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(Original Signature of Member)

113TH CONGRESS  
2D SESSION

# H. R. \_\_\_\_\_

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

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## IN THE HOUSE OF REPRESENTATIVES

Mr. ISSA (for himself and Mr. MEADOWS) introduced the following bill; which was referred to the Committee on \_\_\_\_\_

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# 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 ~~Improvement~~ **Empowerment** Act of 2014”.

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. Clarification of resources available to the Council of the Inspectors General on Integrity and Efficiency.
- Sec. 4. Additional responsibilities of the Council of the Inspectors General on Integrity and Efficiency.
- Sec. 5. Paperwork reduction act exemption.
- Sec. 6. Amendments to the Inspector General Act of 1978 and the Inspector General Reform Act of 2008.
- Sec. 7. Reports required.

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

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

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

9 **“SEC. 6A. ADDITIONAL AUTHORITY.**

10 “(a) TESTIMONIAL SUBPOENA AUTHORITY.—In ad-  
 11 dition to the authority otherwise provided by this Act and  
 12 in accordance with the requirements of this section, each  
 13 Inspector General, in carrying out the provisions of this  
 14 Act, is authorized to require by subpoena the attendance  
 15 and testimony of certain witnesses, including a contractor  
 16 with the Federal Government and any former Federal em-  
 17 ployee (but not including any Federal employee), nec-  
 18 essary in the performance of the functions assigned by this  
 19 Act, which subpoena, in the case of contumacy or refusal  
 20 to obey, shall be enforceable by order of any appropriate  
 21 United States district court.

1 “(b) PANEL REVIEW BEFORE ISSUANCE.—

2 “(1) APPROVAL REQUIRED.—Before the  
3 issuance of a subpoena described in subsection (a),  
4 an Inspector General shall submit a request for ap-  
5 proval to issue a subpoena by a majority of a panel  
6 (in this section, referred to as the ‘Subpoena  
7 Panel’), which shall be comprised of each Chair (or  
8 a designee of such chair) of the Audit, Inspections,  
9 and Evaluation Committees of the Council of the In-  
10 spectors General on Integrity and Efficiency.

11 “(2) TIME TO RESPOND.—Not later than 30  
12 days after the submission of a request for approval  
13 to issue a subpoena, the Subpoena Panel shall ap-  
14 prove or deny such request.

15 “(3) DENIAL BY PANEL.—If a majority of the  
16 Subpoena Panel denies the approval of a subpoena,  
17 that subpoena may not be issued.

18 “(c) NOTICE TO ATTORNEY GENERAL.—

19 “(1) IN GENERAL.—If the Subpoena Panel ap-  
20 proves a subpoena under subsection (b), the Inspec-  
21 tor General shall notify the Attorney General that  
22 the Inspector General intends to issue the subpoena.

23 “(2) DENIAL FOR INTERFERENCE WITH AN ON-  
24 GOING INVESTIGATION.—Not later than 10 days  
25 after the date on which the Attorney General is noti-

1       fied pursuant to paragraph (1), the Attorney Gen-  
2       eral may object to the issuance of the subpoena be-  
3       cause the subpoena will interfere with an ongoing in-  
4       vestigation and the subpoena may not be issued.

5       “(3) ISSUANCE OF SUBPOENA APPROVED.—If  
6       the Attorney General does not object to the issuance  
7       of the subpoena during the ten-day period described  
8       in paragraph (2), the Inspector General may issue  
9       the subpoena.”; and

10       (2) in section 5(a)—

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

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

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

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

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

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

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

3           (3) by inserting after paragraph (8) the fol-  
4 lowing new paragraph:

5           “(9) notwithstanding paragraph (12) of sub-  
6 section (e) and subsections (o), (p), (q), (r), and (u)  
7 of section 552a of title 5, United States Code, to  
8 compare, through a matching program (as defined in  
9 such section), any Federal records with other Fed-  
10 eral or non-Federal records, while conducting an  
11 audit, investigation, inspection, evaluation, or other  
12 review authorized under this Act to identify weak-  
13 nesses that may lead to waste, fraud, or abuse and  
14 to detect improper payments and fraud; and”.

15       (c) CLARIFICATION OF ACCESS TO INFORMATION  
16 FROM FEDERAL AGENCIES.—Section 6 of the Inspector  
17 General Act of 1978 (5 U.S.C. App.) is amended —

18           (1) in subsection (a)(1), by inserting after “to  
19 have access” the following: “, notwithstanding any  
20 other provision of law,”; and

21           (2) in subsection (b), by adding at the end the  
22 following new paragraph:

23           “(3) CONFIDENTIALITY.—An Inspector General  
24 shall maintain the same level of confidentiality for a  
25 record made available under this section as is re-



1 **SEC. 4. ADDITIONAL RESPONSIBILITIES OF THE COUNCIL**  
2 **OF THE INSPECTORS GENERAL ON INTEG-**  
3 **RITY AND EFFICIENCY.**

4 (a) **FUNCTIONS AND DUTIES OF COUNCIL.**—Section  
5 11(c)(1) of the Inspector General Act of 1978 (5 U.S.C.  
6 App.) is amended—

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

9 (2) by redesignating subparagraph (H) as sub-  
10 paragraph (I); and

11 (3) by inserting after subparagraph (G) the fol-  
12 lowing new subparagraph:

13 “(H) receive, review, and mediate any dis-  
14 putes submitted in writing to the Council by an  
15 Office of Inspector General regarding an audit,  
16 investigation, inspection, evaluation, or project  
17 that involves more than one jurisdiction of an  
18 individual Federal agency or entity; and”.

19 (b) **INTEGRITY COMMITTEE.**—Section 11(d) of the  
20 Inspector General Act of 1978 (5 U.S.C. App.) is amend-  
21 ed—

22 (1) in paragraph (5)—

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

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

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

3 “(D) not later than 60 days after the date  
4 on which an allegation of wrongdoing is re-  
5 ceived by the Integrity Committee, make a de-  
6 termination whether the Integrity Committee  
7 will initiate an investigation of such allegation  
8 under this subsection.”;

9 (2) in paragraph (6)(B)(i), by striking “may”  
10 and inserting “shall”;

11 (3) in paragraph (7)—

12 (A) in subparagraph (B)(i)—

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

15 (ii) in subclause (IV), by striking the  
16 period at the end and inserting a semi-  
17 colon; and

18 (iii) by inserting at the end the fol-  
19 lowing new subclauses:

20 “(V) creating a regular rotation  
21 of Inspectors General assigned to in-  
22 vestigate complaints through the In-  
23 tegrity Committee; and

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

4                   (B) by redesignating subparagraph (C) as  
5                   subparagraph (E); and

6                   (C) by inserting after subparagraph (B)  
7                   the following new subparagraphs:

8                   “(C) COMPLETION OF INVESTIGATION.—If  
9                   a determination is made under paragraph (5) to  
10                  initiate an investigation, the Integrity Com-  
11                  mittee—

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

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

19                  “(I) promptly notify the congress-  
20                  sional committees listed in paragraph  
21                  (8)(A)(iii); and

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

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

6                   “(D) CONCURRENT INVESTIGATION.—If an  
7                   investigation of an allegation of wrongdoing  
8                   against an Inspector General or a staff member  
9                   of an Office of Inspector General described  
10                  under paragraph (4)(C) is initiated by a gov-  
11                  ernmental entity other than the Integrity Com-  
12                  mittee, the Integrity Committee may conduct  
13                  any related investigation for which a determina-  
14                  tion to initiate an investigation was made under  
15                  paragraph (5) concurrently with the other gov-  
16                  ernment entity.”.

17                  (c) TECHNICAL CORRECTION; DESIGNEE AUTHOR-  
18                  ITY.—Section 11 of the Inspector General Act of 1978 (5  
19                  U.S.C. App.) is amended—

20                  (1) in subsection (b)(1)(B) by striking “Direc-  
21                  tor of National Intelligence” and inserting “Intel-  
22                  ligence Community”; and

23                  (2) in subsection (d)(2)—

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

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

7 **SEC. 5. PAPERWORK REDUCTION ACT EXEMPTION.**

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

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

12 (2) by redesignating paragraph (2) as para-  
13 graph (3); and

14 (3) by inserting after paragraph (1) the fol-  
15 lowing new paragraph:

16 “(2) Notwithstanding paragraph (3), this sub-  
17 chapter shall not apply to the collection of informa-  
18 tion during the conduct of any evaluation, or other  
19 review conducted by the Recovery Accountability and  
20 Transparency Board, or during the conduct of any  
21 audit, investigation, inspection, evaluation, or any  
22 other review conducted by the Council of the Inspec-  
23 tors General on Integrity and Efficiency or any Of-  
24 fice of Inspector General, including any Office of  
25 Special Inspector General.”.

1 **SEC. 6. AMENDMENTS TO THE INSPECTOR GENERAL ACT**  
2 **OF 1978 AND THE INSPECTOR GENERAL RE-**  
3 **FORM ACT OF 2008.**

4 (a) INCORPORATION OF PROVISIONS FROM THE IN-  
5 SPECTOR GENERAL REFORM ACT OF 2008 INTO THE IN-  
6 SPECTOR GENERAL ACT OF 1978.—

7 (1) AMENDMENT.—Section 11(d) of the Inspec-  
8 tor General Act of 1978 (5 U.S.C. App.) is amended  
9 by adding at the end the following new paragraph:

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

12 “(A) SPECIAL COUNSEL DEFINED.—In this  
13 paragraph, the term ‘Special Counsel’ means  
14 the Special Counsel appointed under section  
15 1211(b) of title 5, United States Code.

16 “(B) AUTHORITY OF INTEGRITY COM-  
17 MITTEE.—

18 “(i) IN GENERAL.—An allegation of  
19 wrongdoing against the Special Counsel or  
20 the Deputy Special Counsel may be re-  
21 ceived, reviewed, and referred for investiga-  
22 tion by the Integrity Committee to the  
23 same extent and in the same manner as in  
24 the case of an allegation against an Inspec-  
25 tor General (or a member of the staff of  
26 an Office of Inspector General), subject to

1 the requirement that the Special Counsel  
2 recuse himself or herself from the consider-  
3 ation of any allegation brought under this  
4 paragraph.

5 “(ii) COORDINATION WITH EXISTING  
6 PROVISIONS OF LAW.—This paragraph  
7 does not eliminate access to the Merit Sys-  
8 tems Protection Board for review under  
9 section 7701 of title 5, United States  
10 Code. To the extent that an allegation  
11 brought under this subsection involves sec-  
12 tion 2302(b)(8) of that title, a failure to  
13 obtain corrective action within 120 days  
14 after the date on which that allegation is  
15 received by the Integrity Committee shall,  
16 for purposes of section 1221 of such title,  
17 be considered to satisfy section  
18 1214(a)(3)(B) of that title.

19 “(C) REGULATIONS.—The Integrity Com-  
20 mittee may prescribe any rules or regulations  
21 necessary to carry out this paragraph, subject  
22 to such consultation or other requirements as  
23 might otherwise apply.”.

24 (2) CONFORMING AMENDMENT.—Section 7(b)  
25 of the Inspector General Reform Act of 2008 (Public

1 Law 110–409; 122 Stat. 4312; 5 U.S.C. 1211 note)  
2 is repealed.

3 (b) AGENCY APPLICABILITY.—

4 (1) AMENDMENTS.—The Inspector General Act  
5 of 1978 (5 U.S.C. App.), as amended by section  
6 2(a), is further amended—

7 (A) in section 8M—

8 (i) in subsection (a)(1)—

9 (I) by striking the first “agency”  
10 and inserting “Federal agency and  
11 designated Federal entity”; and

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

16 (ii) in subsection (b)—

17 (I) in paragraph (1), by striking  
18 “agency” and inserting “Federal  
19 agency and designated Federal enti-  
20 ty”; and

21 (II) in paragraph (2)—

22 (aa) in subparagraph (A),  
23 by striking “agency” and insert-  
24 ing “Federal agency and des-  
25 ignated Federal entity”; and

1 (bb) in subparagraph (B),  
2 by striking “agency” and insert-  
3 ing “Federal agency and des-  
4 ignated Federal entity”; and

5 (B) in section 11(c)(3)(A)(ii), by striking  
6 “department, agency, or entity of the executive  
7 branch” and inserting “Federal agency or des-  
8 ignated Federal entity”.

9 (2) IMPLEMENTATION.—Not later than 180  
10 days after the date of the enactment of this Act, the  
11 head and the Inspector General of each Federal  
12 agency and each designated Federal entity (as such  
13 terms are defined in sections 12 and 8G of the In-  
14 spector General Act of 1978 (5 U.S.C. App.), re-  
15 spectively) shall implement the amendments made by  
16 this subsection.

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

20 (1) in subparagraph (A), by striking “report or  
21 audit (or portion of any report or audit)” and insert-  
22 ing “audit report, inspection report, or evaluation  
23 report (or portion of any such report)”; and

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

4           (d) CORRECTIONS.—

5           (1) EXECUTIVE ORDER NUMBER.—Section  
6           7(e)(2) of the Inspector General Reform Act of 2008  
7           (Public Law 110–409; 122 Stat. 4313; 31 U.S.C.  
8           501 note) is amended by striking “12933” and in-  
9           serting “12993”.

10          (2) PUNCTUATION AND CROSS-REFERENCES.—  
11          The Inspector General Act of 1978 (5 U.S.C. App.),  
12          as amended by section 2(a) and subsection (b), is  
13          further amended—

14                (A) in section 4(b)(2)—

15                   (i) by striking “8F(a)(2)” and insert-  
16                   ing “8G(a)(2)”, each place it appears; and

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

19                (B) in section 6(a)(4), by striking “infor-  
20                   mation, as well as any tangible thing)” and in-  
21                   serting “information), as well as any tangible  
22                   thing”;

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

1 (D) in section 5(a)(13), by striking  
2 “05(b)” and inserting “804(b)”.

3 (3) SPELLING.—The Inspector General Act of  
4 1978 (5 U.S.C. App.), as amended by section 2(a),  
5 subsection (b), and paragraph (2), is further amend-  
6 ed—

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

9 (B) in section 6(a)(4), by striking “sub-  
10 pena” and “subpenas” and inserting “sub-  
11 poena” and “subpoenas”, respectively;

12 (C) in section 8D(a)—

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

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

18 (D) in section 8E(a)—

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

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

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

1 (e) REPEAL.—Section 744 of the Financial Services  
2 and General Government Appropriations Act, 2009 (divi-  
3 sion D of Public Law 111–8; 123 Stat. 693; 5 U.S.C. App.  
4 8L) is repealed.

5 **SEC. 7. REPORTS REQUIRED.**

6 (a) REPORT ON VACANCIES IN THE OFFICES OF IN-  
7 SPECTOR GENERAL.—

8 (1) GAO STUDY REQUIRED.—The Comptroller  
9 General shall conduct a study of prolonged vacancies  
10 in the Offices of Inspector General, during which a  
11 temporary appointee has served as the head of the  
12 office that includes—

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

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

18 (C) an evaluation of the impact such va-  
19 cancies have had on the ability of the relevant  
20 Office of the Inspector General to effectively  
21 carry out statutory requirements; and

22 (D) recommendations to minimize the du-  
23 ration of such vacancies.

24 (2) COMMITTEE BRIEFING REQUIRED.—Not  
25 later than nine months after the date of the enact-

1       ment of this Act, the Comptroller General shall  
2       present a briefing on the findings of the study de-  
3       scribed in subsection (a) to the Committee on Over-  
4       sight and Government Reform of the House of Rep-  
5       resentatives and the Committee on Homeland Secu-  
6       rity and Governmental Affairs of the Senate.

7           (3) REPORT TO CONGRESS.—Not later than fif-  
8       teen months after the date of the enactment of this  
9       Act, the Comptroller General shall submit a report  
10      on the findings of the study described in subsection  
11      (a) to the Committee on Oversight and Government  
12      Reform of the House of Representatives and the  
13      Committee on Homeland Security and Governmental  
14      Affairs of the Senate.

15      (b) REPORT ON ISSUES INVOLVING MULTIPLE OF-  
16      FICES OF INSPECTOR GENERAL.—

17           (1) EXAMINATION REQUIRED.—The Council of  
18      the Inspectors General on Integrity and Efficiency  
19      shall conduct an analysis of critical issues that in-  
20      volve the jurisdiction of more than one individual  
21      Federal agency or entity to identify—

22           (A) each such issue that could be better  
23      addressed through greater coordination among,  
24      and cooperation between, individual Offices of  
25      Inspector General;

1           (B) the best practices that can be em-  
2           ployed by the Offices of Inspector General to in-  
3           crease coordination and cooperation on each  
4           issue identified; and

5           (C) any recommended statutory changes  
6           that would facilitate coordination and coopera-  
7           tion among Offices of Inspector General on crit-  
8           ical issues.

9           (2) REPORT TO CONGRESS.—Not later than one  
10          year after the date of the enactment of this Act, the  
11          Council of the Inspectors General on Integrity and  
12          Efficiency shall submit a report on the findings of  
13          the analysis described in subsection (a) to the Com-  
14          mittee on Oversight and Government Reform of the  
15          House of Representatives and the Committee on  
16          Homeland Security and Governmental Affairs of the  
17          Senate.