

Calendar No. 68

114TH CONGRESS
1ST SESSION

S. 579

[Report No. 114–36]

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

IN THE SENATE OF THE UNITED STATES

FEBRUARY 26, 2015

Mr. GRASSLEY (for himself, Mrs. McCASKILL, Mr. JOHNSON, Ms. BALDWIN, and Mrs. ERNST) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

MAY 5, 2015

Reported by Mr. JOHNSON, with an amendment

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

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,*

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

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Inspector General Empowerment Act of 2015”.

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

- Sec. 1: Short title; table of contents.
- Sec. 2: Removal of Inspectors General.
- Sec. 3: Additional authority provisions for Inspectors General.
- Sec. 4: Additional responsibilities and resources of the Council of the Inspectors
General on Integrity and Efficiency.
- Sec. 5: Reports and additional information.
- Sec. 6: Technical and conforming amendments.

6 **SEC. 2. REMOVAL OF INSPECTORS GENERAL.**

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

9 (1) in section 3—

10 (A) in the section header, by inserting
11 “**administrative leave;**” after “**re-**
12 **moval;**”;

13 (B) in subsection (b)—

14 (i) by striking “An Inspector General”
15 and inserting “(1) An Inspector General”;

16 (ii) in paragraph (1), as so des-
17 ignated, by striking the last sentence; and

18 (iii) by adding at the end the fol-
19 lowing:

20 “(2) An Inspector General may not be placed in a
21 paid or unpaid, nonduty status by the President—

1 “(A) unless the President, not later than 48
 2 hours after the President issues the directive to
 3 place the Inspector General in such status, commu-
 4 nicates in writing to both Houses of Congress the
 5 reasons for such action, which shall be limited to evi-
 6 dence that the continued presence in the workplace
 7 of the Inspector General may—

8 “(i) pose a threat to the employee or oth-
 9 ers;

10 “(ii) result in loss of or damage to prop-
 11 erty of the Federal Government; or

12 “(iii) otherwise jeopardize legitimate inter-
 13 ests of the Federal Government; and

14 “(B) for more than 10 days, unless the Integ-
 15 rity Committee of the Council of the Inspectors Gen-
 16 eral for Integrity and Efficiency submits to the
 17 President a written recommendation for additional
 18 time, which is acted upon by the President, and the
 19 decision is communicated immediately to both
 20 Houses of Congress.

21 “(3) Nothing in this subsection shall prohibit a per-
 22 sonnel action otherwise authorized by law.”; and

23 (2) in section 8G(e)—

24 (A) in paragraph (2), by striking the last
 25 sentence; and

1 (B) by adding at the end the following:

2 “(3) An Inspector General may not be placed in a
3 paid or unpaid, nonduty status by the head of a designated
4 Federal entity—

5 “(A) unless the head of the designated Federal
6 entity, not later than 48 hours after the head of the
7 designated Federal entity issues the directive to
8 place the Inspector General in such status, commu-
9 nicates in writing to both Houses of Congress the
10 reasons for such action, which shall be limited to evi-
11 dence that the continued presence in the workplace
12 of the Inspector General may—

13 “(i) pose a threat to the employee or oth-
14 ers;

15 “(ii) result in loss of or damage to prop-
16 erty of the Federal Government; or

17 “(iii) otherwise jeopardize legitimate inter-
18 ests of the Federal Government; and

19 “(B) for more than 10 days, unless the Integ-
20 rity Committee of the Council of the Inspectors Gen-
21 eral for Integrity and Efficiency submits to the head
22 of the designated Federal entity a written rec-
23 ommendation for additional time, which is acted
24 upon by the head of the designated Federal entity;

1 and the decision is communicated immediately to
 2 both Houses of Congress.

3 “(4) Nothing in this subsection shall prohibit a per-
 4 sonnel action otherwise authorized by law.”.

5 **SEC. 3. ADDITIONAL AUTHORITY PROVISIONS FOR INSPEC-**
 6 **TORS GENERAL.**

7 (a) SUBPOENA AUTHORITY FOR INSPECTORS GEN-
 8 ERAL TO REQUIRE TESTIMONY OF CERTAIN PERSONS.—
 9 The Inspector General Act of 1978 (5 U.S.C. App.), as
 10 amended by section 2, is further amended—

11 (1) in section 5(a)—

12 (A) in paragraph (15), by striking “and”
 13 at the end;

14 (B) in paragraph (16), by striking the pe-
 15 riod at the end and inserting “; and”; and

16 (C) by inserting at the end the following:

17 “(17) a description of the use of subpoenas for
 18 the attendance and testimony of certain witnesses
 19 under section 6A.”; and

20 (2) by inserting after section 6 the following:

21 **“SEC. 6A. ADDITIONAL AUTHORITY.**

22 “(a) TESTIMONIAL SUBPOENA AUTHORITY.—In ad-
 23 dition to the authority otherwise provided by this Act and
 24 in accordance with the requirements of this section, each
 25 Inspector General, in carrying out the provisions of this

1 Act, is authorized to require by subpoena the attendance
 2 and testimony of certain witnesses, including a contractor
 3 with the Federal Government and any former Federal em-
 4 ployee (but not including any Federal employee, who is
 5 otherwise obligated to provide testimony and cooperate
 6 with the Inspector General); necessary in the performance
 7 of the functions assigned by this Act, which subpoena, in
 8 the case of contumacy or refusal to obey, shall be enforce-
 9 able by order of any appropriate United States district
 10 court.

11 “(b) PANEL REVIEW BEFORE ISSUANCE.—

12 “(1) APPROVAL REQUIRED.—Before the
 13 issuance of a subpoena described in subsection (a),
 14 an Inspector General shall submit a request for ap-
 15 proval to issue a subpoena by a majority of a panel
 16 (in this section referred to as the ‘Subpoena Panel’),
 17 which shall be comprised of 3 members of the Coun-
 18 cil of the Inspectors General on Integrity and Effi-
 19 ciency, as designated by the Executive Chairperson
 20 of the Council of the Inspectors General on Integrity
 21 and Efficiency.

22 “(2) TIME TO RESPOND.—

23 “(A) IN GENERAL.—Except as provided in
 24 subparagraph (B), not later than 10 days after
 25 the date on which a request for approval to

1 issue a subpoena is submitted under paragraph
 2 (1), the Subpoena Panel shall approve or deny
 3 the request.

4 “(B) ADDITIONAL INFORMATION FOR
 5 PANEL.—If the Subpoena Panel determines
 6 that additional information is necessary to ap-
 7 prove or deny a request for approval to issue a
 8 subpoena under subparagraph (A), the Sub-
 9 poena Panel shall, not later than 20 days after
 10 the date on which the request is submitted—

11 “(i) request the additional informa-
 12 tion; and

13 “(ii) approve or deny the request.

14 “(3) DENIAL BY PANEL.—If a majority of the
 15 members of the Subpoena Panel votes to deny a re-
 16 quest for approval to issue a subpoena under sub-
 17 paragraph (B)(ii), the subpoena may not be issued.

18 “(c) NOTICE TO ATTORNEY GENERAL.—

19 “(1) IN GENERAL.—If the Subpoena Panel ap-
 20 proves a request for approval to issue a subpoena
 21 under subsection (b)(2), the Inspector General shall
 22 notify the Attorney General that the Inspector Gen-
 23 eral intends to issue the subpoena.

24 “(2) DECISION OF ATTORNEY GENERAL.—Not
 25 later than 10 days after the date on which the At-

1 torney General is notified under paragraph (1), the
2 Attorney General may—

3 “(A) object to the issuance of the subpoena
4 if the subpoena will interfere with an ongoing
5 investigation; or

6 “(B) approve the issuance of the subpoena.

7 “(3) ISSUANCE OF SUBPOENA APPROVED.—If
8 the Attorney General approves the issuance of the
9 subpoena or does not object to the issuance of the
10 subpoena during the 10-day period described in
11 paragraph (2), the Inspector General may issue the
12 subpoena.

13 “(d) INCLUSION IN ANNUAL REPORT.—Not later
14 than 1 year after the date of enactment of this Act, and
15 every year thereafter, each Inspector General shall submit
16 to the Chairperson of the Council of the Inspectors Gen-
17 eral on Integrity and Efficiency the number of times the
18 Inspector General issued a subpoena under this section,
19 which shall be included by the Chairperson in the annual
20 report required under section 11(b)(3)(B)(viii).

21 “(e) RULE OF CONSTRUCTION.—Nothing in this sec-
22 tion shall be construed to affect the exercise by an Inspec-
23 tor General of any testimonial subpoena authority estab-
24 lished under any other provision of law.”.

1 (b) MATCHING PROGRAM AND PAPERWORK REDUC-
 2 TION ACT EXCEPTION FOR INSPECTORS GENERAL.—Sec-
 3 tion 6 of the Inspector General Act of 1978 (5 U.S.C.
 4 App.) is amended by adding at the end the following:

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

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

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

23 “(h) Subchapter I of chapter 35 of title 44, United
 24 States Code, shall not apply to the collection of informa-
 25 tion during the conduct of an audit, investigation, inspec-

tion, evaluation, or other review conducted by the Council of the Inspectors General on Integrity and Efficiency or any Office of Inspector General, including any Office of Special Inspector General.”.

**SEC. 4. ADDITIONAL RESPONSIBILITIES AND RESOURCES
OF THE COUNCIL OF THE INSPECTORS GENERAL ON INTEGRITY AND EFFICIENCY.**

Section 41 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in subsection (b)—

(A) in paragraph (1)(B), by striking “Director of National Intelligence” and inserting “Intelligence Community”; and

(B) by amending paragraph (3)(B)(viii) to read as follows:

“(viii) prepare and transmit an annual report on behalf of the Council on the activities of the Council to—

“(I) the President;

“(II) the appropriate committees of jurisdiction in the Senate and the House of Representatives;

“(III) the Committee on Homeland Security and Governmental Affairs 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) receive, review, and mediate any dis-
 12 putes submitted in writing to the Council by an
 13 Office of Inspector General regarding an audit,
 14 investigation, inspection, evaluation, or project
 15 that involves the jurisdiction of more than 1 Of-
 16 fice of Inspector General; and”;

17 (3) in subsection (d)—

18 (A) in paragraph (2)—

19 (i) by striking subparagraph (C);

20 (ii) by redesignating subparagraphs
 21 (A), (B), and (D) as clauses (i), (ii), and
 22 (iii), respectively, and adjusting the mar-
 23 gins accordingly;

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

4 “(A) IN GENERAL.—The Integrity”;

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

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

11 (vi) by adding at the end the following:

12 “(B) CHAIRPERSON.—

13 “(i) IN GENERAL.—The Integrity
 14 Committee shall elect 1 of the Inspectors
 15 General referred to in subparagraph (A)(ii)
 16 to act as Chairperson of the Committee (in
 17 this subsection referred to as the ‘Chair-
 18 person’).
 19 person’).

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

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

24 “(5) REVIEW OF ALLEGATIONS.—

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

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

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

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

20 “(B) REFERRAL TO THE CHAIRPERSON.—
 21 Not later than 7 days after the date on which
 22 an allegation of wrongdoing is referred to the
 23 Integrity Committee under subparagraph (A),
 24 the Integrity Committee shall determine wheth-

er to refer the allegation of wrongdoing to the
Chairperson to initiate an investigation.”;

~~(C)~~ in paragraph (6)—

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

(ii) in subparagraph (B)(i), by strik-
ing “may” and inserting “shall”;

~~(D)~~ in paragraph (7)—

(i) in subparagraph (B)—

(I) in clause (i)—

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

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

(cc) by adding at the end
the following:

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

“(VI) creating a regular rotation
of Inspectors General assigned to in-

1 investigate allegations through the In-
2 tegrity Committee; and

3 ~~“(VII) creating procedures to~~
4 ~~avoid conflicts of interest for Integrity~~
5 ~~Committee investigations.”;~~

6 ~~(II) by redesignating clause (ii)~~
7 ~~as clause (iii); and~~

8 ~~(III) by inserting after clause (i)~~
9 ~~the following:~~

10 ~~“(ii) EXCEPTION.—The requirement~~
11 ~~under clause (i)(V) shall not apply to any~~
12 ~~Office of Inspector General with less than~~
13 ~~50 employees who are authorized to con-~~
14 ~~duct audits or investigations.”;~~

15 ~~(ii) by striking subparagraph (C); and~~

16 ~~(iii) by inserting after subparagraph~~
17 ~~(B) the following:~~

18 ~~“(C) COMPLETION OF INVESTIGATION.—If~~
19 ~~an allegation of wrongdoing is referred to the~~
20 ~~Chairperson under paragraph (5)(B), the~~
21 ~~Chairperson—~~

22 ~~“(i) shall complete the investigation~~
23 ~~not later than 120 days after the date on~~
24 ~~which the Integrity Committee made such~~
25 ~~a referral;~~

1 “(ii) if the investigation cannot be
2 completed within the 120-day period de-
3 scribed in clause (i), shall—

4 “(I) promptly notify the congres-
5 sional committees described in para-
6 graph (8)(A)(iii); and

7 “(H) brief the congressional com-
8 mittees described in paragraph
9 (8)(A)(iii) every 30 days until the in-
10 vestigation is complete.

11 “(D) CONCURRENT INVESTIGATION.—If an
12 allegation of wrongdoing against an Inspector
13 General or a staff member of an Office of In-
14 specter General described under paragraph
15 (4)(C) is referred to the Department of Justice
16 or the Office of Special Counsel under para-
17 graph (5)(A), the Chairperson may conduct any
18 related investigation referred to the Chairperson
19 under paragraph (5)(B) concurrently with the
20 Department of Justice or the Office of Special
21 Counsel, as applicable.

22 “(E) REPORTS.—

23 “(i) INTEGRITY COMMITTEE INVES-
24 TIGATIONS.—For each investigation of an
25 allegation of wrongdoing referred to the

Chairperson under paragraph (5)(B), the
Chairperson shall submit to members of
the Integrity Committee a report con-
taining the results of the investigation.

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

“(iii) AVAILABILITY TO CONGRESS.—
Any Member of Congress shall have access
to any report authored by the Integrity
Committee.”;

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

“(iii) submit the report, with the rec-
ommendations of the Integrity Committee,
to the Committee on Homeland Security
and Governmental Affairs of the Senate,
the Committee on Oversight and Govern-
ment Reform of the House of Representa-

tives, and other congressional committees of jurisdiction; and

“(iv) following the submission of the report under clause (iii) and upon request by any Member of Congress, submit the report, with the recommendations of the Integrity Committee, to that Member.”;

(F) in paragraph (9)(B), by striking “other agencies” and inserting “the Department of Justice or the Office of Special Counsel”;

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

(H) by adding at the end the following:

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

“(A) SPECIAL COUNSEL DEFINED.—In this paragraph, the term ‘Special Counsel’ means the Special Counsel appointed under section 1211(b) of title 5, United States Code.

“(B) AUTHORITY OF INTEGRITY COMMITTEE.—

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

16 “(ii) COORDINATION WITH EXISTING
17 PROVISIONS OF LAW.—This paragraph
18 does not eliminate access to the Merit Sys-
19 tems Protection Board for review under
20 section 7701 of title 5, United States
21 Code. To the extent that an allegation
22 brought under this subsection involves sec-
23 tion 2302(b)(8) of that title, a failure to
24 obtain corrective action within 120 days
25 after the date on which the allegation is re-

1 received by the Integrity Committee shall,
 2 for purposes of section 1221 of such title,
 3 be considered to satisfy section
 4 1214(a)(3)(B) of that title.

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

10 “(13) COMMITTEE RECORDS.—The Chairperson
 11 of the Council shall maintain the records of the In-
 12 tegrity Committee.”; and

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

14 “(e) AUTHORIZATION OF APPROPRIATIONS FOR
 15 COUNCIL.—For the purposes of carrying out this section,
 16 there are authorized to be appropriated into the revolving
 17 fund described in subsection (e)(3)(B), out of any money
 18 in the Treasury not otherwise appropriated, the following
 19 sums:

20 “(1) \$8,500,000 for fiscal year 2016.

21 “(2) \$9,000,000 for fiscal year 2017.

22 “(3) \$9,500,000 for fiscal year 2018.

23 “(4) \$10,000,000 for fiscal year 2019.

24 “(5) \$10,500,000 for fiscal year 2020.

25 “(6) \$11,000,000 for fiscal year 2021.”.

1 **SEC. 5. REPORTS AND ADDITIONAL INFORMATION.**

2 ~~(a) REPORT ON VACANCIES IN THE OFFICES OF IN-~~
3 ~~SPECTOR GENERAL.—The Comptroller General shall—~~

4 ~~(1) conduct a study of prolonged vacancies in~~
5 ~~the Offices of Inspector General during which a tem-~~
6 ~~porary appointee has served as the head of the office~~
7 ~~that includes—~~

8 ~~(A) the number and duration of Inspector~~
9 ~~General vacancies;~~

10 ~~(B) an examination of the extent to which~~
11 ~~the number and duration of such vacancies has~~
12 ~~changed over time;~~

13 ~~(C) an evaluation of the impact such va-~~
14 ~~cancies have had on the ability of the relevant~~
15 ~~Office of the Inspector General to effectively~~
16 ~~carry out statutory requirements; and~~

17 ~~(D) recommendations to minimize the du-~~
18 ~~ration of such vacancies;~~

19 ~~(2) not later than 9 months after the date of~~
20 ~~enactment of this Act, present a briefing on the~~
21 ~~findings of the study conducted under paragraph (1)~~
22 ~~to—~~

23 ~~(A) the Committee on Homeland Security~~
24 ~~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; and

4 ~~(3)~~ not later than 15 months after the date of
 5 enactment of this Act, submit a report on the find-
 6 ings of the study conducted under paragraph ~~(1)~~ to
 7 the committees described in paragraph ~~(2)~~.

8 ~~(b)~~ REPORT ON ISSUES INVOLVING MULTIPLE OF-
 9 FICES OF INSPECTOR GENERAL.—The Council of the In-
 10 spectors General on Integrity and Efficiency shall—

11 ~~(1)~~ conduct an analysis of critical issues that
 12 involve the jurisdiction of more than 1 individual
 13 Federal agency or entity to identify—

14 ~~(A)~~ each such issue that could be better
 15 addressed through greater coordination among,
 16 and cooperation between, individual Offices of
 17 Inspector General;

18 ~~(B)~~ the best practices that can be em-
 19 ployed by the Offices of Inspector General to in-
 20 crease coordination and cooperation on each
 21 issue identified; and

22 ~~(C)~~ any recommended statutory changes
 23 that would facilitate coordination and coopera-
 24 tion among the Offices of Inspector General on
 25 critical issues; and

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

4 ~~(A)~~ the Committee on Homeland Security
 5 and Governmental Affairs of the Senate; and

6 ~~(B)~~ the Committee on Oversight and Gov-
 7 ernment Reform of the House of Representa-
 8 tives.

9 ~~(c)~~ ADDITIONAL INFORMATION.—

10 ~~(1)~~ IN GENERAL.—Not later than 6 months
 11 after the date of enactment of this Act, and every
 12 6 months thereafter, the Office of Inspector General
 13 (in this subsection referred to as the “Office”) of
 14 each Federal agency or department shall submit to
 15 the appropriate committees of jurisdiction in the
 16 Senate and the House of Representatives, the Com-
 17 mittee on Homeland Security and Governmental Af-
 18 fairs of the Senate, and the Committee on Oversight
 19 and Government Reform of the House of Represent-
 20 atives—

21 ~~(A)~~ a report on each investigation con-
 22 ducted by the Office involving employees of the
 23 Federal agency or department, as applicable,
 24 receiving pay at the rate specified for GS-15
 25 level or above of the General Schedule under

1 section 5332 of title 5, United States Code,
2 where misconduct was found but no prosecution
3 resulted, including—

4 (i) a detailed description of the facts
5 and circumstances of the investigation; and

6 (ii) a detailed description of the status
7 and disposition of the matter, including—

8 (I) if the matter was referred to
9 the Department of Justice, the date of
10 the referral; and

11 (II) if the Department of Justice
12 declined the referral, the date of the
13 declination and an explanation of the
14 reasons for the declination;

15 (B) reports authored by the Office that are
16 not available to the public;

17 (C) a detailed description of any instance
18 of whistleblower retaliation, including informa-
19 tion about the official found to have engaged in
20 retaliation and what, if any, consequences the
21 Federal agency or department imposed to hold
22 that official accountable; provided that the Of-
23 fice obtains whistleblower consent before reveal-
24 ing any personally identifiable information to
25 Congress;

1 ~~(D)~~ a detailed description of any attempt
2 by the Federal agency or department, as appli-
3 eable, to interfere with the independence of the
4 Office, including—

5 (i) with communication between the
6 Office and Congress; and

7 (ii) with budget constraints designed
8 to limit the capabilities of the Office; and

9 ~~(E)~~ detailed descriptions of the particular
10 circumstances of each—

11 (i) investigation, evaluation, and audit
12 conducted by the Office that is closed and
13 was not disclosed to the public;

14 (ii) outstanding unimplemented rec-
15 ommendation of the Office, as well as the
16 aggregate potential cost savings of those
17 open recommendations; and

18 (iii) incident where the Federal agen-
19 cy or department, as applicable, has re-
20 sisted or objected to oversight activities of
21 the Office or restricted or significantly de-
22 layed access to information, including the
23 justification of the Federal agency or de-
24 partment for such action; and

(F) a narrative description of any audit, evaluation, and investigation provided by the Office to the Federal agency or department, as applicable, for comment but not returned within 60 days.

(2) AVAILABILITY TO MEMBERS OF CONGRESS.—The information described in paragraph (1) shall be available upon request by any Member of Congress.

SEC. 6. TECHNICAL AND CONFORMING AMENDMENTS.

(a) REPEALS.—

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

(2) OVERSEAS CONTINGENCY OPERATIONS.—Section 744 of the Financial Services and General Government Appropriations Act, 2009 (division D of Public Law 111–8; 123 Stat. 693; 5 U.S.C. App. 8L) is repealed.

(b) AGENCY APPLICABILITY.—

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

(A) in section 8M—

1 (i) in subsection (a)(1)—

2 (I) by striking “Each agency”
3 and inserting “Each Federal agency
4 and designated Federal entity”; and

5 (II) by striking “that agency”
6 each place that term appears and in-
7 serting “that Federal agency or des-
8 ignated Federal entity”; and

9 (ii) in subsection (b)—

10 (I) in paragraph (1), by striking
11 “agency” and inserting “Federal
12 agency and designated Federal enti-
13 ty”; and

14 (II) in paragraph (2), by striking
15 “agency” each place that term ap-
16 pears and inserting “Federal agency
17 and designated Federal entity”; 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”.

22 (2) EFFECTIVE DATE.—The amendments made
23 by paragraph (1) shall take effect on the date that
24 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 subsection
 4 (b)(1), 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(e)(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)(13), by striking
4 “05(b)” and inserting “804(b)”;

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

9 (D) in section 8G(g)(3), by striking “8C”
10 and inserting “8D”.

11 (3) SPELLING.—The Inspector General Act of
12 1978 (5 U.S.C. App.), as amended by this Act, is
13 further amended—

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

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

18 (C) in section 8D(a)—

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

21 (ii) in paragraph (2), by striking
22 “subpena” each place that term appears
23 and inserting “subpoena”;

24 (D) in section 8E(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”; and
 6 (E) in section 8G(d)(1), by striking “sub-
 7 pena” and inserting “subpoena”.

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

9 (a) *SHORT TITLE.*—*This Act may be cited as the “In-*
 10 *spector General Empowerment Act of 2015”.*

11 (b) *TABLE OF CONTENTS.*—*The table of contents for*
 12 *this Act is as follows:*

Sec. 1. Short title; table of contents.

Sec. 2. Nonduty status of Inspectors General; supervision.

Sec. 3. Additional authority provisions for Inspectors General.

*Sec. 4. Additional responsibilities and resources of the Council of the Inspectors
 General on Integrity and Efficiency.*

Sec. 5. Reports and additional information.

Sec. 6. Technical and conforming amendments.

13 **SEC. 2. NONDUTY STATUS OF INSPECTORS GENERAL; SU-**
 14 **PERVISION.**

15 *The Inspector General Act of 1978 (5 U.S.C. App.) is*
 16 *amended—*

17 (1) *in section 3—*

18 (A) *in the section header—*

19 (i) *by striking “**supervision;**”; and*

20 (ii) *by inserting “**administrative***
 21 *leave;” after “**removal;**”;*

22 (B) *in subsection (a)—*

1 (i) by striking “and be under the gen-
2 eral supervision of”; and

3 (ii) by striking “or be subject to super-
4 vision by,”;

5 (C) in subsection (b)—

6 (i) by striking “An Inspector General”
7 and inserting “(1) An Inspector General”;

8 (ii) in paragraph (1), as so designated,
9 by striking the last sentence; and

10 (iii) by adding at the end the fol-
11 lowing:

12 “(2) An Inspector General may not be placed in a paid
13 or unpaid, nonduty status by the President—

14 “(A) unless the President, not later than 48
15 hours after the President issues the directive to place
16 the Inspector General in such status, communicates in
17 writing to both Houses of Congress the reasons for
18 such action, which shall be limited to evidence that
19 the continued presence in the workplace of the Inspec-
20 tor General may—

21 “(i) pose a threat to the employee or others;

22 “(ii) result in loss of or damage to property
23 of the Federal Government; or

24 “(iii) otherwise jeopardize legitimate inter-
25 ests of the Federal Government; and

1 “(B) for more than 10 days, unless the Integrity
 2 Committee of the Council of the Inspectors General for
 3 Integrity and Efficiency submits to the President a
 4 written recommendation for additional time, which is
 5 acted upon by the President, and the decision is com-
 6 municated immediately to both Houses of Congress.

7 “(3) Nothing in this subsection shall prohibit a per-
 8 sonnel action otherwise authorized by law.”; and

9 (2) in section 8G(e)—

10 (A) in paragraph (2), by striking the last
 11 sentence; and

12 (B) by adding at the end the following:

13 “(3) An Inspector General may not be placed in a paid
 14 or unpaid, nonduty status by the head of a designated Fed-
 15 eral entity—

16 “(A) unless the head of the designated Federal
 17 entity, not later than 48 hours after the head of the
 18 designated Federal entity issues the directive to place
 19 the Inspector General in such status, communicates in
 20 writing to both Houses of Congress the reasons for
 21 such action, which shall be limited to evidence that
 22 the continued presence in the workplace of the Inspec-
 23 tor General may—

24 “(i) pose a threat to the employee or others;

1 “(ii) result in loss of or damage to property
2 of the Federal Government; or

3 “(iii) otherwise jeopardize legitimate inter-
4 ests of the Federal Government; and

5 “(B) for more than 10 days, unless the Integrity
6 Committee of the Council of the Inspectors General for
7 Integrity and Efficiency submits to the head of the
8 designated Federal entity a written recommendation
9 for additional time, which is acted upon by the head
10 of the designated Federal entity, and the decision is
11 communicated immediately to both Houses of Con-
12 gress.

13 “(4) Nothing in this subsection shall prohibit a per-
14 sonnel action otherwise authorized by law.”.

15 **SEC. 3. ADDITIONAL AUTHORITY PROVISIONS FOR INSPEC-**
16 **TORS GENERAL.**

17 (a) *SUBPOENA AUTHORITY FOR INSPECTORS GENERAL*
18 *TO REQUIRE TESTIMONY OF CERTAIN PERSONS.*—*The In-*
19 *spector General Act of 1978 (5 U.S.C. App.) is amended—*

20 (1) *in section 5(a)—*

21 (A) *in paragraph (15), by striking “and”*
22 *at the end;*

23 (B) *in paragraph (16), by striking the pe-*
24 *riod at the end and inserting “; and”; and*

25 (C) *by inserting at the end the following:*

1 “(17) a description of the use of subpoenas for
 2 the attendance and testimony of certain witnesses
 3 under section 6A.”;

4 (2) by inserting after section 6 the following:

5 **“SEC. 6A. ADDITIONAL AUTHORITY.**

6 “(a) *TESTIMONIAL SUBPOENA AUTHORITY.*—In addi-
 7 tion to the authority otherwise provided by this Act and
 8 in accordance with the requirements of this section, each
 9 Inspector General, in carrying out the provisions of this
 10 Act, is authorized to require by subpoena the attendance
 11 and testimony of certain witnesses, including a current or
 12 former contractor with the Federal Government, a current
 13 or former subcontractor (at any tier) of a contractor with
 14 the Federal Government, a current or former grantee of the
 15 Federal Government, a current or former subgrantee of a
 16 grantee of the Federal Government, a current or former em-
 17 ployee of such a contractor, subcontractor, grantee, or sub-
 18 grantee, and any former Federal employee (but not includ-
 19 ing any Federal employee, who is otherwise obligated to
 20 provide testimony and cooperate with the Inspector Gen-
 21 eral), necessary in the performance of the functions assigned
 22 by this Act, which subpoena, in the case of contumacy or
 23 refusal to obey, shall be enforceable by order of any appro-
 24 priate United States district court.

25 “(b) *PANEL REVIEW BEFORE ISSUANCE.*—

1 “(1) *APPROVAL REQUIRED.*—*Before the issuance*
 2 *of a subpoena described in subsection (a), an Inspec-*
 3 *tor General shall submit a request for approval to*
 4 *issue a subpoena by a majority of a panel (in this*
 5 *section referred to as the ‘Subpoena Panel’), which*
 6 *shall be comprised of—*

7 “(A) *3 members of the Council of the In-*
 8 *spectors General on Integrity and Efficiency, as*
 9 *designated by the Chairperson of the Council of*
 10 *the Inspectors General on Integrity and Effi-*
 11 *ciency; or*

12 “(B) *in the case of a request by an Inspec-*
 13 *tor General from the Intelligence Community,*
 14 *the 3 members designated under subparagraph*
 15 *(A) shall each be members of the Council of the*
 16 *Inspectors General on Integrity and Efficiency’s*
 17 *Intelligence Community.*

18 “(2) *TIME TO RESPOND.*—

19 “(A) *IN GENERAL.*—*Except as provided in*
 20 *subparagraph (B), not later than 10 days after*
 21 *the date on which a request for approval to issue*
 22 *a subpoena is submitted under paragraph (1),*
 23 *the Subpoena Panel shall approve or deny the*
 24 *request.*

1 “(B) *ADDITIONAL INFORMATION FOR*
 2 *PANEL.—If the Subpoena Panel determines that*
 3 *additional information is necessary to approve*
 4 *or deny a request for approval to issue a sub-*
 5 *poena under subparagraph (A), the Subpoena*
 6 *Panel shall, not later than 20 days after the date*
 7 *on which the request is submitted—*

8 “(i) *request the additional informa-*
 9 *tion; and*

10 “(ii) *approve or deny the request.*

11 “(3) *DENIAL BY PANEL.—If a majority of the*
 12 *members of the Subpoena Panel votes to deny a re-*
 13 *quest for approval to issue a subpoena under subpara-*
 14 *graph (B)(ii), the subpoena may not be issued.*

15 “(c) *NOTICE TO ATTORNEY GENERAL.—*

16 “(1) *IN GENERAL.—If the Subpoena Panel ap-*
 17 *proves a request for approval to issue a subpoena*
 18 *under subsection (b)(2), the Inspector General shall*
 19 *notify the Attorney General that the Inspector Gen-*
 20 *eral intends to issue the subpoena.*

21 “(2) *DECISION OF ATTORNEY GENERAL.—Not*
 22 *later than 10 days after the date on which the Attor-*
 23 *ney General is notified under paragraph (1), the At-*
 24 *torney General may—*

1 “(A) object to the issuance of the subpoena
2 if the subpoena will interfere with an ongoing
3 matter; or

4 “(B) approve the issuance of the subpoena.

5 “(3) *ISSUANCE OF SUBPOENA APPROVED.*—If the
6 Attorney General approves the issuance of the sub-
7 poena or does not object to the issuance of the sub-
8 poena during the 10-day period described in para-
9 graph (2), the Inspector General may issue the sub-
10 poena.

11 “(d) *INCLUSION IN ANNUAL REPORT.*—Not later than
12 1 year after the date of enactment of this section, and every
13 year thereafter, each Inspector General shall submit to the
14 Chairperson of the Council of the Inspectors General on In-
15 tegrity and Efficiency the number of times the Inspector
16 General issued a subpoena under this section, which shall
17 be included by the Chairperson in the annual report re-
18 quired under section 11(b)(3)(B)(viii).

19 “(e) *RULE OF CONSTRUCTION.*—Nothing in this sec-
20 tion shall be construed to affect the exercise by an Inspector
21 General of any testimonial subpoena authority established
22 under any other provision of law.”; and

23 (3) in section 8G(g)(1), by inserting “6A,” before
24 “and 7”.

1 (b) *MATCHING PROGRAM AND PAPERWORK REDUC-*
 2 *TION ACT EXCEPTION FOR INSPECTORS GENERAL.*—Sec-
 3 *tion 6 of the Inspector General Act of 1978 (5 U.S.C. App.)*
 4 *is amended by adding at the end the following:*

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

9 “(2) *For purposes of section 552a of title 5, United*
 10 *States Code, or any other provision of law, a computerized*
 11 *comparison of 2 or more automated Federal systems of*
 12 *records, or a computerized comparison of a Federal system*
 13 *of records with other records or non-Federal records, per-*
 14 *formed by an Inspector General or by an agency in coordi-*
 15 *nation with an Inspector General in conducting an audit,*
 16 *investigation, inspection, evaluation, or other review au-*
 17 *thorized under this Act shall not be considered a matching*
 18 *program.*

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

23 “(h) *Subchapter I of chapter 35 of title 44, United*
 24 *States Code, shall not apply to the collection of information*
 25 *during the conduct of an audit, investigation, inspection,*

1 *evaluation, or other review conducted by the Council of the*
 2 *Inspectors General on Integrity and Efficiency or any Of-*
 3 *fice of Inspector General, including any Office of Special*
 4 *Inspector General.”.*

5 **SEC. 4. ADDITIONAL RESPONSIBILITIES AND RESOURCES**
 6 **OF THE COUNCIL OF THE INSPECTORS GEN-**
 7 **ERAL ON INTEGRITY AND EFFICIENCY.**

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

10 *(1) in subsection (b)—*

11 *(A) in paragraph (1)(B), by striking “Di-*
 12 *rector of National Intelligence” and inserting*
 13 *“Intelligence Community”; and*

14 *(B) by amending paragraph (3)(B)(viii) to*
 15 *read as follows:*

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

19 *“(I) the President;*

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

23 *“(III) the Committee on Home-*
 24 *land Security and Governmental Af-*
 25 *airs of the Senate; and*

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

4 (2) in subsection (c)(1)—

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

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

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

11 “(H) receive, review, and mediate any dis-
12 putes submitted in writing to the Council by an
13 Office of Inspector General regarding an audit,
14 investigation, inspection, evaluation, or project
15 that involves the jurisdiction of more than 1 Of-
16 fice of Inspector General; and”;

17 (3) in subsection (d)—

18 (A) in paragraph (2)—

19 (i) by striking subparagraph (C);

20 (ii) by redesignating subparagraphs
21 (A), (B), and (D) as clauses (i), (ii), and
22 (iii), respectively, and adjusting the mar-
23 gins accordingly;

1 (iii) in the matter preceding clause (i),
 2 as so redesignated, by striking “The Integ-
 3 rity” and inserting the following:

4 “(A) *IN GENERAL.—The Integrity*”;

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

8 (v) in clause (iii), as so redesignated,
 9 by inserting “or the designee of the Direc-
 10 tor” before the period at the end; and

11 (vi) by adding at the end the following:

12 “(B) *CHAIRPERSON.—*

13 “(i) *IN GENERAL.—The Integrity Com-*
 14 *mittee shall elect 1 of the Inspectors General*
 15 *referred to in subparagraph (A)(ii) to act as*
 16 *Chairperson of the Integrity Committee.*

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

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

22 “(5) *REVIEW OF ALLEGATIONS.—*

23 “(A) *IN GENERAL.—Not later than 7 cal-*
 24 *endar days after the date on which the Integrity*
 25 *Committee receives an allegation of wrongdoing*

1 *against an Inspector General or against a staff*
 2 *member of an Office of Inspector General de-*
 3 *scribed under paragraph (4)(C), the allegation of*
 4 *wrongdoing shall be reviewed and referred to the*
 5 *Department of Justice or the Office of Special*
 6 *Counsel for investigation, or to the Integrity*
 7 *Committee for review, as appropriate, by—*

8 “(i) *a representative of the Department*
 9 *of Justice, as designated by the Attorney*
 10 *General;*

11 “(ii) *a representative of the Office of*
 12 *Special Counsel, as designated by the Spe-*
 13 *cial Counsel; and*

14 “(iii) *a representative of the Integrity*
 15 *Committee, as designated by the Chair-*
 16 *person of the Integrity Committee.*

17 “(B) *REFERRAL TO THE CHAIRPERSON.—*
 18 *Not later than 15 calendar days after the date on*
 19 *which an allegation of wrongdoing is referred to*
 20 *the Integrity Committee under subparagraph*
 21 *(A), the Integrity Committee shall determine*
 22 *whether to refer the allegation of wrongdoing to*
 23 *the Chairperson of the Integrity Committee to*
 24 *initiate an investigation.”;*

25 “(C) *in paragraph (6)—*

1 (i) in subparagraph (A), by striking
2 “paragraph (5)(C)” and inserting “para-
3 graph (5)(B)”;

4 (ii) in subparagraph (B)(i), by strik-
5 ing “may” and inserting “shall”;

6 (D) in paragraph (7)—

7 (i) in subparagraph (B)—

8 (I) in clause (i)—

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

11 (bb) in subclause (IV), by
12 striking the period at the end and
13 inserting a semicolon; and

14 (cc) by adding at the end the
15 following:

16 “(V) except as provided in clause
17 (ii), ensuring, to the extent possible,
18 that investigations are conducted by
19 Offices of Inspector General of similar
20 size;

21 “(VI) creating a process for rota-
22 tion of Inspectors General assigned to
23 investigate allegations through the In-
24 tegrity Committee; and

1 “(VII) creating procedures to
2 avoid conflicts of interest for Integrity
3 Committee investigations.”;

4 (II) by redesignating clause (ii)
5 as clause (iii); and

6 (III) by inserting after clause (i)
7 the following:

8 “(ii) EXCEPTION.—The requirement
9 under clause (i)(V) shall not apply to any
10 Office of Inspector General with less than
11 50 employees who are authorized to conduct
12 audits or investigations.”;

13 (ii) by striking subparagraph (C); and

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

16 “(C) COMPLETION OF INVESTIGATION.—If
17 an allegation of wrongdoing is referred to the
18 Chairperson of the Integrity Committee under
19 paragraph (5)(B), the Chairperson of the Integ-
20 rity Committee—

21 “(i) shall complete the investigation
22 not later than 120 calendar days after the
23 date on which the Integrity Committee
24 made the referral;

1 “(ii) if the investigation cannot be
2 completed within the 120-day period de-
3 scribed in clause (i), shall—

4 “(I) promptly notify the congres-
5 sional committees described in para-
6 graph (8)(A)(iii); and

7 “(II) brief the congressional com-
8 mittees described in paragraph
9 (8)(A)(iii) every 30 days until the in-
10 vestigation is complete.

11 “(D) CONCURRENT INVESTIGATION.—If an
12 allegation of wrongdoing against an Inspector
13 General or a staff member of an Office of Inspec-
14 tor General described under paragraph (4)(C) is
15 referred to the Department of Justice or the Of-
16 fice of Special Counsel under paragraph (5)(A),
17 the Chairperson of the Integrity Committee may
18 conduct any related investigation referred to the
19 Chairperson under paragraph (5)(B) concu-
20 rently with the Department of Justice or the Of-
21 fice of Special Counsel, as applicable.

22 “(E) REPORTS.—

23 “(i) INTEGRITY COMMITTEE INVES-
24 TIGATIONS.—For each investigation of an
25 allegation of wrongdoing referred to the

1 *Chairperson of the Integrity Committee*
 2 *under paragraph (5)(B), the Chairperson of*
 3 *the Integrity Committee shall submit to*
 4 *members of the Integrity Committee and to*
 5 *the Chairperson of the Council a report con-*
 6 *taining the results of the investigation.*

7 “(ii) *OTHER INVESTIGATIONS.—For*
 8 *each allegation of wrongdoing referred to*
 9 *the Department of Justice or the Office of*
 10 *Special Counsel under paragraph (5)(A),*
 11 *the Attorney General or the Special Coun-*
 12 *sel, as applicable, shall submit to the Integ-*
 13 *riety Committee a report containing the re-*
 14 *sults of the investigation.*

15 “(iii) *AVAILABILITY TO CONGRESS.—*
 16 *Any Member of Congress shall have access*
 17 *to any report authored by the Integrity*
 18 *Committee.”;*

19 *(E) by striking paragraph (8)(A)(iii) and*
 20 *inserting the following:*

21 “(iii) *submit the report, with the rec-*
 22 *ommendations of the Integrity Committee,*
 23 *to the Committee on Homeland Security*
 24 *and Governmental Affairs of the Senate, the*
 25 *Committee on Oversight and Government*

1 *Reform of the House of Representatives, and*
 2 *other congressional committees of jurisdic-*
 3 *tion; and*

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

9 (F) in paragraph (9)(B), by striking “other
 10 agencies” and inserting “the Department of Jus-
 11 tice or the Office of Special Counsel”;

12 (G) in paragraph (10), by striking “any of
 13 the following” and all that follows through the
 14 period at the end and inserting “any Member of
 15 Congress.”; and

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

17 “(12) *ALLEGATIONS OF WRONGDOING AGAINST*
 18 *SPECIAL COUNSEL OR DEPUTY SPECIAL COUNSEL.—*

19 “(A) *SPECIAL COUNSEL DEFINED.—In this*
 20 *paragraph, the term ‘Special Counsel’ means the*
 21 *Special Counsel appointed under section 1211(b)*
 22 *of title 5, United States Code.*

23 “(B) *AUTHORITY OF INTEGRITY COM-*
 24 *MITTEE.—*

1 “(i) *IN GENERAL.*—An allegation of
 2 *wrongdoing against the Special Counsel or*
 3 *the Deputy Special Counsel may be re-*
 4 *ceived, reviewed, and referred for investiga-*
 5 *tion to the same extent and in the same*
 6 *manner as in the case of an allegation*
 7 *against an Inspector General or against a*
 8 *staff member of an Office of Inspector Gen-*
 9 *eral described under paragraph (4)(C), sub-*
 10 *ject to the requirement that the representa-*
 11 *tive designated by the Special Counsel*
 12 *under paragraph (5)(A)(ii) shall recuse*
 13 *himself or herself from the consideration of*
 14 *any allegation brought under this para-*
 15 *graph.*

16 “(ii) *COORDINATION WITH EXISTING*
 17 *PROVISIONS OF LAW.*—This paragraph shall
 18 *not eliminate access to the Merit Systems*
 19 *Protection Board for review under section*
 20 *7701 of title 5, United States Code. To the*
 21 *extent that an allegation brought under this*
 22 *paragraph involves section 2302(b)(8) of*
 23 *such title, a failure to obtain corrective ac-*
 24 *tion within 120 days after the date on*
 25 *which the allegation is received by the In-*

1 *tegrity Committee shall, for purposes of sec-*
 2 *tion 1221 of such title, be considered to sat-*
 3 *isfy section 1214(a)(3)(B) of such title.*

4 *“(C) REGULATIONS.—The Integrity Com-*
 5 *mittee may prescribe any rules or regulations*
 6 *necessary to carry out this paragraph, subject to*
 7 *such consultation or other requirements as may*
 8 *otherwise apply.*

9 *“(13) COMMITTEE RECORDS.—The Chairperson*
 10 *of the Council shall maintain the records of the Integ-*
 11 *rity Committee.”; and*

12 *(4) by adding at the end the following:*

13 *“(e) AUTHORIZATION OF APPROPRIATIONS FOR COUN-*
 14 *CIL.—For the purposes of carrying out this section, there*
 15 *are authorized to be appropriated into the revolving fund*
 16 *described in subsection (c)(3)(B), out of any money in the*
 17 *Treasury not otherwise appropriated, the following sums:*

18 *“(1) \$7,500,000 for fiscal year 2016.*

19 *“(2) \$7,800,000 for fiscal year 2017.*

20 *“(3) \$8,100,000 for fiscal year 2018.*

21 *“(4) \$8,500,000 for fiscal year 2019.*

22 *“(5) \$8,900,000 for fiscal year 2020.*

23 *“(6) \$9,300,000 for fiscal year 2021.”.*

1 **SEC. 5. REPORTS AND ADDITIONAL INFORMATION.**

2 (a) *REPORT ON VACANCIES IN THE OFFICES OF IN-*
3 *SPECTOR GENERAL.—The Comptroller General of the*
4 *United States shall—*

5 (1) *conduct a study of prolonged vacancies in the*
6 *Offices of Inspector General during which a tem-*
7 *porary appointee has served as the head of the office*
8 *that includes—*

9 (A) *the number and duration of Inspector*
10 *General vacancies;*

11 (B) *an examination of the extent to which*
12 *the number and duration of such vacancies has*
13 *changed over time;*

14 (C) *an evaluation of the impact such vacan-*
15 *cies have had on the ability of the relevant Office*
16 *of Inspector General to effectively carry out stat-*
17 *utory requirements; and*

18 (D) *recommendations to minimize the dura-*
19 *tion of such vacancies;*

20 (2) *not later than 9 months after the date of en-*
21 *actment of this Act, present a briefing on the findings*
22 *of the study conducted under paragraph (1) to—*

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

1 (B) the Committee on Oversight and Gov-
 2 ernment Reform of the House of Representatives;
 3 and

4 (3) not later than 15 months after the date of en-
 5 actment of this Act, submit a report on the findings
 6 of the study conducted under paragraph (1) to the
 7 committees described in paragraph (2).

8 (b) *REPORT ON ISSUES INVOLVING MULTIPLE OF-*
 9 *FICES OF INSPECTOR GENERAL.*—The Council of the In-
 10 spectors General on Integrity and Efficiency shall—

11 (1) conduct an analysis of critical issues that in-
 12 volve the jurisdiction of more than 1 individual Fed-
 13 eral agency or entity to identify—

14 (A) each such issue that could be better ad-
 15 dressed through greater coordination among, and
 16 cooperation between, individual Offices of In-
 17 spectors General;

18 (B) the best practices that can be employed
 19 by the Offices of Inspectors General to increase co-
 20 ordination and cooperation on each issue identi-
 21 fied; and

22 (C) any recommended statutory changes
 23 that would facilitate coordination and coopera-
 24 tion among the Offices of Inspectors General on
 25 critical issues; and

(2) *not later than 1 year after the date of enactment of this Act, submit a report on the findings of the analysis described in paragraph (1) to—*

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

(B) the Committee on Oversight and Government Reform of the House of Representatives.

(c) ADDITIONAL INFORMATION.—

(1) IN GENERAL.—On a semiannual basis to coincide with the preparation of the semiannual report required under section 5 of the Inspector General Act of 1978 (5 U.S.C. App.), the Office of Inspector General (in this subsection referred to as the “Office”) of each Federal agency or department shall submit to the appropriate committees of jurisdiction in the Senate and the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Oversight and Government Reform of the House of Representatives—

(A) a report on each investigation conducted by the Office involving employees of the Federal agency or department, as applicable, receiving pay at the rate specified for GS-15 level or above of the General Schedule under section 5332 of title 5, United States Code, where mis-

1 *conduct was found but no prosecution resulted,*
2 *including—*

3 *(i) a detailed description of the facts*
4 *and circumstances of the investigation; and*

5 *(ii) a detailed description of the status*
6 *and disposition of the matter, including—*

7 *(I) if the matter was referred to*
8 *the Department of Justice, the date of*
9 *the referral; and*

10 *(II) if the Department of Justice*
11 *declined the referral, the date of the*
12 *declination and an explanation of the*
13 *reasons for the declination;*

14 *(B) reports authored by the Office that are*
15 *not available to the public;*

16 *(C) a detailed description of any instance of*
17 *whistleblower retaliation, including information*
18 *about the official found to have engaged in retal-*
19 *iation and what, if any, consequences the Fed-*
20 *eral agency or department imposed to hold that*
21 *official accountable, provided that the Office ob-*
22 *tains whistleblower consent before revealing the*
23 *whistleblower's personally identifiable informa-*
24 *tion to Congress;*

1 (D) a detailed description of any attempt
2 by the Federal agency or department, as applica-
3 ble, to interfere with the independence of the Of-
4 fice, including—

5 (i) with communication between the
6 Office and Congress; and

7 (ii) with budget constraints designed to
8 limit the capabilities of the Office;

9 (E) detailed descriptions of the particular
10 circumstances of each—

11 (i) investigation, evaluation, and audit
12 conducted by the Office that is closed and
13 was not disclosed to the public;

14 (ii) outstanding unimplemented rec-
15 ommendation of the Office, as well as the
16 aggregate potential cost savings of those
17 open recommendations; and

18 (iii) incident where the Federal agency
19 or department, as applicable, has resisted or
20 objected to oversight activities of the Office
21 or restricted or significantly delayed access
22 to information, including the justification
23 of the Federal agency or department for
24 such action; and

1 (F) a narrative description of any audit,
 2 evaluation, and inspection provided by the Office
 3 to the Federal agency or department, as applica-
 4 ble, for comment that was not returned within
 5 60 days.

6 (2) AVAILABILITY TO MEMBERS OF CONGRESS.—
 7 The information described in paragraph (1) shall be
 8 available upon request by any Member of Congress.

9 (d) DUTY TO SUBMIT AND MAKE AVAILABLE TO THE
 10 PUBLIC CERTAIN WORK PRODUCTS.—Section 4 of the In-
 11 specter General Act of 1978 (5 U.S.C. App.) is amended
 12 by adding at the end the following:

13 “(e)(1) Whenever an Inspector General, in carrying
 14 out the duties and responsibilities established under this
 15 Act, issues a work product that makes a recommendation
 16 or otherwise suggests corrective action, the Inspector Gen-
 17 eral shall—

18 “(A) submit the work product to—

19 “(i) the head of the establishment;

20 “(ii) the Committee on Homeland Security
 21 and Governmental Affairs and the Committee on
 22 Appropriations of the Senate;

23 “(iii) the Committee on Oversight and Gov-
 24 ernment Reform and the Committee on Appro-
 25 priations of the House of Representatives;

1 “(iv) the congressional committees of juris-
2 diction;

3 “(v) if the work product was initiated upon
4 request by an individual or entity other than the
5 Inspector General, that individual or entity; and

6 “(vi) any Member of Congress upon request;
7 and

8 “(B) not later than 3 days after the work prod-
9 uct is submitted in final form to the head of the estab-
10 lishment, post the work product on the website of the
11 Office of Inspector General.

12 “(2) Nothing in this subsection shall be construed to
13 authorize the public disclosure of information that is spe-
14 cifically prohibited from disclosure by any other provision
15 of law.”.

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

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

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

1 “(3) *RULE OF CONSTRUCTION.*—*Nothing in this*
 2 *subsection shall be construed to authorize the public*
 3 *disclosure of information that is prohibited from dis-*
 4 *closure by any other provision of law.”.*

5 **SEC. 6. TECHNICAL AND CONFORMING AMENDMENTS.**

6 (a) *REPEALS.*—

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

11 (2) *FINANCIAL SERVICES AND GENERAL GOVERN-*
 12 *MENT APPROPRIATIONS ACT, 2009.*—*Section 744 of the*
 13 *Financial Services and General Government Appro-*
 14 *priations Act, 2009 (division D of Public Law 111–*
 15 *8; 123 Stat. 693) is repealed.*

16 (b) *AGENCY APPLICABILITY.*—

17 (1) *AMENDMENTS.*—*The Inspector General Act of*
 18 *1978 (5 U.S.C. App.), as amended by this Act, is fur-*
 19 *ther amended—*

20 (A) *in section 8M—*

21 (i) *in subsection (a)(1)—*

22 (I) *by striking “Each agency”*
 23 *and inserting “Each Federal agency*
 24 *and designated Federal entity”; and*

1 (II) by striking “that agency”
 2 each place that term appears and in-
 3 serting “that Federal agency or des-
 4 ignated Federal entity”;
 5 (ii) in subsection (b)—

6 (I) in paragraph (1), by striking
 7 “agency” and inserting “Federal agen-
 8 cy and designated Federal entity”; and

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

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

15 “(c) *DEFINITIONS.*—In this section, the terms ‘des-
 16 ignated Federal entity’ and ‘head of the designated Federal
 17 entity’ have the meanings given those terms in section
 18 8G(a).”; and

19 (B) in section 11(c)(3)(A)(ii), by striking
 20 “department, agency, or entity of the executive
 21 branch” and inserting “Federal agency or des-
 22 ignated Federal entity (as defined in section
 23 8G(a))”.

1 (2) *EFFECTIVE DATE.*—*The amendments made*
 2 *by paragraph (1) shall take effect on the date that is*
 3 *180 days after the date of enactment of this Act.*

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

8 (1) *in subparagraph (A), by striking “report or*
 9 *audit (or portion of any report or audit)” and insert-*
 10 *ing “audit report, inspection report, or evaluation re-*
 11 *port (or portion of any such report)”;* and

12 (2) *by striking “report or audit (or portion of*
 13 *that report or audit)” each place that term appears*
 14 *and inserting “report (or portion of that report)”.*

15 (d) *CORRECTIONS.*—

16 (1) *EXECUTIVE ORDER NUMBER.*—*Section*
 17 *7(c)(2) of the Inspector General Reform Act of 2008*
 18 *(Public Law 110–409; 122 Stat. 4313; 31 U.S.C. 501*
 19 *note) is amended by striking “12933” and inserting*
 20 *“12993”.*

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

24 (A) *in section 4(b)(2)—*

1 (i) by striking “8F(a)(2)” each place
 2 that term appears and inserting
 3 “8G(a)(2)”; and

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

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

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

12 (D) in section 8G(g)(3), by striking “8C”
 13 and inserting “8D”.

14 (3) *SPELLING.*—*The Inspector General Act of*
 15 *1978 (5 U.S.C. App.), as amended by this Act, is fur-*
 16 *ther amended—*

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

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

21 (C) in section 8D(a)—

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

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

4 (D) in section 8E(a)—

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

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

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

Calendar No. 68

114TH CONGRESS
1ST Session

S. 579

[Report No. 114-36]

A BILL

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

MAY 5, 2015

Reported with an amendment