraph:

23 “(D) not later than 60 days after the date
24 on which an allegation of wrongdoing is re-
25 ceived by the Integrity Committee, make a de-

1 termination whether the Integrity Committee
2 will initiate an investigation of such allegation
3 under this subsection.”;

4 (2) in paragraph (6)(B)(i), by striking “may”
5 and inserting “shall”; and

6 (3) in paragraph (7)—

7 (A) in subparagraph (B)(i)—

8 (i) in subclause (III), by striking “;
9 and” and inserting a semicolon;

10 (ii) in subclause (IV), by striking the
11 period at the end and inserting a semi-
12 colon; and

13 (iii) by inserting at the end the fol-
14 lowing new subclauses:

15 “(V) creating a regular rotation
16 of Inspectors General assigned to in-
17 vestigate complaints through the In-
18 tegrity Committee; and

19 “(VI) creating procedures to
20 avoid conflicts of interest for Integrity
21 Committee investigations.”;

22 (B) by redesignating subparagraph (C) as
23 subparagraph (E); and

24 (C) by inserting after subparagraph (B)
25 the following new subparagraphs:

“(C) COMPLETION OF INVESTIGATION.—If a determination is made under paragraph (5) to initiate an investigation, the Integrity Committee—

“(i) shall complete the investigation not later than six months after the date on which the Integrity Committee made such determination;

“(ii) if the investigation cannot be completed within such six-month period, shall—

“(I) promptly notify the congressional committees listed in paragraph (8)(A)(iii); and

“(II) to the maximum extent practicable, complete the investigation not later than 3 months after the expiration of the six-month period; and

“(iii) if the investigation cannot be completed within such nine-month period, shall brief the congressional committees listed in paragraph (8)(A)(iii) every thirty days until the investigation is complete.

“(D) CONCURRENT INVESTIGATION.—If an investigation of an allegation of wrongdoing

1 against an Inspector General or a staff member
2 of an Office of Inspector General described
3 under paragraph (4)(C) is initiated by a gov-
4 ernmental entity other than the Integrity Com-
5 mittee, the Integrity Committee may conduct
6 any related investigation for which a determina-
7 tion to initiate an investigation was made under
8 paragraph (5) concurrently with the other gov-
9 ernment entity.”.

10 (c) TECHNICAL CORRECTION; DESIGNEE AUTHOR-
11 ITY.—Section 11 of the Inspector General Act of 1978 (5
12 U.S.C. App.) is amended—

13 (1) in subsection (b)(1)(B) by striking “Direc-
14 tor of National Intelligence” and inserting “Intel-
15 ligence Community”; and

16 (2) in subsection (d)(2)—

17 (A) in subparagraph (C), by inserting “or
18 the designee of the Special Counsel” before the
19 period at the end; and

20 (B) in subparagraph (D), by inserting “or
21 the designee of the Director” before the period
22 at the end.

23 **SEC. 5. PAPERWORK REDUCTION ACT EXEMPTION.**

24 Section 3518(c) of title 44, United States Code, is
25 amended—

1 (1) in paragraph (1), by striking “paragraph
2 (2)” and inserting “paragraph (3)”;

3 (2) by redesignating paragraph (2) as para-
4 graph (3); and

5 (3) by inserting after paragraph (1) the fol-
6 lowing new paragraph:

7 “(2) Notwithstanding paragraph (3), this sub-
8 chapter shall not apply to the collection of informa-
9 tion during the conduct of any evaluation, or other
10 review conducted by the Recovery Accountability and
11 Transparency Board, or during the conduct of any
12 audit, investigation, inspection, evaluation, or any
13 other review conducted by the Council of the Inspec-
14 tors General on Integrity and Efficiency or any Of-
15 fice of Inspector General, including any Office of
16 Special Inspector General.”.

17 **SEC. 6. AMENDMENTS TO THE INSPECTOR GENERAL ACT**
18 **OF 1978 AND THE INSPECTOR GENERAL RE-**
19 **FORM ACT OF 2008.**

20 (a) INCORPORATION OF PROVISIONS FROM THE IN-
21 SPECTOR GENERAL REFORM ACT OF 2008 INTO THE IN-
22 SPECTOR GENERAL ACT OF 1978.—

23 (1) AMENDMENT.—Section 11(d) of the Inspec-
24 tor General Act of 1978 (5 U.S.C. App.) is amended
25 by adding at the end the following new paragraph:

1 “(12) ALLEGATIONS OF WRONGDOING AGAINST
2 SPECIAL COUNSEL OR DEPUTY SPECIAL COUNSEL.—

3 “(A) SPECIAL COUNSEL DEFINED.—In this
4 paragraph, the term ‘Special Counsel’ means
5 the Special Counsel appointed under section
6 1211(b) of title 5, United States Code.

7 “(B) AUTHORITY OF INTEGRITY COM-
8 MITTEE.—

9 “(i) IN GENERAL.—An allegation of
10 wrongdoing against the Special Counsel or
11 the Deputy Special Counsel may be re-
12 ceived, reviewed, and referred for investiga-
13 tion by the Integrity Committee to the
14 same extent and in the same manner as in
15 the case of an allegation against an Inspec-
16 tor General (or a member of the staff of
17 an Office of Inspector General), subject to
18 the requirement that the Special Counsel
19 recuse himself or herself from the consider-
20 ation of any allegation brought under this
21 paragraph.

22 “(ii) COORDINATION WITH EXISTING
23 PROVISIONS OF LAW.—This paragraph
24 does not eliminate access to the Merit Sys-
25 tems Protection Board for review under

1 section 7701 of title 5, United States
2 Code. To the extent that an allegation
3 brought under this subsection involves sec-
4 tion 2302(b)(8) of that title, a failure to
5 obtain corrective action within 120 days
6 after the date on which that allegation is
7 received by the Integrity Committee shall,
8 for purposes of section 1221 of such title,
9 be considered to satisfy section
10 1214(a)(3)(B) of that title.

11 “(C) REGULATIONS.—The Integrity Com-
12 mittee may prescribe any rules or regulations
13 necessary to carry out this paragraph, subject
14 to such consultation or other requirements as
15 might otherwise apply.”.

16 (2) CONFORMING AMENDMENT.—Section 7(b)
17 of the Inspector General Reform Act of 2008 (Public
18 Law 110–409; 122 Stat. 4312; 5 U.S.C. 1211 note)
19 is repealed.

20 (b) AGENCY APPLICABILITY.—

21 (1) AMENDMENTS.—The Inspector General Act
22 of 1978 (5 U.S.C. App.), as amended by section
23 2(a), is further amended—

24 (A) in section 8M—

25 (i) in subsection (a)(1)—

1 (I) by striking the first “agency”
2 and inserting “Federal agency and
3 designated Federal entity”; and

4 (II) by striking the second and
5 third “agency” and inserting “Federal
6 agency or designated Federal entity”;
7 and

8 (ii) in subsection (b)—

9 (I) in paragraph (1), by striking
10 “agency” and inserting “Federal
11 agency and designated Federal enti-
12 ty”; and

13 (II) in paragraph (2)—

14 (aa) in subparagraph (A),
15 by striking “agency” and insert-
16 ing “Federal agency and des-
17 ignated Federal entity”; and

18 (bb) in subparagraph (B),
19 by striking “agency” and insert-
20 ing “Federal agency and des-
21 ignated Federal entity”; and

22 (B) in section 11(c)(3)(A)(ii), by striking
23 “department, agency, or entity of the executive
24 branch” and inserting “Federal agency or des-
25 ignated Federal entity”.

1 (2) IMPLEMENTATION.—Not later than 180
2 days after the date of the enactment of this Act, the
3 head and the Inspector General of each Federal
4 agency and each designated Federal entity (as such
5 terms are defined in sections 12 and 8G of the In-
6 spector General Act of 1978 (5 U.S.C. App.), re-
7 spectively) shall implement the amendments made by
8 this subsection.

9 (c) REQUIREMENTS FOR INSPECTORS GENERAL
10 WEBSITES.—Section 8M(b)(1) of the Inspector General
11 Act of 1978 (5 U.S.C. App.) is amended—

12 (1) in subparagraph (A), by striking “report or
13 audit (or portion of any report or audit)” and insert-
14 ing “audit report, inspection report, or evaluation
15 report (or portion of any such report)”; and

16 (2) by striking “report or audit (or portion of
17 that report or audit)” and inserting “report (or por-
18 tion of that report)”, each place it appears.

19 (d) CORRECTIONS.—

20 (1) EXECUTIVE ORDER NUMBER.—Section
21 7(c)(2) of the Inspector General Reform Act of 2008
22 (Public Law 110–409; 122 Stat. 4313; 31 U.S.C.
23 501 note) is amended by striking “12933” and in-
24 serting “12993”.

1 (2) PUNCTUATION AND CROSS-REFERENCES.—
2 The Inspector General Act of 1978 (5 U.S.C. App.),
3 as amended by section 2(a) and subsection (b), is
4 further amended—

5 (A) in section 4(b)(2)—

6 (i) by striking “8F(a)(2)” and insert-
7 ing “8G(a)(2)”, each place it appears; and
8 (ii) by striking “8F(a)(1)” and insert-
9 ing “8G(a)(1)”;

10 (B) in section 6(a)(4), by striking “infor-
11 mation, as well as any tangible thing)” and in-
12 serting “information), as well as any tangible
13 thing”;

14 (C) in section 8G(g)(3), by striking “8C”
15 and inserting “8D”; and

16 (D) in section 5(a)(13), by striking
17 “05(b)” and inserting “804(b)”.

18 (3) SPELLING.—The Inspector General Act of
19 1978 (5 U.S.C. App.), as amended by section 2(a),
20 subsection (b), and paragraph (2), is further amend-
21 ed—

22 (A) in section 3(a), by striking “subpena”
23 and inserting “subpoena”;

1 (B) in section 6(a)(4), by striking “sub-
 2 pena” and “subpenas” and inserting “sub-
 3 poena” and “subpoenas”, respectively;

4 (C) in section 8D(a)—

5 (i) in paragraph (1), by striking “sub-
 6 penas” and inserting “subpoenas”; and

7 (ii) in paragraph (2), by striking
 8 “subpena” and inserting “subpoena”, each
 9 place it appears;

10 (D) in section 8E(a)—

11 (i) in paragraph (1), by striking “sub-
 12 penas” and inserting “subpoenas”; and

13 (ii) in paragraph (2), by striking
 14 “subpena” and inserting “subpoena”, each
 15 place it appears; and

16 (E) in section 8G(d), by striking “sub-
 17 pena” and inserting “subpoena”.

18 (e) REPEAL.—Section 744 of the Financial Services
 19 and General Government Appropriations Act, 2009 (divi-
 20 sion D of Public Law 111–8; 123 Stat. 693; 5 U.S.C. App.
 21 8L) is repealed.

22 **SEC. 7. REPORTS REQUIRED.**

23 (a) REPORT ON VACANCIES IN THE OFFICES OF IN-
 24 SPECTOR GENERAL.—

1 (1) GAO STUDY REQUIRED.—The Comptroller
2 General shall conduct a study of prolonged vacancies
3 in the Offices of Inspector General, during which a
4 temporary appointee has served as the head of the
5 office that includes—

6 (A) the number and duration of Inspector
7 General vacancies;

8 (B) an examination of the extent to which
9 the number and duration of such vacancies has
10 changed over time;

11 (C) an evaluation of the impact such va-
12 cancies have had on the ability of the relevant
13 Office of the Inspector General to effectively
14 carry out statutory requirements; and

15 (D) recommendations to minimize the du-
16 ration of such vacancies.

17 (2) COMMITTEE BRIEFING REQUIRED.—Not
18 later than nine months after the date of the enact-
19 ment of this Act, the Comptroller General shall
20 present a briefing on the findings of the study de-
21 scribed in subsection (a) to the Committee on Over-
22 sight and Government Reform of the House of Rep-
23 resentatives and the Committee on Homeland Secu-
24 rity and Governmental Affairs of the Senate.

1 (3) REPORT TO CONGRESS.—Not later than fif-
2 teen months after the date of the enactment of this
3 Act, the Comptroller General shall submit a report
4 on the findings of the study described in subsection
5 (a) to the Committee on Oversight and Government
6 Reform of the House of Representatives and the
7 Committee on Homeland Security and Governmental
8 Affairs of the Senate.

9 (b) REPORT ON ISSUES INVOLVING MULTIPLE OF-
10 FICES OF INSPECTOR GENERAL.—

11 (1) EXAMINATION REQUIRED.—The Council of
12 the Inspectors General on Integrity and Efficiency
13 shall conduct an analysis of critical issues that in-
14 volve the jurisdiction of more than one individual
15 Federal agency or entity to identify—

16 (A) each such issue that could be better
17 addressed through greater coordination among,
18 and cooperation between, individual Offices of
19 Inspector General;

20 (B) the best practices that can be em-
21 ployed by the Offices of Inspector General to in-
22 crease coordination and cooperation on each
23 issue identified; and

24 (C) any recommended statutory changes
25 that would facilitate coordination and coopera-

1 tion among Offices of Inspector General on crit-
2 ical issues.

3 (2) REPORT TO CONGRESS.—Not later than one
4 year after the date of the enactment of this Act, the
5 Council of the Inspectors General on Integrity and
6 Efficiency shall submit a report on the findings of
7 the analysis described in subsection (a) to the Com-
8 mittee on Oversight and Government Reform of the
9 House of Representatives and the Committee on
10 Homeland Security and Governmental Affairs of the
11 Senate.

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