

114TH CONGRESS
2D SESSION

H. R. 6450

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

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 7, 2016

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

A BILL

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

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Inspector General Empowerment Act of 2016”.

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

Sec. 1. Short title; table of contents.

Sec. 2. Additional authority provisions for Inspectors General.

Sec. 3. Additional responsibilities of the Council of the Inspectors General on Integrity and Efficiency.

- Sec. 4. Reports and additional information.
- Sec. 5. Full and prompt access to all documents.
- Sec. 6. Access to information for certain Inspectors General.
- Sec. 7. Technical and conforming amendments.
- Sec. 8. No additional funds authorized.

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

3 Section 6 of the Inspector General Act of 1978 (5
 4 U.S.C. App.), as amended by section 5 of this Act, is
 5 amended by adding at the end the following:

6 “(j)(1) In this subsection, the terms ‘agency’, ‘match-
 7 ing program’, ‘record’, and ‘system of records’ have the
 8 meanings given those terms in section 552a(a) of title 5,
 9 United States Code.

10 “(2) For purposes of section 552a of title 5, United
 11 States Code, or any other provision of law, a computerized
 12 comparison of two or more automated Federal systems of
 13 records, or a computerized comparison of a Federal sys-
 14 tem of records with other records or non-Federal records,
 15 performed by an Inspector General or by an agency in co-
 16 ordination with an Inspector General in conducting an
 17 audit, investigation, inspection, evaluation, or other review
 18 authorized under this Act shall not be considered a match-
 19 ing program.

20 “(3) Nothing in this subsection shall be construed to
 21 impede the exercise by an Inspector General of any match-
 22 ing program authority established under any other provi-
 23 sion of law.

1 “(k) Subchapter I of chapter 35 of title 44, United
 2 States Code, shall not apply to the collection of informa-
 3 tion during the conduct of an audit, investigation, inspec-
 4 tion, evaluation, or other review conducted by the Council
 5 of the Inspectors General on Integrity and Efficiency or
 6 any Office of Inspector General, including any Office of
 7 Special Inspector General.”.

8 **SEC. 3. ADDITIONAL RESPONSIBILITIES OF THE COUNCIL**
 9 **OF THE INSPECTORS GENERAL ON INTEG-**
 10 **RITY AND EFFICIENCY.**

11 Section 11 of the Inspector General Act of 1978 (5
 12 U.S.C. App.) is amended—

13 (1) in subsection (b)(3)(B), by amending clause
 14 (viii) to read as follows:

15 “(viii) prepare and transmit an an-
 16 nual report on behalf of the Council on the
 17 activities of the Council to—

18 “(I) the President;

19 “(II) the appropriate committees
 20 of jurisdiction of the Senate and the
 21 House of Representatives;

22 “(III) the Committee on Home-
 23 land Security and Governmental Af-
 24 fairs of the Senate; and

1 “(IV) the Committee on Over-
2 sight and Government Reform of the
3 House of Representatives.”;

4 (2) in subsection (c)(1)—

5 (A) in subparagraph (G), by striking
6 “and” at the end;

7 (B) by redesignating subparagraph (H) as
8 subparagraph (I); and

9 (C) by inserting after subparagraph (G)
10 the following:

11 “(H) except for matters coordinated
12 among Inspectors General under section 3033
13 of title 50, United States Code, receive, review,
14 and mediate any disputes submitted in writing
15 to the Council by an Office of Inspector General
16 regarding an audit, investigation, inspection,
17 evaluation, or project that involves the jurisdic-
18 tion of more than one Office of Inspector Gen-
19 eral; and”;

20 (3) in subsection (d)—

21 (A) in paragraph (2)—

22 (i) by striking subparagraph (C);

23 (ii) by redesignating subparagraphs
24 (A), (B), and (D) as clauses (i), (ii), and

(iii), respectively, and adjusting the margins accordingly;

(iii) in the matter preceding clause (i), as so redesignated, by striking “The Integrity” and inserting the following:

“(A) IN GENERAL.—The Integrity”;

(iv) in clause (i), as so redesignated, by striking “, who” and all that follows through “the Committee”;

(v) in clause (iii), as so redesignated, by inserting “or the designee of the Director” before the period at the end; and

(vi) by adding at the end the following:

“(B) CHAIRPERSON.—

“(i) IN GENERAL.—The Integrity Committee shall elect one of the Inspectors General referred to in subparagraph (A)(ii) to act as Chairperson of the Integrity Committee.

“(ii) TERM.—The term of office of the Chairperson of the Integrity Committee shall be 2 years.”;

(B) by amending paragraph (5) to read as follows:

1 “(5) REVIEW OF ALLEGATIONS.—

2 “(A) IN GENERAL.—Not later than 7 days
3 after the date on which the Integrity Committee
4 receives an allegation of wrongdoing against an
5 Inspector General or against a staff member of
6 an Office of Inspector General described under
7 paragraph (4)(C), the allegation of wrongdoing
8 shall be reviewed and referred to the Depart-
9 ment of Justice or the Office of Special Counsel
10 for investigation, or to the Integrity Committee
11 for review, as appropriate, by—

12 “(i) a representative of the Depart-
13 ment of Justice, as designated by the At-
14 torney General;

15 “(ii) a representative of the Office of
16 Special Counsel, as designated by the Spe-
17 cial Counsel; and

18 “(iii) a representative of the Integrity
19 Committee, as designated by the Chair-
20 person of the Integrity Committee.

21 “(B) REFERRAL TO THE CHAIRPERSON.—

22 “(i) IN GENERAL.—Except as pro-
23 vided in clause (ii), not later than 30 days
24 after the date on which an allegation of
25 wrongdoing is referred to the Integrity

1 Committee under subparagraph (A), the
2 Integrity Committee shall determine
3 whether to refer the allegation of wrong-
4 doing to the Chairperson of the Integrity
5 Committee to initiate an investigation.

6 “(ii) EXTENSION.—The 30-day period
7 described in clause (i) may be extended for
8 an additional period of 30 days if the In-
9 tegrity Committee provides written notice
10 to the congressional committees described
11 in paragraph (8)(A)(iii) that includes a de-
12 tailed, case-specific description of why the
13 additional time is needed to evaluate the
14 allegation of wrongdoing.”;

15 (C) in paragraph (6)—

16 (i) in subparagraph (A), by striking
17 “paragraph (5)(C)” and inserting “para-
18 graph (5)(B)”;

19 (ii) in subparagraph (B)(i), by strik-
20 ing “may provide resources” and inserting
21 “shall provide assistance”;

22 (D) in paragraph (7)—

23 (i) in subparagraph (B)—

24 (I) in clause (i)—

1 (aa) in subclause (III), by
2 striking “and” at the end;

3 (bb) in subclause (IV), by
4 striking the period at the end
5 and inserting a semicolon; and

6 (cc) by adding at the end
7 the following:

8 “(V) except as provided in clause
9 (ii), ensuring, to the extent possible,
10 that investigations are conducted by
11 Offices of Inspector General of similar
12 size;

13 “(VI) creating a process for rota-
14 tion of Inspectors General assigned to
15 investigate allegations through the In-
16 tegrity Committee; and

17 “(VII) creating procedures to
18 avoid conflicts of interest for Integrity
19 Committee investigations.”;

20 (II) by redesignating clause (ii)
21 as clause (iii); and

22 (III) by inserting after clause (i)
23 the following:

24 “(ii) EXCEPTION.—The requirement
25 under clause (i)(V) shall not apply to any

Office of Inspector General with less than 50 employees who are authorized to conduct audits or investigations.”;

(ii) by striking subparagraph (C); and

(iii) by inserting after subparagraph (B) the following:

“(C) COMPLETION OF INVESTIGATION.—If an allegation of wrongdoing is referred to the Chairperson of the Integrity Committee under paragraph (5)(B), the Chairperson of the Integrity Committee—

“(i) shall complete the investigation not later than 150 days after the date on which the Integrity Committee made the referral; and

“(ii) if the investigation cannot be completed within the 150-day period described in clause (i), shall—

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

“(II) brief the congressional committees described in paragraph (8)(A)(iii) every 30 days regarding the status of the investigation and the

1 general reasons for delay until the in-
2 vestigation is complete.

3 “(D) CONCURRENT INVESTIGATION.—If an
4 allegation of wrongdoing against an Inspector
5 General or a staff member of an Office of In-
6 spector General described under paragraph
7 (4)(C) is referred to the Department of Justice
8 or the Office of Special Counsel under para-
9 graph (5)(A), the Chairperson of the Integrity
10 Committee may conduct any related investiga-
11 tion referred to the Chairperson under para-
12 graph (5)(B) concurrently with the Department
13 of Justice or the Office of Special Counsel, as
14 applicable.

15 “(E) REPORTS.—

16 “(i) INTEGRITY COMMITTEE INVES-
17 TIGATIONS.—For each investigation of an
18 allegation of wrongdoing referred to the
19 Chairperson of the Integrity Committee
20 under paragraph (5)(B), the Chairperson
21 of the Integrity Committee shall submit to
22 members of the Integrity Committee and
23 to the Chairperson of the Council a report
24 containing the results of the investigation.

1 “(ii) OTHER INVESTIGATIONS.—For
2 each allegation of wrongdoing referred to
3 the Department of Justice or the Office of
4 Special Counsel under paragraph (5)(A),
5 the Attorney General or the Special Coun-
6 sel, as applicable, shall submit to the In-
7 tegrity Committee a report containing the
8 results of the investigation.

9 “(iii) AVAILABILITY TO CONGRESS.—

10 “(I) IN GENERAL.—The congres-
11 sional committees described in para-
12 graph (8)(A)(iii) shall have access to
13 any report authored by the Integrity
14 Committee.

15 “(II) MEMBERS OF CONGRESS.—

16 Subject to any other provision of law
17 that would otherwise prohibit disclo-
18 sure of such information, the Integrity
19 Committee may provide any report
20 authored by the Integrity Committee
21 to any Member of Congress.”;

22 (E) by striking paragraph (8)(A)(iii) and
23 inserting the following:

24 “(iii) submit the report, with the rec-
25 ommendations of the Integrity Committee,

1 to the Committee on Homeland Security
2 and Governmental Affairs of the Senate,
3 the Committee on Oversight and Govern-
4 ment Reform of the House of Representa-
5 tives, and other congressional committees
6 of jurisdiction; and

7 “(iv) following the submission of the
8 report under clause (iii) and upon request
9 by any Member of Congress, submit the re-
10 port, with the recommendations of the In-
11 tegrity Committee, to that Member.”;

12 (F) in paragraph (9)(B), by striking
13 “other agencies” and inserting “the Depart-
14 ment of Justice or the Office of Special Coun-
15 sel”;

16 (G) in paragraph (10), by striking “any of
17 the following” and all that follows through the
18 period at the end and inserting “any Member of
19 Congress.”; and

20 (H) by adding at the end the following:

21 “(12) ALLEGATIONS OF WRONGDOING AGAINST
22 SPECIAL COUNSEL OR DEPUTY SPECIAL COUNSEL.—

23 “(A) SPECIAL COUNSEL DEFINED.—In this
24 paragraph, the term ‘Special Counsel’ means

1 the Special Counsel appointed under section
2 1211(b) of title 5, United States Code.

3 “(B) AUTHORITY OF INTEGRITY COM-
4 MITTEE.—

5 “(i) IN GENERAL.—An allegation of
6 wrongdoing against the Special Counsel or
7 the Deputy Special Counsel may be re-
8 ceived, reviewed, and referred for investiga-
9 tion to the same extent and in the same
10 manner as in the case of an allegation
11 against an Inspector General or against a
12 staff member of an Office of Inspector
13 General described under paragraph (4)(C),
14 subject to the requirement that the rep-
15 resentative designated by the Special
16 Counsel under paragraph (5)(A)(ii) shall
17 recuse himself or herself from the consider-
18 ation of any allegation brought under this
19 paragraph.

20 “(ii) COORDINATION WITH EXISTING
21 PROVISIONS OF LAW.—This paragraph
22 shall not eliminate access to the Merit Sys-
23 tems Protection Board for review under
24 section 7701 of title 5, United States
25 Code. To the extent that an allegation

1 brought under this paragraph involves sec-
2 tion 2302(b)(8) of such title, a failure to
3 obtain corrective action within 120 days
4 after the date on which the allegation is re-
5 ceived by the Integrity Committee shall,
6 for purposes of section 1221 of such title,
7 be considered to satisfy section
8 1214(a)(3)(B) of such title.

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

14 “(13) COMMITTEE RECORDS.—The Chairperson
15 of the Council shall maintain the records of the In-
16 tegrity Committee.”.

17 **SEC. 4. REPORTS AND ADDITIONAL INFORMATION.**

18 (a) REPORT ON VACANCIES IN THE OFFICES OF IN-
19 SPECTOR GENERAL.—The Comptroller General of the
20 United States shall—

21 (1) conduct a study of prolonged vacancies in
22 the Offices of Inspector General during which a tem-
23 porary appointee has served as the head of the office
24 that includes—

1 (A) the number and duration of Inspector
2 General vacancies;

3 (B) an examination of the extent to which
4 the number and duration of such vacancies has
5 changed over time;

6 (C) an evaluation of the impact such va-
7 cancies have had on the ability of the relevant
8 Office of Inspector General to effectively carry
9 out statutory requirements; and

10 (D) recommendations to minimize the du-
11 ration of such vacancies;

12 (2) not later than 9 months after the date of
13 enactment of this Act, present a briefing on the
14 findings of the study conducted under paragraph (1)
15 to—

16 (A) the Committee on Homeland Security
17 and Governmental Affairs of the Senate; and

18 (B) the Committee on Oversight and Gov-
19 ernment Reform of the House of Representa-
20 tives; and

21 (3) not later than 15 months after the date of
22 enactment of this Act, submit a report on the find-
23 ings of the study conducted under paragraph (1) to
24 the committees described in paragraph (2).

1 (b) REPORT ON ISSUES INVOLVING MULTIPLE OF-
2 FICES OF INSPECTOR GENERAL.—The Council of the In-
3 spectors General on Integrity and Efficiency shall—

4 (1) conduct an analysis of critical issues that
5 involve the jurisdiction of more than one individual
6 Federal agency or entity to identify—

7 (A) each such issue that could be better
8 addressed through greater coordination among,
9 and cooperation between, individual Offices of
10 Inspector General;

11 (B) the best practices that can be em-
12 ployed by the Offices of Inspector General to in-
13 crease coordination and cooperation on each
14 issue identified; and

15 (C) any recommended statutory changes
16 that would facilitate coordination and coopera-
17 tion among the Offices of Inspector General on
18 critical issues; and

19 (2) not later than 1 year after the date of en-
20 actment of this Act, submit a report on the findings
21 of the analysis described in paragraph (1) to—

22 (A) the Committee on Homeland Security
23 and Governmental Affairs of the Senate; and

1 (B) the Committee on Oversight and Gov-
2 ernment Reform of the House of Representa-
3 tives.

4 (c) ADDITIONAL INFORMATION.—Section 5 of the In-
5 spector General Act of 1978 (5 U.S.C. App) is amended—

6 (1) in subsection (a)—

7 (A) in paragraph (10)—

8 (i) by striking “period for which” and
9 inserting “period—
10 “(A) for which”; and

11 (ii) by adding at the end the fol-
12 lowing:

13 “(B) for which no establishment comment
14 was returned within 60 days of providing the
15 report to the establishment; and

16 “(C) for which there are any outstanding
17 unimplemented recommendations, including the
18 aggregate potential cost savings of those rec-
19 ommendations.”;

20 (B) in paragraph (15), by striking “and”
21 at the end;

22 (C) in paragraph (16), by striking the pe-
23 riod at the end and inserting a semicolon; and

24 (D) by adding at the end the following:

25 “(17) statistical tables showing—

1 “(A) the total number of investigative re-
2 ports issued during the reporting period;

3 “(B) the total number of persons referred
4 to the Department of Justice for criminal pros-
5 ecution during the reporting period;

6 “(C) the total number of persons referred
7 to State and local prosecuting authorities for
8 criminal prosecution during the reporting pe-
9 riod; and

10 “(D) the total number of indictments and
11 criminal information during the reporting pe-
12 riod that resulted from any prior referral to
13 prosecuting authorities;

14 “(18) a description of the metrics used for de-
15 veloping the data for the statistical tables under
16 paragraph (17);

17 “(19) a report on each investigation conducted
18 by the Office involving a senior Government em-
19 ployee where allegations of misconduct were substan-
20 tiated, including a detailed description of—

21 “(A) the facts and circumstances of the in-
22 vestigation; and

23 “(B) the status and disposition of the mat-
24 ter, including—

1 “(i) if the matter was referred to the
2 Department of Justice, the date of the re-
3 ferral; and

4 “(ii) if the Department of Justice de-
5 clined the referral, the date of the declina-
6 tion;

7 “(20) a detailed description of any instance of
8 whistleblower retaliation, including information
9 about the official found to have engaged in retalia-
10 tion and what, if any, consequences the establish-
11 ment imposed to hold that official accountable;

12 “(21) a detailed description of any attempt by
13 the establishment to interfere with the independence
14 of the Office, including—

15 “(A) with budget constraints designed to
16 limit the capabilities of the Office; and

17 “(B) incidents where the establishment has
18 resisted or objected to oversight activities of the
19 Office or restricted or significantly delayed ac-
20 cess to information, including the justification
21 of the establishment for such action; and

22 “(22) detailed descriptions of the particular cir-
23 cumstances of each—

1 “(A) inspection, evaluation, and audit con-
2 ducted by the Office that is closed and was not
3 disclosed to the public; and

4 “(B) investigation conducted by the Office
5 involving a senior Government employee that is
6 closed and was not disclosed to the public.”;

7 (2) in subsection (e), by adding at the end the
8 following:

9 “(4) Subject to any other provision of law that would
10 otherwise prohibit disclosure of such information, the in-
11 formation described in paragraph (1) may be provided to
12 any Member of Congress upon request.

13 “(5) An Office may not provide to Congress or the
14 public any information that reveals the personally identifi-
15 able information of a whistleblower under this section un-
16 less the Office first obtains the consent of the whistle-
17 blower.”; and

18 (3) in subsection (f)—

19 (A) in paragraph (5), by striking “and” at
20 the end;

21 (B) in paragraph (6), by striking the pe-
22 riod at the end and inserting “; and”; and

23 (C) by adding at the end the following:

24 “(7) the term ‘senior Government employee’
25 means—

1 “(A) an officer or employee in the execu-
2 tive branch (including a special Government
3 employee as defined in section 202 of title 18,
4 United States Code) who occupies a position
5 classified at or above GS–15 of the General
6 Schedule or, in the case of positions not under
7 the General Schedule, for which the rate of
8 basic pay is equal to or greater than 120 per-
9 cent of the minimum rate of basic pay payable
10 for GS–15 of the General Schedule; and

11 “(B) any commissioned officer in the
12 Armed Forces in pay grades O–6 and above.”.

13 (d) DUTY TO SUBMIT AND MAKE AVAILABLE TO THE
14 PUBLIC CERTAIN RECOMMENDATIONS.—Section 4 of the
15 Inspector General Act of 1978 (5 U.S.C. App.) is amended
16 by adding at the end the following:

17 “(e)(1) In carrying out the duties and responsibilities
18 established under this Act, whenever an Inspector General
19 issues a recommendation for corrective action to the agen-
20 cy, the Inspector General—

21 “(A) shall submit the document making a rec-
22 ommendation for corrective action to—

23 “(i) the head of the establishment;

24 “(ii) the congressional committees of juris-
25 diction; and

1 “(iii) if the recommendation for corrective
2 action was initiated upon request by an indi-
3 vidual or entity other than the Inspector Gen-
4 eral, that individual or entity;

5 “(B) may submit the document making a rec-
6 ommendation for corrective action to any Member of
7 Congress upon request; and

8 “(C) not later than 3 days after the rec-
9 ommendation for corrective action is submitted in
10 final form to the head of the establishment, post the
11 document making a recommendation for corrective
12 action on the website of the Office of Inspector Gen-
13 eral.

14 “(2) Nothing in this subsection shall be construed as
15 authorizing an Inspector General to publicly disclose infor-
16 mation otherwise prohibited from disclosure by law.”.

17 (e) POSTING OF REPORTS ON WEBSITES OF OFFICES
18 OF INSPECTORS GENERAL.—Section 8M(b) of the Inspec-
19 tor General Act of 1978 (5 U.S.C. App.) is amended—

20 (1) in paragraph (1)(A), by striking “is made
21 publicly available” and inserting “is submitted in
22 final form to the head of the Federal agency or the
23 head of the designated Federal entity, as applica-
24 ble”; and

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

1 “(3) RULE OF CONSTRUCTION.—Nothing in
2 this subsection shall be construed as authorizing an
3 Inspector General to publicly disclose information
4 otherwise prohibited from disclosure by law.”.

5 **SEC. 5. FULL AND PROMPT ACCESS TO ALL DOCUMENTS.**

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

8 (1) in subsection (a), by striking paragraph (1)
9 and inserting the following:

10 “(1)(A) to have timely access to all records, re-
11 ports, audits, reviews, documents, papers, rec-
12 ommendations, or other materials available to the
13 applicable establishment which relate to the pro-
14 grams and operations with respect to which that In-
15 spector General has responsibilities under this Act;

16 “(B) to have access under subparagraph (A)
17 notwithstanding any other provision of law, except
18 pursuant to any provision of law enacted by Con-
19 gress that expressly—

20 “(i) refers to the Inspector General; and

21 “(ii) limits the right of access of the In-
22 spector General; and

23 “(C) except as provided in subsection (i), with
24 regard to Federal grand jury materials protected
25 from disclosure pursuant to rule 6(e) of the Federal

1 Rules of Criminal Procedure, to have timely access
2 to such information if the Attorney General grants
3 the request in accordance with subsection (h);”;

4 (2) by redesignating subsections (b) through (f)
5 as subsections (c) through (g), respectively;

6 (3) by inserting after subsection (a) the fol-
7 lowing:

8 “(b) Nothing in this section shall be construed as au-
9 thorizing an Inspector General to publicly disclose infor-
10 mation otherwise prohibited from disclosure by law.”; and

11 (4) by inserting after subsection (g), as redesign-
12 nated, the following:

13 “(h)(1) If the Inspector General of an establishment
14 submits a request to the head of the establishment for
15 Federal grand jury materials pursuant to subsection
16 (a)(1), the head of the establishment shall immediately no-
17 tify the Attorney General of such request.

18 “(2) Not later than 15 days after the date on which
19 a request is submitted to the Attorney General under
20 paragraph (1), the Attorney General shall determine
21 whether to grant or deny the request for Federal grand
22 jury materials and shall immediately notify the head of
23 the establishment of such determination. The Attorney
24 General shall grant the request unless the Attorney Gen-

1 eral determines that granting access to the Federal grand
2 jury materials would be likely to—

3 “(A) interfere with an ongoing criminal inves-
4 tigation or prosecution;

5 “(B) interfere with an undercover operation;

6 “(C) result in disclosure of the identity of a
7 confidential source, including a protected witness;

8 “(D) pose a serious threat to national security;

9 or

10 “(E) result in significant impairment of the
11 trade or economic interests of the United States.

12 “(3)(A) The head of the establishment shall inform
13 the Inspector General of the establishment of the deter-
14 mination made by the Attorney General with respect to
15 the request for Federal grand jury materials.

16 “(B) The Inspector General of the establishment de-
17 scribed under subparagraph (A) may submit comments on
18 the determination submitted pursuant to such subpara-
19 graph to the committees listed under paragraph (4) that
20 the Inspector General considers appropriate.

21 “(4) Not later than 30 days after notifying the head
22 of an establishment of a denial pursuant to paragraph (2),
23 the Attorney General shall submit a statement that the
24 request for Federal grand jury materials by the Inspector

1 General was denied and the reason for the denial to each
2 of the following:

3 “(A) The Committee on Homeland Security and
4 Governmental Affairs, the Committee on the Judici-
5 ary, and the Select Committee on Intelligence of the
6 Senate.

7 “(B) The Committee on Oversight and Govern-
8 ment Reform, the Committee on the Judiciary, and
9 the Permanent Select Committee on Intelligence of
10 the House of Representatives.

11 “(C) Other appropriate committees and sub-
12 committees of Congress.

13 “(i) Subsections (a)(1)(C) and (h) shall not apply to
14 requests from the Inspector General of the Department
15 of Justice.”.

16 **SEC. 6. ACCESS TO INFORMATION FOR CERTAIN INSPEC-**
17 **TORS GENERAL.**

18 The Inspector General Act of 1978 (5 U.S.C. App.),
19 as amended by this Act, is amended—

20 (1) in section 8(b)(2)—

21 (A) by inserting “from accessing informa-
22 tion described in paragraph (1),” after “com-
23 pleting any audit or investigation,”; and

1 (B) by inserting “, access such informa-
2 tion,” after “complete such audit or investiga-
3 tion”;

4 (2) in section 8D(a)(2)—

5 (A) by inserting “from accessing informa-
6 tion described in paragraph (1),” after “com-
7 pleting any audit or investigation,”; and

8 (B) by inserting “, access such informa-
9 tion,” after “complete such audit or investiga-
10 tion”;

11 (3) in section 8E(a)(2)—

12 (A) by inserting “from accessing informa-
13 tion described in paragraph (1),” after “com-
14 pleting any audit or investigation,”; and

15 (B) by inserting “, access such informa-
16 tion,” after “complete such audit or investiga-
17 tion”;

18 (4) in section 8G(d)(2)(A), by inserting “, or
19 from accessing information available to an element
20 of the intelligence community specified in subpara-
21 graph (D),” after “investigation”;

22 (5) in section 8I(a)(2)—

23 (A) by inserting “from accessing informa-
24 tion described in paragraph (1),” after “com-
25 pleting any audit or investigation,”; and

1 (B) by inserting “, access such informa-
2 tion,” after “complete such audit or investiga-
3 tion”;

4 (6) in section 8J, by striking “or 8H” and in-
5 serting “8H, or 8N”; and

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

7 **“SEC. 8N. ADDITIONAL PROVISIONS WITH RESPECT TO THE**
8 **DEPARTMENT OF ENERGY.**

9 “(a) The Secretary of Energy may prohibit the In-
10 spector General of the Department of Energy from access-
11 ing Restricted Data and nuclear safeguards information
12 protected from disclosure under chapter 12 of the Atomic
13 Energy Act of 1954 (42 U.S.C. 2161 et seq.) and intel-
14 ligence or counterintelligence, as defined in section 3 of
15 the National Security Act of 1947 (50 U.S.C. 3003), if
16 the Secretary of Energy determines that the prohibition
17 is necessary to protect the national security or prevent the
18 significant impairment to the national security interests
19 of the United States.

20 “(b) Not later than 7 days after the date on which
21 the Secretary of Energy exercises any power authorized
22 under subsection (a), the Secretary shall notify the Inspec-
23 tor General of the Department of Energy in writing the
24 reasons for such exercise. Within 30 days after receipt of
25 any such notice, the Inspector General of the Department

1 of Energy shall submit to the appropriate committees of
 2 Congress a statement concerning such exercise.”.

3 **SEC. 7. TECHNICAL AND CONFORMING AMENDMENTS.**

4 (a) REPEALS.—

5 (1) INSPECTOR GENERAL ACT OF 2008.—Sec-
 6 tion 7(b) of the Inspector General Reform Act of
 7 2008 (Public Law 110–409; 122 Stat. 4312; 5
 8 U.S.C. 1211 note) is repealed.

9 (2) FINANCIAL SERVICES AND GENERAL GOV-
 10 ERNMENT APPROPRIATIONS ACT, 2009.—Section 744
 11 of the Financial Services and General Government
 12 Appropriations Act, 2009 (division D of Public Law
 13 111–8; 123 Stat. 693) is repealed.

14 (b) AGENCY APPLICABILITY.—

15 (1) AMENDMENTS.—The Inspector General Act
 16 of 1978 (5 U.S.C. App.), as amended by this Act,
 17 is further amended—

18 (A) in section 8M—

19 (i) in subsection (a)(1)—

20 (I) by striking “Each agency”
 21 and inserting “Each Federal agency
 22 and designated Federal entity”; and

23 (II) by striking “that agency”
 24 each place that term appears and in-

1 serting “that Federal agency or des-
2 ignated Federal entity”;

3 (ii) in subsection (b)—

4 (I) in paragraph (1), by striking
5 “agency” and inserting “Federal
6 agency and designated Federal enti-
7 ty”; and

8 (II) in paragraph (2), by striking
9 “agency” each place that term ap-
10 pears and inserting “Federal agency
11 and designated Federal entity”; and

12 (iii) by adding at the end the fol-
13 lowing:

14 “(c) DEFINITIONS.—In this section, the terms ‘des-
15 ignated Federal entity’ and ‘head of the designated Fed-
16 eral entity’ have the meanings given those terms in section
17 8G(a).”; and

18 (B) in section 11(c)(3)(A)(ii), by striking
19 “department, agency, or entity of the executive
20 branch” and inserting “Federal agency or des-
21 ignated Federal entity (as defined in section
22 8G(a))”.

23 (2) EFFECTIVE DATE.—The amendments made
24 by paragraph (1) shall take effect on the date that
25 is 180 days after the date of enactment of this Act.

1 (c) REQUIREMENTS FOR INSPECTORS GENERAL
 2 WEBSITES.—Section 8M(b)(1) of the Inspector General
 3 Act of 1978 (5 U.S.C. App.), as amended by this Act,
 4 is further amended—

5 (1) in subparagraph (A), by striking “report or
 6 audit (or portion of any report or audit)” and insert-
 7 ing “audit report, inspection report, or evaluation
 8 report (or portion of any such report)”; and

9 (2) by striking “report or audit (or portion of
 10 that report or audit)” each place that term appears
 11 and inserting “report (or portion of that report)”.

12 (d) CORRECTIONS.—

13 (1) EXECUTIVE ORDER NUMBER.—Section
 14 7(c)(2) of the Inspector General Reform Act of 2008
 15 (Public Law 110–409; 122 Stat. 4313; 31 U.S.C.
 16 501 note) is amended by striking “12933” and in-
 17 serting “12993”.

18 (2) PUNCTUATION AND CROSS-REFERENCES.—
 19 The Inspector General Act of 1978 (5 U.S.C. App.),
 20 as amended by this Act, is further amended—

21 (A) in section 4(b)(2)—

22 (i) by striking “8F(a)(2)” each place
 23 that term appears and inserting
 24 “8G(a)(2)”; and

1 (ii) by striking “8F(a)(1)” and insert-
 2 ing “8G(a)(1)”;

3 (B) in section 5(a)(5), by striking “section
 4 6(b)(2)” and inserting “section 6(c)(2)”;

5 (C) in section 5(a)(13), by striking
 6 “05(b)” and inserting “804(b)”;

7 (D) in section 6(a)(4), by striking “infor-
 8 mation, as well as any tangible thing)” and in-
 9 serting “information), as well as any tangible
 10 thing”;

11 (E) in section 8A(d), by striking “section
 12 6(c)” and inserting “section 6(d)”;

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

15 (G) in section 11(d)(8)(A), in the matter
 16 preceding clause (i), by striking “paragraph
 17 (7)(C)” and inserting “paragraph (7)(E)”.

18 (3) SPELLING.—The Inspector General Act of
 19 1978 (5 U.S.C. App.), as amended by this Act, is
 20 further amended—

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

23 (B) in section 6(a)(4), by striking “sub-
 24 penas” and inserting “subpoenas”;

25 (C) in section 8D(a)—

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

3 (ii) in paragraph (2), by striking
 4 “subpena” each place that term appears
 5 and inserting “subpoena”;

6 (D) in section 8E(a)—

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

9 (ii) in paragraph (2), by striking
 10 “subpena” each place that term appears
 11 and inserting “subpoena”; and

12 (E) in section 8G(d)(1), by striking “sub-
 13 pena” and inserting “subpoena”.

14 **SEC. 8. NO ADDITIONAL FUNDS AUTHORIZED.**

15 No additional funds are authorized to carry out the
 16 requirements of this Act or the amendments made by this
 17 Act. The requirements of this Act and the amendments
 18 made by this Act shall be carried out using amounts other-
 19 wise appropriated.

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