

110TH CONGRESS
2D SESSION

S. 2324

AN ACT

To amend the Inspector General Act of 1978 (5 U.S.C. App.) to enhance the Offices 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Inspector General Re-
3 form Act of 2008”.

4 **SEC. 2. APPOINTMENT AND QUALIFICATIONS OF INSPEC-**
5 **TORS GENERAL.**

6 Section 8G(c) of the Inspector General Act of 1978
7 (5 U.S.C. App.) is amended by adding at the end “Each
8 Inspector General shall be appointed without regard to po-
9 litical affiliation and solely on the basis of integrity and
10 demonstrated ability in accounting, auditing, financial
11 analysis, law, management analysis, public administration,
12 or investigations.”.

13 **SEC. 3. REMOVAL OF INSPECTORS GENERAL.**

14 (a) **ESTABLISHMENTS.**—Section 3(b) of the Inspector
15 General Act of 1978 (5 U.S.C. App.) is amended by strik-
16 ing the second sentence and inserting “If an Inspector
17 General is removed from office or is transferred to another
18 position or location within an establishment, the President
19 shall communicate in writing the reasons for any such re-
20 moval or transfer to both Houses of Congress, not later
21 than 30 days before the removal or transfer. Nothing in
22 this subsection shall prohibit a personnel action otherwise
23 authorized by law, other than transfer or removal.”.

24 (b) **DESIGNATED FEDERAL ENTITIES.**—Section
25 8G(e) of the Inspector General Act of 1978 (5 U.S.C.
26 App.) is amended by striking “shall promptly commu-

1 nicate in writing the reasons for any such removal or
 2 transfer to both Houses of the Congress.” and inserting
 3 “shall communicate in writing the reasons for any such
 4 removal or transfer to both Houses of Congress, not later
 5 than 30 days before the removal or transfer. Nothing in
 6 this subsection shall prohibit a personnel action otherwise
 7 authorized by law, other than transfer or removal.”.

8 (c) LEGISLATIVE AGENCIES.—

9 (1) LIBRARY OF CONGRESS.—Section
 10 1307(c)(2) of the Legislative Branch Appropriations
 11 Act, 2006 (2 U.S.C. 185(c)(2)) is amended by strik-
 12 ing the second sentence and inserting “If the Inspec-
 13 tor General is removed from office or is transferred
 14 to another position or location within the Library of
 15 Congress, the Librarian of Congress shall commu-
 16 nicate in writing the reasons for any such removal
 17 or transfer to both Houses of Congress, not later
 18 than 30 days before the removal or transfer. Noth-
 19 ing in this paragraph shall prohibit a personnel ac-
 20 tion otherwise authorized by law, other than transfer
 21 or removal.”.

22 (2) CAPITOL POLICE.—Section 1004(b) of the
 23 Legislative Branch Appropriations Act, 2006 (2
 24 U.S.C. 1909(b)) is amended by striking paragraph
 25 (3) and inserting the following:

1 “(3) REMOVAL.—The Inspector General may be
2 removed or transferred from office before the expira-
3 tion of his term only by the unanimous vote of all
4 of the voting members of the Capitol Police Board.
5 If an Inspector General is removed from office or is
6 transferred to another position or location within the
7 Capitol Police, the Capitol Police Board shall com-
8 municate in writing the reasons for any such re-
9 moval or transfer to the Committee on Rules and
10 Administration of the Senate, the Committee on
11 House Administration of the House of Representa-
12 tives, and the Committees on Appropriations of the
13 Senate and the House of Representatives, not later
14 than 30 days before the removal or transfer. Noth-
15 ing in this paragraph shall prohibit a personnel ac-
16 tion otherwise authorized by law, other than transfer
17 or removal.”.

18 (3) GOVERNMENT PRINTING OFFICE.—Section
19 3902(b)(2) of title 44, United States Code, is
20 amended by striking the second sentence and insert-
21 ing “If the Inspector General is removed from office
22 or is transferred to another position or location with-
23 in the Government Printing Office, the Public Print-
24 er shall communicate in writing the reasons for any
25 such removal or transfer to both Houses of Con-

1 gress, not later than 30 days before the removal or
 2 transfer. Nothing in this paragraph shall prohibit a
 3 personnel action otherwise authorized by law, other
 4 than transfer or removal.”.

5 **SEC. 4. PAY OF INSPECTORS GENERAL.**

6 (a) INSPECTORS GENERAL AT LEVEL III OF EXECU-
 7 TIVE SCHEDULE.—

8 (1) IN GENERAL.—Section 3 of the Inspector
 9 General Act of 1978 (5 U.S.C. App.), is amended by
 10 adding at the end the following:

11 “(e) The annual rate of basic pay for an Inspector
 12 General (as defined under section 11(3)) shall be the rate
 13 payable for level III of the Executive Schedule under sec-
 14 tion 5314 of title 5, United States Code, plus 3 percent.”.

15 (2) TECHNICAL AND CONFORMING AMEND-
 16 MENTS.—Section 5315 of title 5, United States
 17 Code, is amended by striking the item relating to
 18 each of the following positions:

19 (A) Inspector General, Department of
 20 Education.

21 (B) Inspector General, Department of En-
 22 ergy.

23 (C) Inspector General, Department of
 24 Health and Human Services.

1 (D) Inspector General, Department of Ag-
2 riculture.

3 (E) Inspector General, Department of
4 Housing and Urban Development.

5 (F) Inspector General, Department of
6 Labor.

7 (G) Inspector General, Department of
8 Transportation.

9 (H) Inspector General, Department of Vet-
10 erans Affairs.

11 (I) Inspector General, Department of
12 Homeland Security.

13 (J) Inspector General, Department of De-
14 fense.

15 (K) Inspector General, Department of
16 State.

17 (L) Inspector General, Department of
18 Commerce.

19 (M) Inspector General, Department of the
20 Interior.

21 (N) Inspector General, Department of Jus-
22 tice.

23 (O) Inspector General, Department of the
24 Treasury.

1 (P) Inspector General, Agency for Inter-
2 national Development.

3 (Q) Inspector General, Environmental Pro-
4 tection Agency.

5 (R) Inspector General, Export-Import
6 Bank.

7 (S) Inspector General, Federal Emergency
8 Management Agency.

9 (T) Inspector General, General Services
10 Administration.

11 (U) Inspector General, National Aero-
12 nautics and Space Administration.

13 (V) Inspector General, Nuclear Regulatory
14 Commission.

15 (W) Inspector General, Office of Personnel
16 Management.

17 (X) Inspector General, Railroad Retire-
18 ment Board.

19 (Y) Inspector General, Small Business Ad-
20 ministration.

21 (Z) Inspector General, Tennessee Valley
22 Authority.

23 (AA) Inspector General, Federal Deposit
24 Insurance Corporation.

1 (BB) Inspector General, Resolution Trust
2 Corporation.

3 (CC) Inspector General, Central Intel-
4 ligence Agency.

5 (DD) Inspector General, Social Security
6 Administration.

7 (EE) Inspector General, United States
8 Postal Service.

9 (3) ADDITIONAL TECHNICAL AND CONFORMING
10 AMENDMENT.—Section 194(b) of the National and
11 Community Service Act of 1990 (42 U.S.C.
12 12651e(b)) is amended by striking paragraph (3).

13 (b) INSPECTORS GENERAL OF DESIGNATED FED-
14 ERAL ENTITIES.—Notwithstanding any other provision of
15 law, the Inspector General of each designated Federal en-
16 tity (as those terms are defined under section 8G of the
17 Inspector General Act of 1978 (5 U.S.C. App.)) shall, for
18 pay and all other purposes, be classified at a grade, level,
19 or rank designation, as the case may be, at or above those
20 of a majority of the senior level executives of that des-
21 ignated Federal entity (such as a General Counsel, Chief
22 Information Officer, Chief Financial Officer, Chief
23 Human Capital Officer, or Chief Acquisition Officer). The
24 pay of an Inspector General of a designated Federal entity
25 (as those terms are defined under section 8G of the In-

1 spector General Act of 1978 (5 U.S.C. App.)) shall be not
2 less than the average total compensation of the senior level
3 executives of that designated Federal entity calculated on
4 an annual basis.

5 (c) SAVINGS PROVISION FOR NEWLY APPOINTED IN-
6 SPECTORS GENERAL.—The provisions of section 3392 of
7 title 5, United States Code, other than the terms “per-
8 formance awards” and “awarding of ranks” in subsection
9 (c)(1) of such section, shall apply to career appointees of
10 the Senior Executive Service who are appointed to the po-
11 sition of Inspector General.

12 (d) SAVINGS PROVISION.—Nothing in this section
13 shall have the effect of reducing the rate of pay of any
14 individual serving on the date of enactment of this section
15 as an Inspector General of—

16 (1) an establishment as defined under section
17 11(2) of the Inspector General Act of 1978 (5
18 U.S.C. App.);

19 (2) a designated Federal entity as defined
20 under section 8G(2) of the Inspector General Act of
21 1978 (5 U.S.C. App.);

22 (3) a legislative agency for which the position of
23 Inspector General is established by statute; or

1 (4) any other entity of the Government for
2 which the position of Inspector General is estab-
3 lished by statute.

4 **SEC. 5. PROHIBITION OF CASH BONUS OR AWARDS.**

5 Section 3 of the Inspector General Act of 1978 (5
6 U.S.C. App.) (as amended by section 4 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
10 cash bonus, including any cash award under chapter 45
11 of title 5, United States Code.”.

12 **SEC. 6. SEPARATE COUNSEL TO SUPPORT INSPECTORS**
13 **GENERAL.**

14 (a) COUNSELS TO INSPECTORS GENERAL OF ESTAB-
15 LISHMENT.—Section 3 of the Inspector General Act of
16 1978 (5 U.S.C. App.) (as amended by sections 4 and 5
17 of this Act) is further amended by adding at the end the
18 following:

19 “(g) Each Inspector General shall, in accordance with
20 applicable laws and regulations governing the civil service,
21 obtain legal advice from a counsel either reporting directly
22 to the Inspector General or another Inspector General.”.

23 (b) COUNSELS TO INSPECTORS GENERAL OF DES-
24 IGNATED FEDERAL ENTITIES.—Section 8G(g) of the In-

1 spectator General Act of 1978 (5 U.S.C. App.) is amended
2 by adding at the end the following:

3 “(4) Each Inspector General shall, in accord-
4 ance with applicable laws and regulations governing
5 appointments within the designated Federal entity,
6 appoint a Counsel to the Inspector General who
7 shall report to the Inspector General or obtain the
8 services of a counsel appointed by and directly re-
9 porting to another Inspector General or the Council
10 of the Inspectors General on Integrity and Efficiency
11 on a reimbursable basis.”.

12 (c) RULE OF CONSTRUCTION.—Nothing in the
13 amendments made by this section shall be construed to
14 alter the duties and responsibilities of the counsel for any
15 establishment or designated Federal entity.

16 **SEC. 7. ESTABLISHMENT OF COUNCIL OF THE INSPECTORS**
17 **GENERAL ON INTEGRITY AND EFFICIENCY.**

18 (a) ESTABLISHMENT.—The Inspector General Act of
19 1978 (5 U.S.C. App.) is amended by redesignating sec-
20 tions 11 and 12 as sections 12 and 13, respectively, and
21 by inserting after section 10 the following:

22 **“SEC. 11. ESTABLISHMENT OF THE COUNCIL OF THE IN-**
23 **SPECTORS GENERAL ON INTEGRITY AND EF-**
24 **FICIENCY.**

25 “(a) ESTABLISHMENT AND MISSION.—

1 “(1) ESTABLISHMENT.—There is established as
2 an independent entity within the executive branch
3 the Council of the Inspectors General on Integrity
4 and Efficiency (in this section referred to as the
5 ‘Council’).

6 “(2) MISSION.—The mission of the Council
7 shall be to—

8 “(A) address integrity, economy, and effec-
9 tiveness issues that transcend individual Gov-
10 ernment agencies; and

11 “(B) increase the professionalism and ef-
12 fectiveness of personnel by developing policies,
13 standards, and approaches to aid in the estab-
14 lishment of a well-trained and highly skilled
15 workforce in the offices of the Inspectors Gen-
16 eral.

17 “(b) MEMBERSHIP.—

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

20 “(A) All Inspectors General whose offices
21 are established under—

22 “(i) section 2; or

23 “(ii) section 8G.

1 “(B) The Inspectors General of the Office
2 of the Director of National Intelligence and the
3 Central Intelligence Agency.

4 “(C) The Controller of the Office of Fed-
5 eral Financial Management.

6 “(D) A senior level official of the Federal
7 Bureau of Investigation designated by the Di-
8 rector of the Federal Bureau of Investigation.

9 “(E) The Director of the Office of Govern-
10 ment Ethics.

11 “(F) The Special Counsel of the Office of
12 Special Counsel.

13 “(G) The Deputy Director of the Office of
14 Personnel Management.

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

17 “(I) The Office of Inspectors General of
18 the Library of Congress, Capitol Police, and the
19 Government Printing Office.

20 “(J) Any other members designated by the
21 President.

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

24 “(A) EXECUTIVE CHAIRPERSON.—The
25 Deputy Director for Management of the Office

1 of Management and Budget shall be the Execu-
 2 tive Chairperson of the Council.

3 “(B) CHAIRPERSON.—The Council shall
 4 elect 1 of the Inspectors General referred to in
 5 paragraph (1)(A) or (B) to act as Chairperson
 6 of the Council. The term of office of the Chair-
 7 person shall be 2 years.

8 “(3) FUNCTIONS OF CHAIRPERSON AND EXECU-
 9 TIVE CHAIRPERSON.—

10 “(A) EXECUTIVE CHAIRPERSON.—The Ex-
 11 ecutive Chairperson shall—

12 “(i) preside over meetings of the
 13 Council;

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

18 “(iii) provide to the Council such in-
 19 formation relating to the agencies and en-
 20 tities represented on the Council as assists
 21 the Council in performing its functions.

22 “(B) CHAIRPERSON.—The Chairperson
 23 shall—

24 “(i) convene meetings of the Coun-
 25 cil—

1 “(I) at least 6 times each year;

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

4 “(III) more frequently at the dis-
5 cretion of the Chairperson;

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

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

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

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

1 provisions of chapter 51 and subchapter
2 III of chapter 53 of such title, relating to
3 classification and General Schedule pay
4 rates;

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

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

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

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

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

21 “(A) continually identify, review, and dis-
22 cuss areas of weakness and vulnerability in
23 Federal programs and operations with respect
24 to fraud, waste, and abuse;

1 “(B) develop plans for coordinated, govern-
2 mentwide activities that address these problems
3 and promote economy and efficiency in Federal
4 programs and operations, including interagency
5 and interentity audit, investigation, inspection,
6 and evaluation programs and projects to deal
7 efficiently and effectively with those problems
8 concerning fraud and waste that exceed the ca-
9 pability or jurisdiction of an individual agency
10 or entity;

11 “(C) develop policies that will aid in the
12 maintenance of a corps of well-trained and
13 highly skilled Office of Inspector General per-
14 sonnel;

15 “(D) maintain an Internet website and
16 other electronic systems for the benefit of all
17 Inspectors General, as the Council determines
18 are necessary or desirable;

19 “(E) maintain 1 or more academies as the
20 Council considers desirable for the professional
21 training of auditors, investigators, inspectors,
22 evaluators, and other personnel of the various
23 offices of Inspector General;

24 “(F) submit recommendations of individ-
25 uals to the appropriate appointing authority for

1 any appointment to an office of Inspector Gen-
2 eral described under subsection (b)(1)(A) or
3 (B);

4 “(G) make such reports to Congress as the
5 Chairperson determines are necessary or appro-
6 priate; and

7 “(H) perform other duties within the au-
8 thority and jurisdiction of the Council, as ap-
9 propriate.

10 “(2) ADHERENCE AND PARTICIPATION BY MEM-
11 BERS.—To the extent permitted under law, and to
12 the extent not inconsistent with standards estab-
13 lished by the Comptroller General of the United
14 States for audits of Federal establishments, organi-
15 zations, programs, activities, and functions, each
16 member of the Council shall adhere to professional
17 standards developed by the Council and participate
18 in the plans, programs, and projects of the Council,
19 as appropriate.

20 “(3) ADDITIONAL ADMINISTRATIVE AUTHORI-
21 TIES.—

22 “(A) INTERAGENCY FUNDING.—Notwith-
23 standing section 1532 of title 31, United States
24 Code, or any other provision of law prohibiting
25 the interagency funding of activities described

1 under subclause (I), (II), or (III) of clause (i),
2 in the performance of the responsibilities, au-
3 thorities, and duties of the Council—

4 “(i) the Executive Chairperson may
5 authorize the use of interagency funding
6 for—

7 “(I) Governmentwide training of
8 employees of the Offices of the Inspec-
9 tors General;

10 “(II) the functions of the Integ-
11 rity Committee of the Council; and

12 “(III) any other authorized pur-
13 pose determined by the Council; and

14 “(ii) upon the authorization of the
15 Executive Chairperson, any department,
16 agency, or entity of the executive branch
17 which has a member on the Council shall
18 fund or participate in the funding of such
19 activities.

20 “(B) SUPERSEDING PROVISIONS.—No pro-
21 vision of law enacted after the date of enact-
22 ment of this subsection shall be construed to
23 limit or supersede the authority under para-
24 graph (1), unless such provision makes specific
25 reference to the authority in that paragraph.

1 “(4) EXISTING AUTHORITIES AND RESPON-
2 SIBILITIES.—The establishment and operation of the
3 Council shall not affect—

4 “(A) the role of the Department of Justice
5 in law enforcement and litigation;

6 “(B) the authority or responsibilities of
7 any Government agency or entity; and

8 “(C) the authority or responsibilities of in-
9 dividual members of the Council.

10 “(d) INTEGRITY COMMITTEE.—

11 “(1) ESTABLISHMENT.—The Council shall have
12 an Integrity Committee, which shall receive, review,
13 and refer for investigation allegations of wrongdoing
14 that are made against Inspectors General and staff
15 members of the various Offices of Inspector General
16 described under paragraph (4)(C).

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

19 “(A) The official of the Federal Bureau of
20 Investigation serving on the Council, who shall
21 serve as Chairperson of the Integrity Com-
22 mittee.

23 “(B) Three or more Inspectors General de-
24 scribed in subparagraph (A) or (B) of sub-
25 section (b)(1) appointed by the Chairperson of

1 the Council, representing both establishments
2 and designated Federal entities (as that term is
3 defined in section 8G(a)).

4 “(C) The Special Counsel of the Office of
5 Special Counsel.

6 “(D) The Director of the Office of Govern-
7 ment Ethics.

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

12 “(4) REFERRAL OF ALLEGATIONS.—

13 “(A) REQUIREMENT.—An Inspector Gen-
14 eral shall refer to the Integrity Committee any
15 allegation of wrongdoing against a staff mem-
16 ber of the office of that Inspector General, if—

17 “(i) review of the substance of the al-
18 legation cannot be assigned to an agency
19 of the executive branch with appropriate
20 jurisdiction over the matter; and

21 “(ii) the Inspector General determines
22 that—

23 “(I) an objective internal inves-
24 tigation of the allegation is not fea-
25 sible; or

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

4 “(B) DEFINITION.—In this paragraph the
5 term ‘staff member’ means—

6 “(i) any employee of an Office of In-
7 spector General who reports directly to an
8 Inspector General; or

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

11 “(C) DESIGNATION OF STAFF MEMBERS.—
12 Each Inspector General shall annually submit
13 to the Chairperson of the Integrity Committee
14 a designation of positions whose holders are
15 staff members for purposes of subparagraph
16 (B).

17 “(5) REVIEW OF ALLEGATIONS.—The Integrity
18 Committee shall—

19 “(A) review all allegations of wrongdoing
20 the Integrity Committee receives against an In-
21 spector General, or against a staff member of
22 an Office of Inspector General described under
23 paragraph (4)(C);

“(B) refer any allegation of wrongdoing to the agency of the executive branch with appropriate jurisdiction over the matter; and

“(C) refer to the Chairperson of the Integrity Committee any allegation of wrongdoing determined by the Integrity Committee under subparagraph (A) to be potentially meritorious that cannot be referred to an agency under subparagraph (B).

“(6) AUTHORITY TO INVESTIGATE ALLEGATIONS.—

“(A) REQUIREMENT.—The Chairperson of the Integrity Committee shall cause a thorough and timely investigation of each allegation referred under paragraph (5)(C) to be conducted in accordance with this paragraph.

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

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

“(ii) may detail employees from that agency or entity to the Integrity Committee, subject to the control and direction

1 of the Chairperson, to conduct an inves-
 2 tigation under this subsection.

3 “(7) PROCEDURES FOR INVESTIGATIONS.—

4 “(A) STANDARDS APPLICABLE.—Investiga-
 5 tions initiated under this subsection shall be
 6 conducted in accordance with the most current
 7 Quality Standards for Investigations issued by
 8 the Council or by its predecessors (the Presi-
 9 dent’s Council on Integrity and Efficiency and
 10 the Executive Council on Integrity and Effi-
 11 ciency).

12 “(B) ADDITIONAL POLICIES AND PROCE-
 13 DURES.—

14 “(i) ESTABLISHMENT.—The Integrity
 15 Committee, in conjunction with the Chair-
 16 person of the Council, shall establish addi-
 17 tional policies and procedures necessary to
 18 ensure fairness and consistency in—

19 “(I) determining whether to ini-
 20 tiate an investigation;

21 “(II) conducting investigations;

22 “(III) reporting the results of an
 23 investigation; and

24 “(IV) providing the person who is
 25 the subject of an investigation with an

1 opportunity to respond to any Integ-
2 rity Committee report.

3 “(ii) SUBMISSION TO CONGRESS.—
4 The Council shall submit a copy of the
5 policies and procedures established under
6 clause (i) to the congressional committees
7 of jurisdiction.

8 “(C) REPORTS.—

9 “(i) POTENTIALLY MERITORIOUS AL-
10 LEGATIONS.—For allegations described
11 under paragraph (5)(C), the Chairperson
12 of the Integrity Committee shall make a
13 report containing the results of the inves-
14 tigation of the Chairperson and shall pro-
15 vide such report to members of the Integ-
16 rity Committee.

17 “(ii) ALLEGATIONS OF WRONG-
18 DOING.—For allegations referred to an
19 agency under paragraph (5)(B), the head
20 of that agency shall make a report con-
21 taining the results of the investigation and
22 shall provide such report to members of
23 the Integrity Committee.

24 “(8) ASSESSMENT AND FINAL DISPOSITION.—

1 “(A) IN GENERAL.—With respect to any
2 report received under paragraph (7)(C), the In-
3 tegrity Committee shall—

4 “(i) assess the report;

5 “(ii) forward the report, with the rec-
6 ommendations of the Integrity Committee,
7 including those on disciplinary action,
8 within 30 days (to the maximum extent
9 practicable) after the completion of the in-
10 vestigation, to the Executive Chairperson
11 of the Council and to the President (in the
12 case of a report relating to an Inspector
13 General of an establishment or any em-
14 ployee of that Inspector General) or the
15 head of a designated Federal entity (in the
16 case of a report relating to an Inspector
17 General of such an entity or any employee
18 of that Inspector General) for resolution;
19 and

20 “(iii) submit to the congressional com-
21 mittees of jurisdiction an executive sum-
22 mary of such report and recommendations
23 within 30 days after the submission of
24 such report to the Executive Chairperson
25 under clause (ii).

1 “(B) DISPOSITION.—The Executive Chair-
2 person of the Council shall report to the Integ-
3 rity Committee the final disposition of the mat-
4 ter, including what action was taken by the
5 President or agency head.

6 “(9) ANNUAL REPORT.—The Council shall sub-
7 mit to Congress and the President by December 31
8 of each year a report on the activities of the Integ-
9 rity Committee during the preceding fiscal year,
10 which shall include the following:

11 “(A) The number of allegations received.

12 “(B) The number of allegations referred to
13 other agencies, including the number of allega-
14 tions referred for criminal investigation.

15 “(C) The number of allegations referred to
16 the Chairperson of the Integrity Committee for
17 investigation.

18 “(D) The number of allegations closed
19 without referral.

20 “(E) The date each allegation was received
21 and the date each allegation was finally dis-
22 posed of.

23 “(F) In the case of allegations referred to
24 the Chairperson of the Integrity Committee, a
25 summary of the status of the investigation of

1 the allegations and, in the case of investigations
2 completed during the preceding fiscal year, a
3 summary of the findings of the investigations.

4 “(G) Other matters that the Council con-
5 siders appropriate.

6 “(10) REQUESTS FOR MORE INFORMATION.—

7 With respect to paragraphs (8) and (9), the Council
8 shall provide more detailed information about spe-
9 cific allegations upon request from any of the fol-
10 lowing:

11 “(A) The chairperson or ranking member
12 of the Committee on Homeland Security and
13 Governmental Affairs of the Senate.

14 “(B) The chairperson or ranking member
15 of the Committee on Oversight and Government
16 Reform of the House of Representatives.

17 “(C) The chairperson or ranking member
18 of the congressional committees of jurisdiction.

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

24 (b) ALLEGATIONS OF WRONGDOING AGAINST SPE-
25 CIAL COUNSEL OR DEPUTY SPECIAL COUNSEL.—

1 (1) DEFINITIONS.—In this section—

2 (A) the term “Integrity Committee” means
3 the Integrity Committee established under sec-
4 tion 11(d) of the Inspector General Act of 1978
5 (5 U.S.C. App), as amended by this Act; and

6 (B) the term “Special Counsel” refers to
7 the Special Counsel appointed under section
8 1211(b) of title 5, United States Code.

9 (2) AUTHORITY OF INTEGRITY COMMITTEE.—

10 (A) IN GENERAL.—An allegation of wrong-
11 doing against the Special Counsel or the Dep-
12 uty Special Counsel may be received, reviewed,
13 and referred for investigation by the Integrity
14 Committee to the same extent and in the same
15 manner as in the case of an allegation against
16 an Inspector General (or a member of the staff
17 of an Office of Inspector General), subject to
18 the requirement that the Special Counsel recuse
19 himself or herself from the consideration of any
20 allegation brought under this paragraph.

21 (B) COORDINATION WITH EXISTING PROVI-
22 SIONS OF LAW.—This subsection does not elimi-
23 nate access to the Merit Systems Protection
24 Board for review under section 7701 of title 5,
25 United States Code. To the extent that an alle-

gation brought under this subsection involves section 2302(b)(8) of that title, a failure to obtain corrective action within 120 days after the date on which that allegation is received by the Integrity Committee shall, for purposes of section 1221 of such title, be considered to satisfy section 1214(a)(3)(B) of that title.

(3) REGULATIONS.—The Integrity Committee may prescribe any rules or regulations necessary to carry out this subsection, subject to such consultation or other requirements as might otherwise apply.

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

(d) TECHNICAL AND CONFORMING AMENDMENTS.—

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

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

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

4 (2) SEPARATE APPROPRIATIONS ACCOUNT.—
5 Section 1105(a) of title 31, United States Code, is
6 amended by striking the first paragraph (33) and in-
7 serting the following:

8 “(33) a separate appropriation account for ap-
9 propriations for the Council of the Inspectors Gen-
10 eral on Integrity and Efficiency, and, included in
11 that account, a separate statement of the aggregate
12 amount of appropriations requested for each acad-
13 emy maintained by the Council of the Inspectors
14 General on Integrity and Efficiency.”.

15 **SEC. 8. SUBMISSION OF BUDGET REQUESTS TO CONGRESS.**

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

19 “(f)(1) For each fiscal year, an Inspector General
20 shall transmit a budget estimate and request to the head
21 of the establishment or designated Federal entity to which
22 the Inspector General reports. The budget request shall
23 specify the aggregate amount of funds requested for such
24 fiscal year for the operations of that Inspector General
25 and shall specify the amount requested for all training

1 needs, including a certification from the Inspector General
2 that the amount requested satisfies all training require-
3 ments for the Inspector General’s office for that fiscal
4 year, and any resources necessary to support the Council
5 of the Inspectors General on Integrity and Efficiency. Re-
6 sources necessary to support the Council of the Inspectors
7 General on Integrity and Efficiency shall be specifically
8 identified and justified in the budget request.

9 “(2) In transmitting a proposed budget to the Presi-
10 dent for approval, the head of each establishment or des-
11 ignated Federal entity shall include—

12 “(A) an aggregate request for the Inspector
13 General;

14 “(B) amounts for Inspector General training;

15 “(C) amounts for support of the Council of the
16 Inspectors General on Integrity and Efficiency; and

17 “(D) any comments of the affected Inspector
18 General with respect to the proposal.

19 “(3) The President shall include in each budget of
20 the United States Government submitted to Congress—

21 “(A) a separate statement of the budget esti-
22 mate prepared in accordance with paragraph (1);

23 “(B) the amount requested by the President for
24 each Inspector General;

1 “(C) the amount requested by the President for
2 training of Inspectors General;

3 “(D) the amount requested by the President for
4 support for the Council of the Inspectors General on
5 Integrity and Efficiency; and

6 “(E) if the Inspector General concludes that the
7 budget submitted by the President would substan-
8 tially inhibit the Inspector General from performing
9 the duties of the office, any comments of the af-
10 fected Inspector General with respect to the pro-
11 posal.”.

12 **SEC. 9. SUBPOENA POWER.**

13 Section 6(a)(4) of the Inspector General Act of 1978
14 (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 **SEC. 10. PROGRAM FRAUD CIVIL REMEDIES ACT.**

21 Section 3801(a)(1) of title 31, United States Code,
22 is amended—

23 (1) in subparagraph (D), by striking “and”
24 after the semicolon;

1 (2) in subparagraph (E), by adding “and” after
2 the semicolon; and

3 (3) by adding at the end the following:

4 “(F) a designated Federal entity (as such
5 term is defined under section 8G(a)(2) of the
6 Inspector General Act of 1978).”.

7 **SEC. 11. LAW ENFORCEMENT AUTHORITY FOR DES-**
8 **IGNATED FEDERAL ENTITIES.**

9 Section 6(e) of the Inspector General Act of 1978 (5
10 U.S.C. App.) is amended—

11 (1) in paragraph (1) by striking “appointed
12 under section 3”; and

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

14 “(9) In this subsection the term ‘Inspector Gen-
15 eral’ means an Inspector General appointed under
16 section 3 or an Inspector General appointed under
17 section 8G.”.

18 **SEC. 12. APPLICATION OF SEMIANNUAL REPORTING RE-**
19 **QUIREMENTS WITH RESPECT TO INSPECTION**
20 **REPORTS AND EVALUATION REPORTS.**

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

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

1 (A) by inserting “, inspection reports, and
 2 evaluation reports” after “audit reports” the
 3 first place it appears; and

4 (B) by striking “audit” the second place it
 5 appears; and

6 (2) in subsection (a)(10) by inserting “, inspec-
 7 tion reports, and evaluation reports” after “audit re-
 8 ports”.

9 **SEC. 13. INFORMATION ON WEBSITES OF OFFICES OF IN-**
 10 **SPECTORS GENERAL.**

11 (a) IN GENERAL.—The Inspector General Act of
 12 1978 (5 U.S.C. App.) is amended by inserting after sec-
 13 tion 8K the following:

14 **“SEC. 8L. INFORMATION ON WEBSITES OF OFFICES OF IN-**
 15 **SPECTORS GENERAL.**

16 “(a) DIRECT LINKS TO INSPECTORS GENERAL OF-
 17 FICES.—

18 “(1) IN GENERAL.—Each agency shall establish
 19 and maintain on the homepage of the website of that
 20 agency, a direct link to the website of the Office of
 21 the Inspector General of that agency.

22 “(2) ACCESSIBILITY.—The direct link under
 23 paragraph (1) shall be obvious and facilitate accessi-
 24 bility to the website of the Office of the Inspector
 25 General.

1 “(b) REQUIREMENTS FOR INSPECTORS GENERAL
2 WEBSITES.—

3 “(1) POSTING OF REPORTS AND AUDITS.—The
4 Inspector General of each agency shall—

5 “(A) in accordance with section 552a of
6 title 5, United States Code (commonly referred
7 to as the Privacy Act), not later than 3 working
8 days after any report or audit (or portion of
9 any report or audit), that is subject to release
10 under section 552 of that title (commonly re-
11 ferred to as the Freedom of Information Act),
12 is made publicly available, post that report or
13 audit (or portion of that report or audit) on the
14 website of the Office of the Inspector General;
15 and

16 “(B) ensure that any posted report or
17 audit (or portion of that report or audit) de-
18 scribed under subparagraph (A)—

19 “(i) is easily accessible from a direct
20 link on the homepage of the website of the
21 Office of the Inspector General;

22 “(ii) includes a summary of the find-
23 ings of the Inspector General; and

24 “(iii) is in a format that—

1 “(I) is searchable and download-
2 able; and

3 “(II) facilitates printing by indi-
4 viduals of the public accessing the
5 website.

6 “(2) REPORTING OF FRAUD, WASTE, AND
7 ABUSE.—

8 “(A) IN GENERAL.—The Inspector General
9 of each agency shall establish and maintain a
10 direct link on the homepage of the website of
11 the Office of the Inspector General for individ-
12 uals to report fraud, waste, and abuse. Individ-
13 uals reporting fraud, waste, or abuse using the
14 direct link established under this paragraph
15 shall not be required to provide personally iden-
16 tifying information relating to that individual.

17 “(B) ANONYMITY.—The Inspector General
18 of each agency shall not disclose the identity of
19 any individual making a report under this para-
20 graph without the consent of the individual un-
21 less the Inspector General determines that such
22 a disclosure is unavoidable during the course of
23 the investigation.”.

24 (b) IMPLEMENTATION.—Not later than 180 days
25 after the date of enactment of this Act, the head of each

1 agency and the Inspector General of each agency shall im-
 2 plement the amendment made by this section.

3 **SEC. 14. OTHER ADMINISTRATIVE AUTHORITIES.**

4 (a) IN GENERAL.—Section 6(d) of the Inspector Gen-
 5 eral Act of 1978 (5 U.S.C. App.) is amended to read as
 6 follows:

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

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

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

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

18 “(i) Subchapter II of chapter 35.

19 “(ii) Sections 8335(b), 8336, 8344, 8414,
 20 8468, and 8425(b).

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

24 “(2) For purposes of applying section 4507(b) of title
 25 5, United States Code, paragraph (1)(A)(ii) shall be ap-

1 plied by substituting ‘the Council of the Inspectors Gen-
 2 eral on Integrity and Efficiency (established by section 11
 3 of the Inspector General Act) shall’ for ‘the Inspector Gen-
 4 eral who is the head of an office referred to in clause (i)
 5 shall, with respect to such office,’.”.

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

11 **SEC. 15. GOVERNMENT ACCOUNTABILITY OFFICE RE-**
 12 **PORTS.**

13 (a) **IN GENERAL.**—

14 (1) **SUBMISSION.**—Not later than 360 days
 15 after the date of enactment of this Act, the Govern-
 16 ment Accountability Office shall submit a report ex-
 17 amining the adequacy of mechanisms to ensure ac-
 18 countability of the Offices of Inspector General to—

19 (A) the Committee on Homeland Security
 20 and Governmental Affairs of the Senate; and

21 (B) the Committee on Government Reform
 22 of the House of Representatives.

23 (2) **CONTENTS.**—The report submitted under
 24 paragraph (1) shall examine—

1 (A) the practices, policies, and procedures
2 of the Integrity Committee of the Council of the
3 Inspectors General on Integrity and Efficiency
4 (and its predecessor committee); and

5 (B) the practices, policies, and procedures
6 of the Offices of Inspector General with respect
7 to complaints by and about employees of any
8 Office of Inspector General that are not within
9 the jurisdiction of the Integrity Committee.

10 (b) PAY OF INSPECTORS GENERAL.—Not later than
11 270 days after the date of enactment of this Act, the Gov-
12 ernment Accountability Office shall submit a report to the
13 congressional committees of jurisdiction on the implemen-
14 tation of section 4.

Passed the Senate April 23, 2008.

Attest:

Secretary.

110TH CONGRESS
2D Session

S. 2324

AN ACT

To amend the Inspector General Act of 1978 (5 U.S.C. App.) to enhance the Offices of the Inspectors General, to create a Council of the Inspectors General on Integrity and Efficiency, and for other purposes.