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

To amend the Inspector General Act of 1978 to strengthen the independence of the Inspectors General, and for other purposes.
Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

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

(b) TABLE OF CONTENTS.—The table of contents for
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. Paperwork Reduction Act exemption.
Sec. 5. Amendments to the Inspector General Act of 1978 and the Inspector
Sec. 6. Reports required.
Sec. 7. Public release of misconduct report.

SEC. 2. ADDITIONAL AUTHORITY PROVISIONS FOR INSPECTORS GENERAL.

(a) SUBPOENA AUTHORITY FOR INSPECTORS GENERAL TO REQUIRE TESTIMONY OF CERTAIN PERSONS.—
The Inspector General Act of 1978 (5 U.S.C. App.) is
amended—

(1) by inserting after section 6 the following
new section:

“SEC. 6A. ADDITIONAL AUTHORITY.

“(a) TESTIMONIAL SUBPOENA AUTHORITY.—In ad-
dition to the authority otherwise provided by this Act and
in accordance with the requirements of this section, each
Inspector General (and each Special Inspector General not
established under this Act), in carrying out the provisions
of this Act (or in the case of a Special Inspector General, the provisions of the authorizing statute), is authorized to require by subpoena the attendance and testimony of certain witnesses, including a contractor with the Federal Government or a designated Federal entity and any former Federal employee or employee of a designated Federal entity (but not including any Federal employee), necessary in the performance of the functions assigned by this Act, which subpoena, in the case of contumacy or refusal to obey, shall be enforceable by order of any appropriate United States district court.

“(b) NONDELEGATION.—The authority to issue a subpoena under subsection (a) may not be delegated.

“(c) LIMITATION.—The authority to issue a subpoena under subsection (a) is limited to an investigation of fraud or waste in excess of $100,000 unless there is reasonable cause to believe a crime has been committed.

“(d) PANEL REVIEW BEFORE ISSUANCE.—

“(1) APPROVAL REQUIRED.—

“(A) REQUEST FOR APPROVAL BY SUBPOENA PANEL.—Before the issuance of a subpoena described in subsection (a), an Inspector General shall submit a request for approval to issue a subpoena to a panel (in this section, referred to as the ‘Subpoena Panel’), which shall
be comprised of three Inspectors General of the Council of the Inspectors General on Integrity and Efficiency, who shall be designated by the Inspector General serving as Chairperson of the Council.

“(B) Reasonable Cause.—Any request submitted by an Inspector General under subparagraph (A) shall demonstrate reasonable cause that each witness requested by the subpoena possesses information pertinent and necessary to the investigation.

“(C) Protection from Disclosure.—The information contained in the request submitted by an Inspector General under subparagraph (A) and the identification of a witness shall be protected from disclosure to the extent practicable.

“(2) Time to respond.—

“(A) In general.—Except as provided in subparagraph (B), the Subpoena Panel shall approve or deny a request for approval to issue a subpoena not later than 10 days after the submission of such request.

“(B) Additional information for panel.—If the Subpoena Panel determines
that additional information is necessary to ap-
prove or deny such request, the Subpoena Panel
shall request such information and shall ap-
prove or deny such request not later than 20
days after the submission of such request.

“(3) Denial by Panel.—If a majority of the
Subpoena Panel denies the approval of a subpoena,
that subpoena may not be issued.

“(e) Notice to Attorney General.—

“(1) In General.—If the Subpoena Panel ap-
approves a subpoena under subsection (d), the Inspec-
tor General shall notify the Attorney General that
the Inspector General intends to issue the subpoena.

“(2) Denial for Interference with an On-
going Investigation.—The Attorney General shall
approve or deny the issuance of a subpoena. If the
Attorney General denies the issuance of the sub-
poena, the subpoena may not be issued. The Attor-
ney General shall make every effort to issue an ap-
proval or denial under this paragraph within 30 days
after notification by the Inspector General under
paragraph (1).

“(3) Issuance of Subpoena.—An Inspector
General may not issue a subpoena under this section
unless the Attorney General approves the issuance of
the subpoena.

“(f) REGULATIONS.—The Chairperson of the Council
of the Inspectors General on Integrity and Efficiency, in
consultation with the Attorney General, shall prescribe
regulations to carry out the purposes of this section.”; and

(2) in section 5(a)—

(A) in paragraph (15), by striking “; and”
and inserting a semicolon;

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

(C) by inserting at the end the following
new paragraph:

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

(b) MATCHING PROGRAM EXCEPTION FOR INSPEC-
tors General.—Section 6(a) of the Inspector General
Act of 1978 (5 U.S.C. App.) is amended—

(1) in paragraph (8), by striking “; and” and
inserting a semicolon;

(2) by redesignating paragraph (9) as para-
graph (10); and

(3) by inserting after paragraph (8) the fol-
lowing new paragraph:
“(9) notwithstanding paragraph (12) of subsection (e) and subsections (o), (p), (q), (r), and (u) of section 552a of title 5, United States Code—

“(A) to compare, through a matching program (as defined in such section), any Federal records with other Federal or non-Federal records, while conducting an audit, investigation, inspection, evaluation, or other review authorized under this Act to identify weaknesses that may lead to waste, fraud, or abuse and to detect improper payments and fraud; and

“(B) to take action to protect any information collected pursuant to subparagraph (A); and”.

SEC. 3. ADDITIONAL RESPONSIBILITIES OF THE COUNCIL OF THE INSPECTORS GENERAL ON INTEGRITY AND EFFICIENCY.

(a) Functions and Duties of Council.—Section 11(c)(1) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in subparagraph (G), by striking “; and” and inserting a semicolon;

(2) by redesignating subparagraph (H) as subparagraph (I); and
(3) by inserting after subparagraph (G) the following new subparagraph:

“(H) receive, review, and mediate any disputes submitted in writing to the Council by an Office of Inspector General regarding an audit, investigation, inspection, evaluation, or project that involves the jurisdiction of more than one Federal agency or entity; and”.

(b) INTEGRITY COMMITTEE.—Section 11(d) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in paragraph (5)—

(A) in subparagraph (B), by striking “; and” and inserting a semicolon;

(B) in subparagraph (C), by striking the period at the end and inserting “; and”; and

(C) by inserting at the end the following new subparagraph:

“(D) not later than 60 days after the date on which an allegation of wrongdoing is received by the Integrity Committee, make a determination whether the Integrity Committee will initiate an investigation of such allegation under this subsection.”;
(2) in paragraph (6)(B)(i), by striking “may” and inserting “shall”; and

(3) in paragraph (7)—

(A) in subparagraph (B)(i)—

(i) in subclause (III), by striking “;” and inserting a semicolon;

(ii) in subclause (IV), by striking the period at the end and inserting a semi-

colon; and

(iii) by inserting at the end the fol-

lowing new subclauses:

“(V) creating a regular rotation

of Inspectors General assigned to in-

vestigate complaints through the In-

tegrity Committee; and

“(VI) creating procedures to

avoid conflicts of interest for Integrity

Committee investigations.”;

(B) by redesignating subparagraph (C) as

subparagraph (E); and

(C) by inserting after subparagraph (B)

the following new subparagraphs:

“(C) COMPLETION OF INVESTIGATION.—If

a determination is made under paragraph (5) to
initiate an investigation, the Integrity Com-
mittee—

“(i) shall complete the investigation
not later than six months after the date on
which the Integrity Committee made such
determination;

“(ii) if the investigation cannot be
completed within such six-month period,
shall—

“(I) promptly notify the congres-
sional committees listed in paragraph
(8)(A)(iii); and

“(II) to the maximum extent
practicable, complete the investigation
not later than 3 months after the ex-
piration of the six-month period; and

“(iii) if the investigation cannot be
completed within such nine-month period,
shall brief the congressional committees
listed in paragraph (8)(A)(iii) every thirty
days until the investigation is complete.

“(D) CONCURRENT INVESTIGATION.—If an
investigation of an allegation of wrongdoing
against an Inspector General or a staff member
of an Office of Inspector General described
under paragraph (4)(C) is initiated by a governmental entity other than the Integrity Committee, the Integrity Committee may conduct any related investigation for which a determination to initiate an investigation was made under paragraph (5) concurrently with the other government entity.”.

(c) TECHNICAL CORRECTION; DESIGNEE AUTHORITY.—Section 11 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in subsection (b)(1)(B) by striking “Director of National Intelligence” and inserting “Intelligence Community”; and

(2) in subsection (d)(2)—

(A) in subparagraph (C), by inserting “or the designee of the Special Counsel” before the period at the end; and

(B) in subparagraph (D), by inserting “or the designee of the Director” before the period at the end.

SEC. 4. PAPERWORK REDUCTION ACT EXEMPTION.

Section 3518(c) of title 44, United States Code, is amended—

(1) in paragraph (1), by striking “paragraph (2)” and inserting “paragraph (3)”;

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(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following new paragraph:

“(2) Notwithstanding paragraph (3), this subchapter shall not apply to the collection of information during the conduct of any evaluation, or other review conducted by the Recovery Accountability and Transparency Board, or during the conduct of any audit, investigation, inspection, evaluation, or any 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.”.


(a) INCORPORATION OF PROVISIONS FROM THE INSPECTOR GENERAL REFORM ACT OF 2008 INTO THE INSPECTOR GENERAL ACT OF 1978.—

(1) Amendment.—Section 11(d) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by adding at the end the following new paragraph:

“(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.**—

“(i) **In general.**—An allegation of wrongdoing against the Special Counsel or the Deputy Special Counsel may be received, reviewed, and referred for investigation by the Integrity Committee to the same extent and in the same manner as in the case of an allegation against an Inspector General (or a member of the staff of an Office of Inspector General), subject to the requirement that the Special Counsel recuse himself or herself from the consideration of any allegation brought under this paragraph.

“(ii) **Coordination with existing provisions of law.**—This paragraph does not eliminate access to the Merit Systems Protection Board for review under section 7701 of title 5, United States Code. To the extent that an allegation
brought under this subsection involves section 2302(b)(8) of that title, a failure to obtain corrective action within 120 days after the date on which that allegation is received by the Integrity Committee shall, for purposes of section 1221 of such title, be considered to satisfy section 1214(a)(3)(B) of that title.

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

(2) CONFORMING AMENDMENT.—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.

(b) AGENCY APPLICABILITY.—

(1) AMENDMENTS.—The Inspector General Act of 1978 (5 U.S.C. App.), as amended by section 2(a), is further amended—

(A) in section 8M—

(i) in subsection (a)(1)—
(I) by striking the first “agency” and inserting “Federal agency and designated Federal entity”; and

(II) by striking the second and third “agency” and inserting “Federal agency or designated Federal entity”;

and

(ii) in subsection (b)—

(I) in paragraph (1), by striking “agency” and inserting “Federal agency and designated Federal entity”; and

(II) in paragraph (2)—

(aa) in subparagraph (A), by striking “agency” and inserting “Federal agency and designated Federal entity”; and

(bb) in subparagraph (B), by striking “agency” and inserting “Federal agency and designated Federal entity”; and

(B) in section 11(c)(3)(A)(ii), by striking “department, agency, or entity of the executive branch” and inserting “Federal agency or designated Federal entity”.

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(2) **IMPLEMENTATION.**—Not later than 180 days after the date of the enactment of this Act, the head and the Inspector General of each Federal agency and each designated Federal entity (as such terms are defined in sections 12 and 8G of the Inspector General Act of 1978 (5 U.S.C. App.), respectively) shall implement the amendments made by this subsection.

(e) **REQUIREMENTS FOR INSPECTORS GENERAL WEBSITES.**—Section 8M(b)(1) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in subparagraph (A), by striking “report or audit (or portion of any report or audit)” and inserting “audit report, inspection report, or evaluation report (or portion of any such report)”;

(2) by striking “report or audit (or portion of that report or audit)” and inserting “report (or portion of that report)”, each place it appears.

(d) **CORRECTIONS.**—

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

The Inspector General Act of 1978 (5 U.S.C. App.), as amended by section 2(a) and subsection (b), is further amended—

(A) in section 4(b)(2)—

(i) by striking “8F(a)(2)” and inserting “8G(a)(2)”, each place it appears; and

(ii) by striking “8F(a)(1)” and inserting “8G(a)(1)”;

(B) in section 6(a)(4), by striking “information, as well as any tangible thing)” and inserting “information), as well as any tangible thing”;

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

(D) in section 5(a)(13), by striking “05(b)” and inserting “804(b)”.

(3) SPELLING.—The Inspector General Act of 1978 (5 U.S.C. App.), as amended by section 2(a), subsection (b), and paragraph (2), is further amended—

(A) in section 3(a), by striking “subpena” and inserting “subpoena”;
(B) in section 6(a)(4), by striking “sub-
pena” and “subpenas” and inserting “sub-
poena” and “subpoenas”, respectively;

(C) in section 8D(a)—

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

(ii) in paragraph (2), by striking
“subpena” and inserting “subpoena”, each
place it appears;

(D) in section 8E(a)—

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

(ii) in paragraph (2), by striking
“subpena” and inserting “subpoena”, each
place it appears; and

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

(e) Repeal.—Section 744 of the Financial Services
and General Government Appropriations Act, 2009 (divi-
sion D of Public Law 111–8; 123 Stat. 693) is repealed.

SEC. 6. REPORTS REQUIRED.

(a) Report on Vacancies in the Offices of In-
spector General.—

(1) GAO Study Required.—The Comptroller
General shall conduct a study of prolonged vacancies
in the Offices of Inspector General, during which a temporary appointee has served as the head of the office that includes—

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

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

(C) an evaluation of the impact such vacancies have had on the ability of the relevant Office of the Inspector General to effectively carry out statutory requirements; and

(D) recommendations to minimize the duration of such vacancies.

(2) COMMITTEE BRIEFING REQUIRED.—Not later than nine months after the date of the enactment of this Act, the Comptroller General shall present a briefing on the findings of the study described in subsection (a) to the Committee on Oversight and Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate.

(3) REPORT TO CONGRESS.—Not later than fifteen months after the date of the enactment of this Act, the Comptroller General shall submit a report
on the findings of the study described in subsection
(a) to the Committee on Oversight and Government
Reform of the House of Representatives and the
Committee on Homeland Security and Governmental
Affairs of the Senate.
(b) Report on Issues Involving Multiple Of-
fices of Inspector General.—
(1) Examination required.—The Council of
the Inspectors General on Integrity and Efficiency
shall conduct an analysis of critical issues that in-
volve the jurisdiction of more than one individual
Federal agency or entity to identify—
(A) each such issue that could be better
addressed through greater coordination among,
and cooperation between, individual Offices of
Inspector General;
(B) the best practices that can be em-
ployed by the Offices of Inspector General to in-
crease coordination and cooperation on each
issue identified; and
(C) any recommended statutory changes
that would facilitate coordination and coopera-
tion among Offices of Inspector General on crit-
ical issues.
(2) REPORT TO CONGRESS.—Not later than one year after the date of the enactment of this Act, the Council of the Inspectors General on Integrity and Efficiency shall submit a report on the findings of the analysis described in subsection (a) to the Committee on Oversight and Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate.

SEC. 7. PUBLIC RELEASE OF MISCONDUCT REPORT.

(a) PUBLIC RELEASE BY INSPECTORS GENERAL OF REPORT OF MISCONDUCT.—Section 4(a) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in paragraph (4), by striking ‘‘; and’’ and inserting a semicolon;

(2) in paragraph (5), by striking the period and inserting ‘‘; and’’; and

(3) by inserting at the end the following new paragraph:

‘‘(6) to make publicly available not later than 60 days after issuing a final report on any administrative investigation that confirms misconduct, including any violation of Federal law and any violation of Federal agency policy, by any member of the Senior Executive Service, employee in a position that
is excepted from the competitive service because of its confidential, policy-determining, policy-making, or policy-advocating character, or commissioned officer in the Armed Forces in pay grades O–6 and above (ensuring that information protected under section 552 of title 5, United States Code (commonly known as the ‘Freedom of Information Act’), section 552a of title 5, United States Code (commonly known as the ‘Privacy Act of 1974’), and section 6103 of the Internal Revenue Code of 1986 is not disclosed).”.

(b) REPORTS OF MISCONDUCT IN SEMIANNUAL REPORTS.—Section 5(a) of the Inspector General Act of 1978 (5 U.S.C. App.), as amended by section 2(a)(2) is further amended—

(1) in paragraph (16), by striking “; and” and inserting a semicolon;

(2) in paragraph (17), by striking the period at the end and inserting “; and”;

(3) by inserting at the end the following new paragraph:

“(18) a list of and summary of any administrative investigation that confirms misconduct, including any violation of Federal law and violation of any Federal agency policy, by any member of the Senior Executive Service, employee in a position that is ex-
cepted from the competitive service because of its confidential, policy-determining, policy-making, or policy-advocating character, or commissioned officer in the Armed Forces in pay grades O–6 and above.”.
H. R. 2395

A BILL

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JULY 16, 2015

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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