

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

# H. R. 3872

To amend the Inspector General Act of 1978 to establish an Office of  
Inspector General in the Executive Office of the President.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 23, 1996

Mr. BASS (for himself, Mr. CLINGER, and Mr. HORN) introduced the following  
bill; which was referred to the Committee on Government Reform and  
Oversight

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## A BILL

To amend the Inspector General Act of 1978 to establish  
an Office of Inspector General in the Executive Office  
of the President.

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 “White House Inspector  
5 General Act of 1996”.

1 **SEC. 2. ESTABLISHMENT OF INSPECTOR GENERAL FOR EX-**  
2 **ECUTIVE OFFICE OF THE PRESIDENT.**

3 (a) ESTABLISHMENT OF OFFICE.—Section 11 of the  
4 Inspector General Act of 1978 (5 U.S.C. App.) is amend-  
5 ed—

6 (1) in paragraph (1) by inserting “the Presi-  
7 dent (with respect only to the Executive Office of  
8 the President),” after “means”; and

9 (2) in paragraph (2) by inserting “the Execu-  
10 tive Office of the President,” after “means”.

11 (b) APPOINTMENT OF INSPECTOR GENERAL.—Not  
12 later than 120 days after the effective date of this Act,  
13 the President shall nominate an individual as the Inspec-  
14 tor General of the Executive Office of the President pursu-  
15 ant to the amendments made by subsection (a).

16 **SEC. 3. SPECIAL PROVISIONS CONCERNING INSPECTOR**  
17 **GENERAL OF THE EXECUTIVE OFFICE OF**  
18 **THE PRESIDENT.**

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

21 (1) by redesignating the second section 8G (re-  
22 garding a rule of construction) as section 8I; and

23 (2) by inserting after the first section 8G (re-  
24 garding requirements for Federal entities and des-  
25 ignated Federal entities) the following:

1 **“SEC. 8H. SPECIAL PROVISIONS CONCERNING INSPECTOR**  
2 **GENERAL OF THE EXECUTIVE OFFICE OF**  
3 **THE PRESIDENT.**

4 “(a) AUTHORITY, DIRECTION, AND CONTROL OF  
5 PRESIDENT.—Notwithstanding the last 2 sentences of  
6 section 3(a), the Inspector General of the Executive Office  
7 of the President shall be under the authority, direction,  
8 and control of the President with respect to audits or in-  
9 vestigations, or the issuance of subpoenas, which require  
10 access to information concerning—

11 “(1) ongoing criminal investigations or proceed-  
12 ings;

13 “(2) undercover operations;

14 “(3) the identity of confidential sources, includ-  
15 ing protected witnesses;

16 “(4) deliberations and decisions on policy mat-  
17 ters, including documented information used as a  
18 basis for making policy decisions;

19 “(5) intelligence or counterintelligence matters;  
20 or

21 “(6) other matters the disclosure of which  
22 would constitute a serious threat to the national se-  
23 curity, or would cause significant impairment to the  
24 national interests (including interests in foreign  
25 trade negotiations), of the United States.

1       “(b) PROHIBITING ACTIVITIES OF INSPECTOR GEN-  
2 ERAL.—With respect to information described in sub-  
3 section (a), the President may prohibit the Inspector Gen-  
4 eral of the Executive Office of the President from carrying  
5 out or completing any audit or investigation, or issuing  
6 any subpoena, after the Inspector General has decided to  
7 initiate, carry out, or complete such audit or investigation  
8 or to issue such subpoena, if the President determines  
9 that—

10           “(1) the disclosure of that information would  
11 interfere with the core functions of the constitutional  
12 responsibilities of the President; and

13           “(2) the prohibition is necessary to prevent the  
14 disclosure of that information.

15       “(c) NOTICE.—

16           “(1) NOTICE TO INSPECTOR GENERAL.—If the  
17 President makes a determination referred to in sub-  
18 section (b)(1) or (2), the President shall within 30  
19 days notify the Inspector General in writing stating  
20 the reasons for that determination.

21           “(2) NOTICE TO CONGRESS.—Within 30 days  
22 after receiving a notice under paragraph (1), the In-  
23 spector General shall transmit a copy of the notice  
24 to each of the Chairman and the ranking minority  
25 party member of the Committee on Government Re-

1 form and Oversight of the House of Representatives,  
2 the Committee on Governmental Affairs of the Sen-  
3 ate, and other appropriate committees or sub-  
4 committees of the Congress.

5 “(d) SEMIANNUAL REPORTS.—

6 “(1) INFORMATION TO BE INCLUDED.—The In-  
7 spector General of the Executive Office of the Presi-  
8 dent shall include in each semiannual report to the  
9 President under section 5, at a minimum—

10 “(A) a list of the title or subject of each  
11 inspection, investigation, or audit conducted  
12 during the reporting period;

13 “(B) a statement of whether corrective ac-  
14 tion has been completed on each significant rec-  
15 ommendation described in previous semiannual  
16 reports, and, in a case where corrective action  
17 has been completed, a description of such cor-  
18 rective action;

19 “(C) a certification that the Inspector Gen-  
20 eral has had full and direct access to all infor-  
21 mation relevant to the performance of functions  
22 of the Inspector General;

23 “(D) a description of all cases occurring  
24 during the reporting period in which the Inspec-  
25 tor General could not obtain documentary evi-

1           dence relevant to any inspection, audit, or in-  
2           vestigation due to a determination of the Presi-  
3           dent under subsection (b); and

4                   “(E) such recommendations as the Inspec-  
5           tor General considers appropriate concerning  
6           legislation to promote economy and efficiency in  
7           the administration of programs and operations  
8           undertaken by the Executive Office of the  
9           President, and to detect and eliminate fraud,  
10          waste, and abuse in such programs and oper-  
11          ations.

12                   “(2) TRANSMISSION TO CONGRESS.—Within 30  
13          days after receiving a semiannual report under sec-  
14          tion 5 from the Inspector General of the Executive  
15          Office of the President, the President shall transmit  
16          the report to each of the Chairman and the ranking  
17          minority party member of the Committee on Govern-  
18          ment Reform and Oversight of the House of Rep-  
19          resentatives and the Committee on Governmental  
20          Affairs of the Senate with any comments the Presi-  
21          dent considers appropriate.”.

22 **SEC. 4. EFFECTIVE DATE.**

23          This Act shall take effect on January 21, 1997.

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