

Union Calendar No. 219

110TH CONGRESS
1ST SESSION

H. R. 928

[Report No. 110-354]

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

FEBRUARY 8, 2007

Mr. COOPER introduced the following bill; which was referred to the Committee on Oversight and Government Reform

SEPTEMBER 27, 2007

Additional sponsors: Mr. GORDON of Tennessee, Mr. CASTLE, Mr. MOORE of Kansas, Mr. BISHOP of Georgia, Mr. WAXMAN, Mr. TOWNS and Mr. SHAYS

SEPTEMBER 27, 2007

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on February 8, 2007]

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; TABLE OF CONTENTS.**

4 (a) *SHORT TITLE.*—*This Act may be cited as the “Im-*
 5 *proving Government Accountability Act”.*

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. Enhancing independence of Inspectors General.

Sec. 3. Direct submission of budget requests to Congress.

Sec. 4. Establishment of Council of the Inspectors General on Integrity and Effi-
ciency.

Sec. 5. Pay and bonuses of Inspectors General.

Sec. 6. Miscellaneous enhancements.

Sec. 7. Program Fraud Civil Remedies Act.

Sec. 8. Application of semiannual reporting requirements with respect to inspec-
tion reports and evaluation reports.

8 **SEC. 2. ENHANCING INDEPENDENCE OF INSPECTORS GEN-**
 9 **ERAL.**

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

12 (1) *in section 3(b) by adding at the end the fol-*
 13 *lowing: “An Inspector General may be removed from*
 14 *office prior to the expiration of his or her term only*
 15 *on any of the following grounds:*

16 “(1) *Permanent incapacity.*

17 “(2) *Inefficiency.*

18 “(3) *Neglect of duty.*

19 “(4) *Malfeasance.*

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

3 (2) in section 8G(e) by striking “an Inspector
4 General” and all that follows through the period at
5 the end and inserting the following: “the head of a
6 designated Federal entity intends to remove an In-
7 specter General from office or transfer an Inspector
8 General to another position or location within such
9 designated Federal entity, the head of such entity
10 shall communicate in writing the reasons for any
11 such removal or transfer to both Houses of Congress
12 at least 30 days before such removal or transfer.”.

13 (b) *ESTABLISHMENT OF TERMS OF OFFICE.*—The In-
14 specter General Act of 1978 (5 U.S.C. App.) is amended—

15 (1) in section 3 by adding at the end the fol-
16 lowing:

17 “(e)(1) The term of office of each Inspector General
18 shall be seven years. An individual may serve for more than
19 one term in such office. Any individual appointed and con-
20 firmed to fill a vacancy in such position, occurring before
21 the expiration of the term for which his or her predecessor
22 was appointed, shall be appointed and confirmed for a full
23 seven-year term.

24 “(2) An individual may continue to serve as Inspector
25 General beyond the expiration of the term for which the in-

1 *dividual is appointed until a successor is appointed and*
 2 *confirmed, except that such individual may not continue*
 3 *to serve for more than 1 year after the date on which the*
 4 *term would otherwise expire under paragraph (1).”; and*

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

7 *“(2) The term of office of each Inspector General shall*
 8 *be seven years. An individual may serve for more than one*
 9 *term in such office. Any individual appointed to fill a va-*
 10 *cancy in such position, occurring before the expiration of*
 11 *the term for which his or her predecessor was appointed,*
 12 *shall be appointed for a full 7-year term.”.*

13 *(c) APPLICATION.—The amendments made by this sec-*
 14 *tion shall apply to any Inspector General appointed on or*
 15 *after the date of the enactment of this Act.*

16 **SEC. 3. DIRECT SUBMISSION OF BUDGET REQUESTS TO**
 17 **CONGRESS.**

18 *Section 6 of the Inspector General Act of 1978 (5*
 19 *U.S.C. App.) is amended by adding at the end the following:*

20 *“(f)(1) For each fiscal year, an Inspector General may*
 21 *transmit an appropriation estimate and request to the Di-*
 22 *rector of the Office of Management and Budget and to the*
 23 *appropriate committees or subcommittees of the Congress,*
 24 *in addition to any appropriation estimate and request sub-*
 25 *mitted to the head of the establishment concerned.*

1 “(2) *The President shall include in each budget of the*
 2 *United States Government submitted to the Congress—*

3 “(A) *a separate statement of the amount of ap-*
 4 *propriations requested by each Inspector General who*
 5 *has submitted an appropriation estimate under para-*
 6 *graph (1); and*

7 “(B) *a statement comparing each such appro-*
 8 *priation estimate and request submitted by an In-*
 9 *pector General and the funds requested by the head*
 10 *of the establishment concerned.”.*

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

12 **GENERAL ON INTEGRITY AND EFFICIENCY.**

13 (a) *ESTABLISHMENT.—The Inspector General Act of*
 14 *1978 (5 U.S.C. App.) is amended by redesignating sections*
 15 *11 and 12 in order as sections 12 and 13, and by inserting*
 16 *after section 10 the following new section:*

17 “*ESTABLISHMENT OF THE COUNCIL OF THE INSPECTORS*

18 *GENERAL ON INTEGRITY AND EFFICIENCY*

19 “*SEC. 11. (a) ESTABLISHMENT.—There is established*
 20 *as an independent entity within the executive branch the*
 21 *Inspectors General Council (in this section referred to as*
 22 *the ‘Council’). The Council’s mission shall be to increase*
 23 *the professionalism and effectiveness of personnel by devel-*
 24 *oping policies, standards, and approaches to aid in the es-*
 25 *tablishment of a well-trained and highly skilled workforce*
 26 *in the offices of the Inspectors General.*

1 “(b) *MEMBERSHIP.*—

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

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

6 “(i) *section 2; or*

7 “(ii) *section 8G.*

8 “(B) *The Inspectors General of the Central*
9 *Intelligence Agency and the Government Print-*
10 *ing Office.*

11 “(C) *The Controller of the Office of Federal*
12 *Financial Management.*

13 “(D) *A senior level official of the Federal*
14 *Bureau of Investigation designated by the Direc-*
15 *tor of the Federal Bureau of Investigation.*

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

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

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

22 “(H) *The Deputy Director for Management*
23 *of the Office of Management and Budget.*

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

1 “(A) *EXECUTIVE CHAIRPERSON.*—*The Dep-*
 2 *uty Director for Management of the Office of*
 3 *Management and Budget shall be the Executive*
 4 *Chairperson of the Council.*

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

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

12 “(A) *EXECUTIVE CHAIRPERSON.*—*The Exec-*
 13 *utive Chairperson shall—*

14 “(i) *preside over meetings of the Coun-*
 15 *cil;*

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

20 “(iii) *provide to the Council such in-*
 21 *formation relating to the agencies and enti-*
 22 *ties represented on the Council as will assist*
 23 *the Council in performing its functions.*

24 “(B) *CHAIRPERSON.*—*The Chairperson*
 25 *shall—*

1 “(i) convene meetings of the Council—

2 “(I) at least six times each year;

3 “(II) monthly to the extent pos-
4 sible; and

5 “(III) more frequently at his or
6 her discretion;

7 “(ii) exercise the functions and duties
8 of the Council under subsection (c);

9 “(iii) appoint a Vice Chairperson to
10 assist in carrying out the functions of the
11 Council and act in the absence of the Chair-
12 person, from a category of Inspectors Gen-
13 eral described in subparagraph (A)(i),
14 (A)(ii), or (B) of subsection (b)(1), other
15 than the category from which the Chair-
16 person was elected;

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

21 “(v) select, appoint, and employ per-
22 sonnel as needed to carry out the functions
23 of the Council subject to the availability of
24 appropriations and the provisions of title 5,
25 United States Code, governing appoint-

ments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates;

“(vi) to the extent and in such amounts as may be provided in advance by appropriations Acts, enter into contracts and other arrangements with public agencies and private persons to carry out the functions and duties of the Council;

“(vii) establish, in consultation with the members of the Council, such committees as determined by the Chairperson to be necessary and appropriate for the efficient conduct of Council functions; and

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

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

“(1) *IN GENERAL.*—The Council shall—

“(A) continually identify, review, and discuss areas of weakness and vulnerability in Federal programs and operations with respect to fraud, waste, and abuse;

1 “(B) develop plans for coordinated, Govern-
2 ment-wide activities that address these problems
3 and promote economy and efficiency in Federal
4 programs and operations, including interagency
5 and inter-entity audit, investigation, inspection,
6 and evaluation programs and projects to deal ef-
7 ficiently and effectively with those problems con-
8 cerning fraud and waste that exceed the capa-
9 bility or jurisdiction of an individual agency or
10 entity;

11 “(C) develop policies that will aid in the
12 maintenance of a corps of well-trained and high-
13 ly skilled Office of Inspector General personnel;

14 “(D) maintain an Internet Web site and
15 other electronic systems for the benefit of all In-
16 spectors General, as the Council determines are
17 necessary or desirable;

18 “(E) maintain one or more academies as
19 the Council considers desirable for the profes-
20 sional training of auditors, investigators, inspec-
21 tors, evaluators, and other personnel of the var-
22 ious offices of Inspector General; and

23 “(F) make such reports to the Congress as
24 the Chairperson determines are necessary or ap-
25 propriate.

1 “(2) *ADHERENCE AND PARTICIPATION BY MEM-*
2 *BERS.—Each member of the Council should, to the ex-*
3 *tent permitted under law, and to the extent not incon-*
4 *sistent with standards established by the Comptroller*
5 *General of the United States for audits of Federal es-*
6 *tablishments, organizations, programs, activities, and*
7 *functions, adhere to professional standards developed*
8 *by the Council and participate in the plans, pro-*
9 *grams, and projects of the Council.*

10 “(3) *EXISTING AUTHORITIES AND RESPONSIBIL-*
11 *ITIES.—The creation and operation of the Council—*

12 “(A) *shall not affect the preeminent policy-*
13 *setting role of the Department of Justice in law*
14 *enforcement and litigation;*

15 “(B) *shall not affect the authority or re-*
16 *sponsibilities of any Government agency or enti-*
17 *ty; and*

18 “(C) *shall not affect the authority or re-*
19 *sponsibilities of individual members of the Coun-*
20 *cil.*

21 “(d) *INTEGRITY COMMITTEE.—*

22 “(1) *ESTABLISHMENT.—The Council shall have*
23 *an Integrity Committee, which shall receive, review,*
24 *and refer for investigation allegations of wrongdoing*
25 *that are made against Inspectors General and certain*

1 *staff members of the various Offices of Inspector Gen-*
2 *eral.*

3 “(2) *MEMBERSHIP.*—*The Integrity Committee*
4 *shall consist of the following members:*

5 “(A) *The official of the Federal Bureau of*
6 *Investigation serving on the Council, who shall*
7 *serve as Chairperson of the Integrity Committee.*

8 “(B) *3 or more Inspectors General described*
9 *in subparagraph (A) or (B) of subsection (b)(1)*
10 *appointed by the Chairperson of the Council,*
11 *representing both establishments and designated*
12 *Federal entities (as that term is defined in sec-*
13 *tion 8G(a)).*

14 “(C) *The Special Counsel of the Office of*
15 *Special Counsel.*

16 “(D) *The Director of the Office of Govern-*
17 *ment Ethics.*

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

22 “(4) *REFERRAL OF ALLEGATIONS.*—

23 “(A) *REQUIREMENT.*—*An Inspector General*
24 *shall refer to the Integrity Committee any allega-*

tion of wrongdoing against a staff member of his
or her office, if—

“(i) review of the substance of the allegation cannot be assigned to an agency of the executive branch with appropriate jurisdiction over the matter; and

“(ii) the Inspector General determines that—

“(I) an objective internal investigation of the allegation is not feasible; or

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

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

“(i) any employee of an Office of Inspector General who reports directly to an Inspector General; or

“(ii) who is designated by an Inspector General under subparagraph (C).

“(C) *DESIGNATION OF STAFF MEMBERS.*—
Each Inspector General shall annually submit to the Chairperson of the Integrity Committee a

1 *designation of positions whose holders are staff*
2 *members for purposes of subparagraph (B).*

3 “(5) *REVIEW OF ALLEGATIONS.—The Integrity*
4 *Committee shall—*

5 “(A) *review all allegations of wrongdoing it*
6 *receives against an Inspector General, or against*
7 *a staff member of an Office of Inspector General;*
8 *and*

9 “(B) *refer to the Chairperson of the Integ-*
10 *egrity Committee any allegation of wrongdoing de-*
11 *termined by the Integrity Committee to be meri-*
12 *torious that cannot be referred to an agency of*
13 *the executive branch with appropriate jurisdic-*
14 *tion over the matter.*

15 “(6) *AUTHORITY TO INVESTIGATE ALLEGA-*
16 *TIONS.—*

17 “(A) *REQUIREMENT.—The Chairperson of*
18 *the Integrity Committee shall cause a thorough*
19 *and timely investigation of each allegation re-*
20 *ferred under paragraph (5)(B) to be conducted*
21 *in accordance with this paragraph.*

22 “(B) *RESOURCES.—At the request of the*
23 *Chairperson of the Integrity Committee, the head*
24 *of each agency or entity represented on the Coun-*
25 *cil—*

1 “(i) may provide resources necessary to
2 the Integrity Committee; and

3 “(ii) may detail employees from that
4 agency or entity to the Integrity Committee,
5 subject to the control and direction of the
6 Chairperson, to conduct an investigation
7 pursuant to this subsection.

8 “(7) PROCEDURES FOR INVESTIGATIONS.—

9 “(A) STANDARDS APPLICABLE.—Investiga-
10 tions initiated under this subsection shall be con-
11 ducted in accordance with the most current
12 Quality Standards for Investigations issued by
13 the Council or by its predecessors (the President’s
14 Council on Integrity and Efficiency and the Ex-
15 ecutive Council on Integrity and Efficiency).

16 “(B) ADDITIONAL POLICIES AND PROCE-
17 DURES.—The Integrity Committee, in conjunc-
18 tion with the Chairperson of the Council, shall
19 establish additional policies and procedures nec-
20 essary to ensure fairness and consistency in—

21 “(i) determining whether to initiate an
22 investigation;

23 “(ii) conducting investigations;

24 “(iii) reporting the results of an inves-
25 tigation; and

1 “(iv) providing the person who is the
2 subject of an investigation with an oppor-
3 tunity to respond to any Integrity Com-
4 mittee report.

5 “(C) *REPORT.*—With respect to any inves-
6 tigation that substantiates any allegation re-
7 ferred to the Chairperson of the Integrity Com-
8 mittee under paragraph (5)(B), the Chairperson
9 of the Integrity Committee shall—

10 “(i) submit to the Executive Chair-
11 person of the Council a report on the results
12 of such investigation, within 180 days (to
13 the maximum extent practicable) after the
14 completion of the investigation; and

15 “(ii) submit to Congress a copy of such
16 report within 30 days after the submission
17 of such report to the Executive Chairperson
18 under clause (i).

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

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

4 (b) *EXISTING EXECUTIVE ORDERS.—Executive Order*
 5 *12805, dated May 11, 1992, and Executive Order 12993,*
 6 *dated March 21, 1996, shall have no force or effect.*

7 (c) *CONFORMING AMENDMENTS.—*

8 (1) *INSPECTOR GENERAL ACT OF 1978.—The In-*
 9 *pector General Act of 1978 (5 U.S.C. App.) is*
 10 *amended—*

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

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

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

21 “(33) *a separate appropriation account for ap-*
 22 *propriations for the Inspectors General Council, and,*
 23 *included in that account, a separate statement of the*
 24 *aggregate amount of appropriations requested for*

1 *each academy maintained by the Inspectors General*
 2 *Council.”.*

3 **SEC. 5. PAY AND BONUSES OF INSPECTORS GENERAL.**

4 *(a) PROHIBITION OF CASH BONUS OR AWARDS.—Section*
 5 *tion 3 of the Inspector General Act of 1978 (5 U.S.C. App.),*
 6 *as amended by the preceding provisions of this Act, is fur-*
 7 *ther amended by adding at the end the following:*

8 *“(f) An Inspector General (as defined under section*
 9 *8G(a)(6) or 11(3)) may not receive any cash award or cash*
 10 *bonus, including any cash award under chapter 45 of title*
 11 *5, United States Code.”.*

12 *(b) INSPECTORS GENERAL AT LEVEL III OF EXECU-*
 13 *TIVE SCHEDULE.—*

14 *(1) IN GENERAL.—Section 3 of the Inspector*
 15 *General Act of 1978 (5 U.S.C. App.), as amended by*
 16 *the preceding provisions of this Act, is further amend-*
 17 *ed by adding at the end the following:*

18 *“(g) The annual rate of basic pay for an Inspector*
 19 *General (as defined under section 11(3)) shall be the rate*
 20 *payable for level III of the Executive Schedule under section*
 21 *5314 of title 5, United States Code, plus 3 percent.”.*

22 *(2) CONFORMING AMENDMENT.—Section 5315 of*
 23 *title 5, United States Code, is amended by striking*
 24 *the item relating to each of the following positions:*

1 (A) *Inspector General, Department of Edu-*
2 *cation.*

3 (B) *Inspector General, Department of En-*
4 *ergy.*

5 (C) *Inspector General, Department of*
6 *Health and Human Services.*

7 (D) *Inspector General, Department of Agri-*
8 *culture.*

9 (E) *Inspector General, Department of Hous-*
10 *ing and Urban Development.*

11 (F) *Inspector General, Department of*
12 *Labor.*

13 (G) *Inspector General, Department of*
14 *Transportation.*

15 (H) *Inspector General, Department of Vet-*
16 *erans Affairs.*

17 (I) *Inspector General, Department of Home-*
18 *land Security.*

19 (J) *Inspector General, Department of De-*
20 *fense.*

21 (K) *Inspector General, Department of State.*

22 (L) *Inspector General, Department of Com-*
23 *merce.*

24 (M) *Inspector General, Department of the*
25 *Interior.*

1 (N) *Inspector General, Department of Jus-*
2 *tice.*

3 (O) *Inspector General, Department of the*
4 *Treasury.*

5 (P) *Inspector General, Agency for Inter-*
6 *national Development.*

7 (Q) *Inspector General, Environmental Pro-*
8 *tection Agency.*

9 (R) *Inspector General, Export-Import*
10 *Bank.*

11 (S) *Inspector General, Federal Emergency*
12 *Management Agency.*

13 (T) *Inspector General, General Services Ad-*
14 *ministration.*

15 (U) *Inspector General, National Aero-*
16 *navics and Space Administration.*

17 (V) *Inspector General, Nuclear Regulatory*
18 *Commission.*

19 (W) *Inspector General, Office of Personnel*
20 *Management.*

21 (X) *Inspector General, Railroad Retirement*
22 *Board.*

23 (Y) *Inspector General, Small Business Ad-*
24 *ministration.*

1 *(Z) Inspector General, Tennessee Valley Au-*
2 *thority.*

3 *(AA) Inspector General, Federal Deposit In-*
4 *surance Corporation.*

5 *(BB) Inspector General, Resolution Trust*
6 *Corporation.*

7 *(CC) Inspector General, Central Intelligence*
8 *Agency.*

9 *(DD) Inspector General, Social Security*
10 *Administration.*

11 *(EE) Inspector General, United States Post-*
12 *al Service.*

13 *(3) SAVINGS PROVISION.—Nothing in this sub-*
14 *section shall have the effect of reducing the rate of pay*
15 *of any individual serving as an Inspector General on*
16 *the effective date of this subsection.*

17 *(c) INSPECTORS GENERAL OF DESIGNATED FEDERAL*
18 *ENTITIES.—Notwithstanding any other provision of law,*
19 *the Inspector General of each designated Federal entity (as*
20 *those terms are defined under section 8G of the Inspector*
21 *General Act of 1978) shall, for pay and all other purposes,*
22 *be classified at a grade, level, or rank designation, as the*
23 *case may be, comparable to those of a majority of the senior*
24 *staff members of such designated Federal entity (such as,*
25 *but not limited to, a General Counsel, Deputy Director, or*

1 Chief of Staff) that report directly to the head of such des-
 2 ignated Federal entity. The head of a designated Federal
 3 entity shall set the annual rate of basic pay for an Inspector
 4 General (as defined under such section 8G) 3 percent above
 5 the annual rate of basic pay for senior staff members classi-
 6 fied at a comparable grade, level, or rank designation (or,
 7 if those senior staff members receive different rates, the an-
 8 nual rate of basic pay for a majority of those senior staff
 9 members, as determined by the head of the designated Fed-
 10 eral entity concerned).

11 **SEC. 6. MISCELLANEOUS ENHANCEMENTS.**

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

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

17 “(i) each Office of Inspector General shall be con-
 18 sidered to be a separate agency; and

19 “(ii) the Inspector General who is the head of an
 20 office referred to in clause (i) shall, with respect to
 21 such office, have the functions, powers, and duties of
 22 an agency head or appointing authority under such
 23 provisions.

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

1 “(i) Subchapter II of chapter 35.

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

3 “(iii) All provisions relating to the Senior Exec-
4 utive Service (as determined by the Office of Per-
5 sonnel Management), subject to paragraph (2).

6 “(2) For purposes of applying section 4507(b) of title
7 5, United States Code, paragraph (1)(A)(ii) shall be ap-
8 plied by substituting ‘the Council of the Inspectors General
9 on Integrity and Efficiency (established by section 11 of the
10 Inspector General Act) shall’ for ‘the Inspector General who
11 is the head of an office referred to in clause (i) shall, with
12 respect to such office,’.”.

13 (b) SUBPOENA POWER.—Section 6(a)(4) of the Inspec-
14 tor General Act of 1978 (5 U.S.C. App.), is amended—

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

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

20 (c) LAW ENFORCEMENT AUTHORITY FOR DESIGNATED
21 FEDERAL ENTITIES.—Section 6(e) of the Inspector General
22 Act of 1978 (5 U.S.C. App.) is amended—

23 (1) in paragraph (1) by striking “appointed
24 under section 3”; and

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

1 “(9) *In this subsection the term ‘Inspector General’*
 2 *means an Inspector General appointed under section 3 or*
 3 *an Inspector General appointed under section 8G.”.*

4 (d) *AUTHORITY OF TREASURY INSPECTOR GENERAL*
 5 *FOR TAX ADMINISTRATION TO PROTECT INTERNAL REV-*
 6 *ENUE SERVICE EMPLOYEES.*—Section 8D(k)(1)(C) of the
 7 *Inspector General Act of 1978 (5 U.S.C. App.) is amended*
 8 *by striking “and the providing of physical security”.*

9 (e) *AMENDMENT RELATING TO AUTHORITY OF COMP-*
 10 *TROLLER GENERAL TO ADMINISTER OATHS.*—Section 711
 11 *of title 31, United States Code, is amended in paragraph*
 12 *(4) by striking “when auditing and settling accounts” and*
 13 *inserting “upon the specific approval only of the Comp-*
 14 *troller General or the Deputy Comptroller General”.*

15 (f) *AMENDMENTS RELATING TO COMPTROLLER GEN-*
 16 *ERAL REPORTS.*—

17 (1) *Section 719(b)(1) of title 31, United States*
 18 *Code, is amended—*

19 (A) *by striking “and” at the end of sub-*
 20 *paragraph (B);*

21 (B) *by striking the period and inserting “;*
 22 *and” at the end of subparagraph (C); and*

23 (C) *by adding at the end the following new*
 24 *subparagraph:*

1 “(D) for Federal agencies subject to sections 901
2 to 903 of this title and other agencies designated by
3 the Comptroller General, an assessment of their over-
4 all degree of cooperation in making personnel avail-
5 able for interview, providing written answers to ques-
6 tions, submitting to an oath authorized by the Comp-
7 troller General under section 711 of this title, grant-
8 ing access to records, providing timely comments to
9 draft reports, adopting recommendations in reports,
10 and responding to such other matters as the Comp-
11 troller General considers appropriate.”.

12 (2) Section 719(c) of such title is amended—

13 (A) by striking “and” at the end of para-
14 graph (2);

15 (B) by striking the period and inserting “;
16 and” at the end of paragraph (3); and

17 (C) by adding at the end the following new
18 paragraph:

19 “(4) as soon as practicable when an agency or
20 other entity does not, within a reasonable period of
21 time after a request by the Comptroller General, make
22 personnel available for interview, provide written an-
23 swers to questions, or submit to an oath authorized by
24 the Comptroller General under section 711 of this
25 title.”.

1 **SEC. 7. PROGRAM FRAUD CIVIL REMEDIES ACT.**

2 Section 3801(a)(1) of title 31, United States Code, is
3 amended by striking “and” after the semicolon at the end
4 of subparagraph (C), by adding “and” after the semicolon
5 at the end of subparagraph (D), and by adding at the end
6 the following:

7 “(E) a designated Federal entity (as such
8 term is defined under section 8G(a)(2) of the In-
9 spector General Act of 1978).”.

10 **SEC. 8. APPLICATION OF SEMIANNUAL REPORTING RE-**
11 **QUIREMENTS WITH RESPECT TO INSPECTION**
12 **REPORTS AND EVALUATION REPORTS.**

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

15 (1) in subsection (a)(6)—

16 (A) by inserting “, inspection report, and
17 evaluation report” after “audit report”; and

18 (B) by striking “audit” the second place it
19 appears;

20 (2) in each of subsections (a)(8), (a)(9), (b)(2),
21 and (b)(3)—

22 (A) by inserting “, inspection reports, and
23 evaluation reports” after “audit reports” the
24 first place it appears; and

25 (B) by striking “audit” the second place it
26 appears; and

1 (3) in subsection (a)(10) by inserting “, inspec-
2 tion report, and evaluation report” after “audit re-
3 port”.

Union Calendar No. 219

110TH CONGRESS
1ST Session

H. R. 928

[Report No. 110-354]

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.

SEPTEMBER 27, 2007

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed