

106TH CONGRESS
2D SESSION

S. 870

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 14, 2000

Referred to the Committee on Government Reform

AN ACT

To amend the Inspector General Act of 1978 (5 U.S.C. App.) to increase the efficiency and accountability of Offices of Inspector General within Federal departments, 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 “Inspector General Act
5 Amendments of 2000”.

1 **SEC. 2. PROHIBITION OF CASH BONUS OR AWARDS.**

2 Section 3 of the Inspector General Act of 1978 (5
3 U.S.C. App.) is amended by adding at the end the fol-
4 lowing:

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

9 **SEC. 3. EXTERNAL REVIEWS.**

10 (a) IN GENERAL.—Section 4 of the Inspector General
11 Act of 1978 (5 U.S.C. App.) is amended by adding at the
12 end the following:

13 “(e)(1)(A) Not less than every 3 years an external
14 review shall be conducted of each Office (as defined under
15 section 8G(a)(5) or 11(4)).

16 “(B) The Inspector General of each Office (as defined
17 under section 8G(a)(5) or 11(4)) shall arrange with the
18 General Accounting Office or an appropriate private entity
19 for the conduct of the review.

20 “(C) If an Inspector General contracts with a private
21 entity for a review under this subsection, the private entity
22 shall be contracted in accordance with section 303 of the
23 Federal Property and Administrative Services Act of 1949
24 (41 U.S.C. 253).

1 “(2) At a minimum, an external review under this
2 subsection shall evaluate whether the Office properly man-
3 ages and controls—

4 “(A) contracts awarded by the Office, including
5 a determination of whether—

6 “(i) procedures used to procure contracts
7 are in accordance with applicable laws and reg-
8 ulations; and

9 “(ii) costs incurred are reasonable and al-
10 lowable under the terms of each contract;

11 “(B) appropriated funds, including a deter-
12 mination of whether training and travel funds are
13 expended in accordance with applicable laws and
14 regulations; and

15 “(C) personnel actions, including a determina-
16 tion of whether hiring and promotion practices used
17 and performance awards issued are in accordance
18 with applicable laws and regulations.

19 “(3) Not later than 30 calendar days after the com-
20 pletion of an external review, a report of the results shall
21 be submitted to the head of the establishment and simulta-
22 neously to the appropriate committees or subcommittees
23 of Congress.”.

1 (b) TECHNICAL AND CONFORMING AMENDMENT.—

2 The section heading for section 4 of the Inspector General

3 Act of 1978 (5 U.S.C. App.) is amended to read as follows:

4 “DUTIES AND RESPONSIBILITIES; REPORT OF CRIMINAL

5 VIOLATIONS TO ATTORNEY GENERAL; EXTERNAL RE-

6 VIEWS”.

7 **SEC. 4. ANNUAL REPORTS.**

8 (a) IN GENERAL.—Section 5(a) of the Inspector Gen-

9 eral Act of 1978 (5 U.S.C. App.) is amended—

10 (1) by striking the first sentence and inserting

11 “Each Inspector General shall, not later than Octo-

12 ber 31 of each year, prepare an annual report sum-

13 marizing the activities and accomplishments of the

14 Office during the immediately preceding 12-month

15 period ending September 30.”;

16 (2) by striking paragraphs (1) through (12)

17 and inserting the following:

18 “(1) a summary of the program areas within

19 the establishment identified by the Inspector General

20 as high risk because of vulnerabilities to waste,

21 fraud, abuse, and mismanagement;

22 “(2) a description of the most significant au-

23 dits, investigations (administrative, civil, and crimi-

24 nal), and evaluations and inspections completed dur-

25 ing the reporting period;

1 “(3) a summary of each report made to the
2 head of the establishment under section 6(b)(2) dur-
3 ing the reporting period;

4 “(4) a table showing—

5 “(A)(i) the total number of final audit re-
6 ports issued by the Office of Inspector General;
7 and

8 “(ii) the financial benefits associated with
9 the reports segregated by category, such as
10 budget reductions, costs avoided, questioned
11 costs, and revenue enhancements; and

12 “(B) corrective actions taken and program
13 improvements made during the reporting period
14 in response to either an Office of Inspector
15 General audit finding or recommendation (ex-
16 cluding any recommendation included under
17 subparagraph (A) with respect to such correc-
18 tive actions);

19 “(5) a table showing—

20 “(A) the judicial and administrative ac-
21 tions associated with investigations conducted
22 by the Office of Inspector General;

23 “(B) the number of—

1 “(i) cases referred for criminal pros-
2 ecution, civil remedies, or administrative
3 actions;

4 “(ii) cases presented but declined for
5 prosecution, segregated by criminal and
6 civil;

7 “(iii) cases accepted for prosecution
8 (both Federal and State), segregated by
9 criminal and civil;

10 “(iv) defendants indicted;

11 “(v) defendants convicted;

12 “(vi) defendants acquitted or charges
13 dismissed after indictment;

14 “(vii) defendants sentenced to terms
15 of imprisonment;

16 “(viii) defendants sentenced to terms
17 of probation; and

18 “(ix) suspensions, disbarments, exclu-
19 sions, sanctions, or some other similar ad-
20 ministrative action; and

21 “(C) the total amount of fines, restitu-
22 tions, and recoveries;

23 “(6) a description of the organization and man-
24 agement structure of the Office of Inspector Gen-
25 eral, including—

1 “(A) an organization chart showing the
2 major components of the Office;

3 “(B) a statistical table showing the num-
4 ber of authorized full-time equivalent positions
5 segregated by component and by headquarters
6 and field office; and

7 “(C) the amount of funding received in
8 prior and current fiscal years;

9 “(7) a table showing—

10 “(A) the number of contracts, and associ-
11 ated dollar value, awarded on a noncompetitive
12 basis by the Office of Inspector General; and

13 “(B) with respect to any individual con-
14 tract valued over \$100,000, awarded on a non-
15 competitive basis—

16 “(i) the name of the contractor;

17 “(ii) statement of work;

18 “(iii) the time period of the contract;

19 and

20 “(iv) the dollar amount of the con-
21 tract;

22 “(8)(A) a summary of each audit report issued
23 in previous reporting periods for which no manage-
24 ment decision has been made by the end of the re-

1 porting period (including the date and title of each
2 such report);

3 “(B) an explanation of the reasons such man-
4 agement decision has not been made; and

5 “(C) a statement concerning the desired time-
6 table for achieving a management decision on each
7 such report;”;

8 (3) by redesignating paragraph (13) as para-
9 graph (9);

10 (4) in paragraph (9) (as redesignated by para-
11 graph (3) of this subsection)—

12 (A) by striking “section 05(b)” and insert-
13 ing “section 804(b)”; and

14 (B) by striking the period and inserting a
15 semicolon and “and”; and

16 (5) by adding at the end the following new
17 paragraph:

18 “(10) any other information that the Inspector
19 General determines appropriate to include in the an-
20 nual report.”.

21 (b) SEMIANNUAL REPORTS.—Section 5 of the Inspec-
22 tor General Act of 1978 (5 U.S.C. App.) is amended—

23 (1) by redesignating subsection (f) as sub-
24 section (g); and

1 (2) by inserting after subsection (e) the fol-
2 lowing:

3 “(f)(1) Subject to paragraph (4), in addition to any
4 annual report required to be furnished and transmitted
5 under subsection (b), an Inspector General shall prepare
6 and submit a report described under paragraph (2) to—

7 “(A) the applicable congressional committee, if
8 the chairman or ranking member of a congressional
9 committee with appropriate jurisdiction submits a
10 written request to such Inspector General; or

11 “(B) to the Comptroller General of the United
12 States if the Comptroller General submits a written
13 request to such Inspector General.

14 “(2) A report referred to under paragraph (1) shall—

15 “(A) contain the information required for an
16 annual report under subsection (a); and

17 “(B) summarize the activities of the Office dur-
18 ing the 6-month period ending on March 31 of the
19 calendar year following the date on which the re-
20 quest is made.

21 “(3) A report under this subsection shall be sub-
22 mitted on April 30 of the calendar year following the date
23 on which the request is made.

24 “(4) An Inspector General shall not be required to
25 submit a report under this subsection if the written re-

1 quest for such report is submitted to the Inspector General
 2 after November 30 of the calendar year preceding the date
 3 on which the report is otherwise required to be submitted
 4 to a congressional committee or the Comptroller Gen-
 5 eral.”.

6 (c) SUBMISSION OF OTHER REPORTS.—Nothing in
 7 the amendments made by this section shall be construed
 8 to limit an Inspector General from submitting any report
 9 containing in whole or part information required in an an-
 10 nual or semiannual report furnished and transmitted
 11 under section 5 of the Inspector General Act of 1978 (5
 12 U.S.C. App.) to Congress more frequently than on an an-
 13 nual or semiannual basis.

14 (d) TECHNICAL AND CONFORMING AMENDMENTS.—

15 (1) Section 4(a)(2) of the Inspector General Act
 16 of 1978 (5 U.S.C. App.) is amended by striking
 17 “semiannual” and inserting “annual”.

18 (2) Section 5 of the Inspector General Act of
 19 1978 (5 U.S.C. App.) is amended—

20 (A) in subsection (b)—

21 (i) by striking “Semiannual” and in-
 22 serting “Annual”; and

23 (ii) by striking “April 30 and”; and

24 (B) in subsection (c)—

- 1 (i) in the first sentence by striking
2 “semiannual” and inserting “annual”; and
3 (ii) in the second sentence by striking
4 “semiannual” and inserting “annual”.

5 (3) Section 8(f) of the Inspector General Act of
6 1978 (5 U.S.C. App.) is amended by striking “semi-
7 annual” and inserting “annual”.

8 **SEC. 5. INSPECTORS GENERAL AT LEVEL III OF EXECUTIVE**
9 **SCHEDULE.**

10 (a) LEVEL IV POSITIONS.—Section 5315 of title 5,
11 United States Code, is amended by striking each item re-
12 lating to the following positions:

13 (1) Inspector General, Department of Edu-
14 cation.

15 (2) Inspector General, Department of Energy.

16 (3) Inspector General, Department of Health
17 and Human Services.

18 (4) Inspector General, Department of Agri-
19 culture.

20 (5) Inspector General, Department of Housing
21 and Urban Development.

22 (6) Inspector General, Department of Labor.

23 (7) Inspector General, Department of Trans-
24 portation.

1 (8) Inspector General, Department of Veterans
2 Affairs.

3 (9) Inspector General, Department of Defense.

4 (10) Inspector General, United States Informa-
5 tion Agency.

6 (11) Inspector General, Department of State.

7 (12) Inspector General, Department of Com-
8 merce.

9 (13) Inspector General, Department of the In-
10 terior.

11 (14) Inspector General, Department of Justice.

12 (15) Inspector General, Department of the
13 Treasury.

14 (16) Inspector General, Agency for Inter-
15 national Development.

16 (17) Inspector General, Environmental Protec-
17 tion Agency.

18 (18) Inspector General, Federal Emergency
19 Management Agency.

20 (19) Inspector General, General Services Ad-
21 ministration.

22 (20) Inspector General, National Aeronautics
23 and Space Administration.

24 (21) Inspector General, Nuclear Regulatory
25 Commission.

1 (22) Inspector General, Office of Personnel
2 Management.

3 (23) Inspector General, Railroad Retirement
4 Board.

5 (24) Inspector General, Small Business Admin-
6 istration.

7 (25) Inspector General, Federal Deposit Insur-
8 ance Corporation.

9 (26) Inspector General, Resolution Trust Cor-
10 poration.

11 (27) Inspector General, Central Intelligence
12 Agency.

13 (28) Inspector General, Social Security Admin-
14 istration.

15 (29) Inspector General, United States Postal
16 Service.

17 (30) Inspector General, Tennessee Valley Au-
18 thority.

19 (b) LEVEL III POSITIONS.—Section 5314 of title 5,
20 United States Code, is amended by adding at the end the
21 following:

22 “Inspector General, Department of Education.

23 “Inspector General, Department of Energy.

24 “Inspector General, Department of Health and
25 Human Services.

1 “Inspector General, Department of Agriculture.

2 “Inspector General, Department of Housing
3 and Urban Development.

4 “Inspector General, Department of Labor.

5 “Inspector General, Department of Transpor-
6 tation.

7 “Inspector General, Department of Veterans
8 Affairs.

9 “Inspector General, Department of Defense.

10 “Inspector General, Department of State.

11 “Inspector General, Department of Commerce.

12 “Inspector General, Department of the Interior.

13 “Inspector General, Department of Justice.

14 “Inspector General, Department of the Treas-
15 ury.

16 “Inspector General, Agency for International
17 Development.

18 “Inspector General, Corporation for Community
19 and National Service.

20 “Inspector General, Environmental Protection
21 Agency.

22 “Inspector General, Federal Emergency Man-
23 agement Agency.

24 “Inspector General, General Services Adminis-
25 tration.

1 “Inspector General, National Aeronautics and
2 Space Administration.

3 “Inspector General, Nuclear Regulatory Com-
4 mission.

5 “Inspector General, Office of Personnel Man-
6 agement.

7 “Inspector General, Railroad Retirement
8 Board.

9 “Inspector General, Small Business Administra-
10 tion.

11 “Inspector General, Federal Deposit Insurance
12 Corporation.

13 “Inspector General, Central Intelligence Agen-
14 cy.

15 “Inspector General, Social Security Administra-
16 tion.

17 “Inspector General, United States Postal Serv-
18 ice.

19 “Inspector General, Tennessee Valley Author-
20 ity.”.

21 (c) SAVINGS PROVISION.—Nothing in this section
22 shall have the effect of reducing the rate of pay of any
23 individual serving as an Inspector General on the effective
24 date of this section.

1 **SEC. 6. STUDY AND REPORT ON CONSOLIDATION OF IN-**
2 **SPECTOR GENERAL OFFICES.**

3 (a) STUDY.—The Comptroller General of the United
4 States shall—

5 (1) develop criteria for determining whether the
6 consolidation of Federal Inspector General offices
7 would be cost-efficient and in the public interest;
8 and

9 (2) conduct a study of Federal Inspector Gen-
10 eral offices using the criteria developed under para-
11 graph (1) to determine whether any such offices
12 should be consolidated.

13 (b) REPORT TO CONGRESS.—Not later than 180 days
14 after the date of enactment of this Act, the Comptroller
15 General shall submit a report to Congress containing rec-
16 ommendations for any legislative action, based on the
17 study conducted under subsection (a).

Passed the Senate December 14 (legislative day,
September 22), 2000.

Attest:

GARY SISCO,
Secretary.