

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: In the nature of a substitute.

**IN THE SENATE OF THE UNITED STATES—114th Cong., 1st Sess.**

**S. 579**

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

Referred to the Committee on \_\_\_\_\_ and  
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by Mr. JOHNSON (for himself, Mrs. MCCASKILL, Mr. GRASSLEY, Mrs. ERNST, Ms. BALDWIN, Mr. CARPER, Mr. CORNYN, Mr. LANKFORD, Ms. COLLINS, Ms. AYOTTE, Mr. KIRK, Ms. MIKULSKI, Mrs. FISCHER, and Mr. WYDEN)

Viz:

1       Strike all after the enacting clause and insert the fol-  
2       lowing:

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

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

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. Nonduty status of Inspectors General; nominal 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. Full and prompt access to all documents.

Sec. 7. Access to information for certain Inspectors General.

Sec. 8. Technical and conforming amendments.

1 **SEC. 2. NONDUTY STATUS OF INSPECTORS GENERAL;**  
2 **NOMINAL SUPERVISION.**

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

5 (1) in section 3—

6 (A) in the section header—

7 (i) by inserting “**nominal**” before  
8 “**supervision;**”; and

9 (ii) by inserting “**paid or unpaid,**  
10 **nonduty status;**” after “**removal;**”;

11 (B) in subsection (a)—

12 (i) by striking “be under the general  
13 supervision” and inserting “be under the  
14 nominal supervision”; and

15 (ii) by striking “be subject to super-  
16 vision by” and inserting “be subject to  
17 nominal supervision by”;

18 (C) in subsection (b)—

19 (i) by striking “An Inspector General”  
20 and inserting “(1) An Inspector General”;

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

1 (iii) by adding at the end the fol-  
2 lowing:

3 “(2)(A) Subject to subparagraphs (B) and (C), the  
4 President may place an Inspector General in an involun-  
5 tary paid or unpaid, nonduty status if the President deter-  
6 mines that the continued presence in the workplace of the  
7 Inspector General may—

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

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

11 “(iii) otherwise jeopardize legitimate interests  
12 of the Federal Government.

13 “(B) Not later than 48 hours after the President  
14 issues the directive to place an Inspector General in an  
15 involuntary paid or unpaid, nonduty status under sub-  
16 paragraph (A), the President shall communicate in writing  
17 to both Houses of Congress the reasons for such action,  
18 which shall be limited to evidence showing that the contin-  
19 ued presence in the workplace of the Inspector General  
20 may result in a condition described in clause (i), (ii), or  
21 (iii) of subparagraph (A).

22 “(C) The President may not place an Inspector Gen-  
23 eral in an involuntary paid or unpaid, nonduty status  
24 under subparagraph (A) for more than 10 days, unless  
25 the Integrity Committee of the Council of the Inspectors

1 General for Integrity and Efficiency submits to the Presi-  
2 dent a written recommendation for additional time, which  
3 is acted upon by the President, and the decision is commu-  
4 nicated immediately to both Houses of Congress.

5 “(3) Except as provided in paragraph (2), nothing  
6 in this subsection shall prohibit a personnel action other-  
7 wise authorized by law.”; and

8 (2) in section 8G—

9 (A) in subsection (d)(1)—

10 (i) by striking “be under the general  
11 supervision” and inserting “be under the  
12 nominal supervision”; and

13 (ii) by striking “be subject to super-  
14 vision by” and inserting “be subject to  
15 nominal supervision by”; and

16 (B) in subsection (e)—

17 (i) in paragraph (2), by striking the  
18 last sentence; and

19 (ii) by adding at the end the fol-  
20 lowing:

21 “(3)(A) Subject to subparagraphs (B) and (C), the  
22 head of a designated Federal entity may place an Inspec-  
23 tor General in an involuntary paid or unpaid, nonduty sta-  
24 tus if the head of the designated Federal entity determines

1 that the continued presence in the workplace of the In-  
2 spector General may—

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

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

6 “(iii) otherwise jeopardize legitimate interests  
7 of the Federal Government.

8 “(B) Not later than 48 hours after the head of a des-  
9 ignated Federal entity issues the directive to place an In-  
10 spector General in an involuntary paid or unpaid, nonduty  
11 status under subparagraph (A), the head of the designated  
12 Federal entity shall communicate in writing to both  
13 Houses of Congress the reasons for such action, which  
14 shall be limited to evidence showing that the continued  
15 presence in the workplace of the Inspector General may  
16 result in a condition described in clause (i), (ii), or (iii)  
17 of subparagraph (A).

18 “(C) The head of a designated Federal entity may  
19 not place an Inspector General in an involuntary paid or  
20 unpaid, nonduty status under subparagraph (A) for more  
21 than 10 days, unless the Integrity Committee of the Coun-  
22 cil of the Inspectors General for Integrity and Efficiency  
23 submits to the head of the designated Federal entity a  
24 written recommendation for additional time, which is  
25 acted upon by the head of the designated Federal entity,

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

3 “(4) Except as provided in paragraph (3), nothing  
4 in this subsection shall prohibit a personnel action other-  
5 wise authorized by law.”.

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

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

12 (1) in section 5(a)—

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

15 (B) in paragraph (16), by striking the pe-  
16 riod at the end and inserting a semicolon; and

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

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

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

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

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

1 Inspector General (and each Special Inspector General not  
2 established under this Act), in carrying out the provisions  
3 of this Act (or, in the case of a Special Inspector General,  
4 the provisions of the authorizing statute), is authorized  
5 to require by subpoena the attendance and testimony of  
6 certain witnesses, including a current or former contractor  
7 with the Federal Government, a current or former subcon-  
8 tractor (at any tier) of a contractor with the Federal Gov-  
9 ernment, a current or former grantee of the Federal Gov-  
10 ernment, a current or former subgrantee of a grantee of  
11 the Federal Government, a current or former employee of  
12 such a contractor, subcontractor, grantee, or subgrantee,  
13 and any former Federal employee (but not including any  
14 Federal employee, who is otherwise obligated to provide  
15 testimony and cooperate with the Inspector General), nec-  
16 essary in the performance of the functions assigned by this  
17 Act, which subpoena, in the case of contumacy or refusal  
18 to obey, shall be enforceable by order of any appropriate  
19 United States district court.

20 “(b) PANEL REVIEW BEFORE ISSUANCE.—

21 “(1) APPROVAL REQUIRED.—Before the  
22 issuance of a subpoena described in subsection (a),  
23 an Inspector General shall submit a request for ap-  
24 proval to issue a subpoena by a majority of a panel

1 (in this section referred to as the ‘Subpoena Panel’),  
2 which shall be comprised of—

3 “(A) 3 members of the Council of the In-  
4 spectors General on Integrity and Efficiency, as  
5 designated by the Chairperson of the Council of  
6 the Inspectors General on Integrity and Effi-  
7 ciency; or

8 “(B) in the case of a request by an Inspec-  
9 tor General from the Intelligence Community  
10 pursuant to the authority provided in sub-  
11 section (a), the 3 members designated under  
12 subparagraph (A) shall each be an Inspector  
13 General within the Intelligence Community.

14 “(2) TIME TO RESPOND.—

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

21 “(B) ADDITIONAL INFORMATION FOR  
22 PANEL.—If the Subpoena Panel determines  
23 that additional information is necessary to ap-  
24 prove or deny a request for approval to issue a  
25 subpoena under subparagraph (A), the Sub-



1 poena Panel shall, not later than 20 days after  
2 the date on which the request is submitted—

3 “(i) request the additional informa-  
4 tion; and

5 “(ii) approve or deny the request.

6 “(3) NOTIFICATION AND CONSULTATION WITH  
7 ATTORNEY GENERAL.—Before an Inspector General  
8 submits a request for approval to issue a subpoena  
9 under paragraph (1), the Inspector General shall—

10 “(A) notify the Attorney General that the  
11 Inspector General intends to submit the re-  
12 quest; and

13 “(B) provide not less than 10 days for con-  
14 sultation with the Attorney General.

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

19 “(c) NOTICE TO ATTORNEY GENERAL.—

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

1           “(2) DECISION OF ATTORNEY GENERAL.—Not  
2 later than 10 days after the date on which the At-  
3 torney General is notified under paragraph (1), the  
4 Attorney General may—

5           “(A) object to the issuance of the subpoena  
6 if the subpoena will interfere with an ongoing  
7 matter; or

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

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

15           “(4) SUSPENSION OF SUBPOENA.—After the ex-  
16 piration of the 10-day period described in paragraph  
17 (2), the Attorney General may request that the In-  
18 spector General suspend the subpoena if the Attor-  
19 ney General determines that new circumstances  
20 would result in the subpoena interfering with an on-  
21 going matter. The Inspector General shall consult  
22 with and consider the request of the Attorney Gen-  
23 eral.

24           “(d) INCLUSION IN ANNUAL REPORT.—Not later  
25 than 1 year after the date of enactment of this section,

1 and every year thereafter, each Inspector General shall  
2 submit to the Chairperson of the Council of the Inspectors  
3 General on Integrity and Efficiency the number of times  
4 the Inspector General issued a subpoena under this sec-  
5 tion, which shall be included by the Chairperson in the  
6 annual report required under section 11(b)(3)(B)(viii).

7 “(e) USE OF AUTHORITY.—The Chairperson of the  
8 Council of the Inspectors General on Integrity and Effi-  
9 ciency, in consultation with the Attorney General, shall  
10 prescribe policies and procedures to carry out the purposes  
11 of this section.

12 “(f) RULE OF CONSTRUCTION.—Nothing in this sec-  
13 tion shall be construed to affect the exercise by an Inspec-  
14 tor General of any testimonial subpoena authority estab-  
15 lished under any other provision of law.”; and

16 (3) in section 8G(g)(1), by inserting “6A,” be-  
17 fore “and 7”.

18 (b) MATCHING PROGRAM AND PAPERWORK REDUC-  
19 TION ACT EXCEPTION FOR INSPECTORS GENERAL.—Sec-  
20 tion 6 of the Inspector General Act of 1978 (5 U.S.C.  
21 App.) is amended—

22 (1) by redesignating subsections (b) through (f)  
23 as subsections (c) through (g), respectively; and

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

1       “(h)(1) In this subsection, the terms ‘agency’,  
2 ‘matching program’, ‘record’, and ‘system of records’ have  
3 the meanings given those terms in section 552a(a) of title  
4 5, United States Code.

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

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

19       “(i) Subchapter I of chapter 35 of title 44, United  
20 States Code, shall not apply to the collection of informa-  
21 tion during the conduct of an audit, investigation, inspec-  
22 tion, evaluation, or other review conducted by the Council  
23 of the Inspectors General on Integrity and Efficiency or  
24 any Office of Inspector General, including any Office of  
25 Special Inspector General.”.

1 **SEC. 4. ADDITIONAL RESPONSIBILITIES AND RESOURCES**  
2 **OF THE COUNCIL OF THE INSPECTORS GEN-**  
3 **ERAL ON INTEGRITY AND EFFICIENCY.**

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

6 (1) in subsection (b)—

7 (A) in paragraph (1)(B), by striking “Di-  
8 rector of National Intelligence” and inserting  
9 “Intelligence Community”; and

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

12 “(viii) prepare and transmit an an-  
13 nual report on behalf of the Council on the  
14 activities of the Council to—

15 “(I) the President;

16 “(II) the appropriate committees  
17 of jurisdiction of the Senate and the  
18 House of Representatives;

19 “(III) the Committee on Home-  
20 land Security and Governmental Af-  
21 fairs of the Senate; and

22 “(IV) the Committee on Over-  
23 sight and Government Reform of the  
24 House of Representatives.”;

25 (2) in subsection (c)(1)—

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

3 (B) by redesignating subparagraph (H) as  
4 subparagraph (I); and

5 (C) by inserting after subparagraph (G)  
6 the following:

7 “(H) except for matters coordinated  
8 among Inspectors General under section 3033  
9 of title 50, United States Code, receive, review,  
10 and mediate any disputes submitted in writing  
11 to the Council by an Office of Inspector General  
12 regarding an audit, investigation, inspection,  
13 evaluation, or project that involves the jurisdic-  
14 tion of more than 1 Office of Inspector General;  
15 and”;

16 (3) in subsection (d)—

17 (A) in paragraph (2)—

18 (i) by striking subparagraph (C);

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

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

1 “(A) IN GENERAL.—The Integrity”;

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

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

8 (vi) by adding at the end the fol-  
9 lowing:

10 “(B) CHAIRPERSON.—

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

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

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

21 “(5) REVIEW OF ALLEGATIONS.—

22 “(A) IN GENERAL.—Not later than 7 cal-  
23 endar days after the date on which the Integ-  
24 rity Committee receives an allegation of wrong-  
25 doing against an Inspector General or against

1 a staff member of an Office of Inspector Gen-  
2 eral described under paragraph (4)(C), the alle-  
3 gation of wrongdoing shall be reviewed and re-  
4 ferred to the Department of Justice or the Of-  
5 fice of Special Counsel for investigation, or to  
6 the Integrity Committee for review, as appro-  
7 priate, by—

8 “(i) a representative of the Depart-  
9 ment of Justice, as designated by the At-  
10 torney 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 “(i) IN GENERAL.—Except as pro-  
19 vided in clause (ii), not later than 30 cal-  
20 endar days after the date on which an alle-  
21 gation of wrongdoing is referred to the In-  
22 tegrity Committee under subparagraph  
23 (A), the Integrity Committee shall deter-  
24 mine whether to refer the allegation of  
25 wrongdoing to the Chairperson of the In-



1 integrity Committee to initiate an investiga-  
2 tion.

3 “(ii) EXTENSION.—The 30-day period  
4 described in clause (i) may be extended for  
5 an additional period of 15 days if the In-  
6 tegrity Committee provides written notice  
7 to the congressional committees described  
8 in paragraph (8)(A)(iii) that includes a de-  
9 tailed, case-specific description of why the  
10 additional time is needed to evaluate the  
11 allegation of wrongdoing.”;

12 (C) in paragraph (6)—

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

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

18 (D) in paragraph (7)—

19 (i) in subparagraph (B)—

20 (I) in clause (i)—

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

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

1                   (cc) by adding at the end  
2                   the following:

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

8                   “(VI) creating a process for rota-  
9                   tion of Inspectors General assigned to  
10                  investigate allegations through the In-  
11                  tegrity Committee; and

12                  “(VII) creating procedures to  
13                  avoid conflicts of interest for Integrity  
14                  Committee investigations.”;

15                  (II) by redesignating clause (ii)  
16                  as clause (iii); and

17                  (III) by inserting after clause (i)  
18                  the following:

19                  “(ii) EXCEPTION.—The requirement  
20                  under clause (i)(V) shall not apply to any  
21                  Office of Inspector General with less than  
22                  50 employees who are authorized to con-  
23                  duct audits or investigations.”;

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

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

3 “(C) COMPLETION OF INVESTIGATION.—If  
4 an allegation of wrongdoing is referred to the  
5 Chairperson of the Integrity Committee under  
6 paragraph (5)(B), the Chairperson of the Integ-  
7 rity Committee—

8 “(i) shall complete the investigation  
9 not later than 150 calendar days after the  
10 date on which the Integrity Committee  
11 made the referral;

12 “(ii) if the investigation cannot be  
13 completed within the 150-day period de-  
14 scribed in clause (i), shall—

15 “(I) promptly notify the congres-  
16 sional committees described in para-  
17 graph (8)(A)(iii); and

18 “(II) brief the congressional com-  
19 mittees described in paragraph  
20 (8)(A)(iii) every 30 days regarding the  
21 status of the investigation and the  
22 general reasons for delay until the in-  
23 vestigation is complete.

24 “(D) CONCURRENT INVESTIGATION.—If an  
25 allegation of wrongdoing against an Inspector

1 General or a staff member of an Office of In-  
2 spector General described under paragraph  
3 (4)(C) is referred to the Department of Justice  
4 or the Office of Special Counsel under para-  
5 graph (5)(A), the Chairperson of the Integrity  
6 Committee may conduct any related investiga-  
7 tion referred to the Chairperson under para-  
8 graph (5)(B) concurrently with the Department  
9 of Justice or the Office of Special Counsel, as  
10 applicable.

11 “(E) REPORTS.—

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

21 “(ii) OTHER INVESTIGATIONS.—For  
22 each allegation of wrongdoing referred to  
23 the Department of Justice or the Office of  
24 Special Counsel under paragraph (5)(A),  
25 the Attorney General or the Special Coun-

1 sel, as applicable, shall submit to the In-  
2 tegrity Committee a report containing the  
3 results of the investigation.

4 “(iii) AVAILABILITY TO CONGRESS.—

5 “(I) IN GENERAL.—The congres-  
6 sional committees described in para-  
7 graph (8)(A)(iii) shall have access to  
8 any report authored by the Integrity  
9 Committee.

10 “(II) MEMBERS OF CONGRESS.—

11 Subject to any other provision of law  
12 that would otherwise prohibit disclo-  
13 sure of such information, the Integrity  
14 Committee may provide any report  
15 authored by the Integrity Committee  
16 to any Member of Congress.”;

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

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

1                   tives, and other congressional committees  
2                   of jurisdiction; and

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

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

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  
21                  the Special Counsel appointed under section  
22                  1211(b) 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  
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                  shall 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 paragraph involves sec-  
23                  tion 2302(b)(8) of such title, a failure to  
24                  obtain corrective action within 120 days  
25                  after the date on which the allegation is re-

1           ceived 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 such 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 (c)(3)(B), out of any money  
18          in the Treasury not otherwise appropriated, the following  
19          sums:

20                 “(1) \$7,500,000 for fiscal year 2016.

21                 “(2) \$7,800,000 for fiscal year 2017.

22                 “(3) \$8,100,000 for fiscal year 2018.

23                 “(4) \$8,500,000 for fiscal year 2019.

24                 “(5) \$8,900,000 for fiscal year 2020.

25                 “(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  
6 the 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 va-  
15 cancies have had on the ability of the relevant  
16 Office of Inspector General to effectively carry  
17 out statutory requirements; and

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

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

24 (A) the Committee on Homeland Security  
25 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.—Section 5 of the In-  
10          specter General Act of 1978 (5 U.S.C. App), as amended  
11          by section 3(a)(1) of this Act, is further amended—

12                   (1) in subsection (a)—

13                           (A) in paragraph (10)—

14                                   (i) by striking “period for which” and  
15                                   inserting “period—

16                                   “(A) for which”; and

17                                   (ii) by adding at the end the fol-  
18                                   lowing:

19                                   “(B) for which no establishment comment  
20                                   was returned within 60 days of providing the  
21                                   report to the establishment; and

22                                   “(C) for which there are any outstanding  
23                                   unimplemented recommendations, including the  
24                                   aggregate potential cost savings of those rec-  
25                                   ommendations.”; and

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

2 “(18) a report on each investigation conducted  
3 by the Office involving general or flag officers or em-  
4 ployees of the establishment serving in a position  
5 classified at or above GS-15 of the General Schedule  
6 or an equivalent position where allegations of mis-  
7 conduct were substantiated, including a detailed de-  
8 scription of—

9 “(A) the facts and circumstances of the in-  
10 vestigation; and

11 “(B) the status and disposition of the mat-  
12 ter, including—

13 “(i) if the matter was referred to the  
14 Department of Justice, the date of the re-  
15 ferral; and

16 “(ii) if the Department of Justice de-  
17 clined the referral, the date of the declina-  
18 tion;

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

1           “(20) a detailed description of any attempt by  
2           the establishment to interfere with the independence  
3           of the Office, including—

4                   “(A) with communication between the Of-  
5                   fice and Congress;

6                   “(B) with budget constraints designed to  
7                   limit the capabilities of the Office; and

8                   “(C) incidents where the establishment has  
9                   resisted or objected to oversight activities of the  
10                  Office or restricted or significantly delayed ac-  
11                  cess to information, including the justification  
12                  of the establishment for such action; and

13           “(21) detailed descriptions of the particular cir-  
14           cumstances of each—

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

18                   “(B) investigation conducted by the Office  
19                   involving general or flag officers or employees  
20                   of the establishment serving in a position classi-  
21                   fied at or above GS-15 of the General Schedule  
22                   or an equivalent position that is closed and was  
23                   not disclosed to the public.”; and

24           (2) in subsection (e), by adding at the end the  
25           following:

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

5           “(5) An Office may not provide to Congress or the  
6 public any information that reveals the personally identifi-  
7 able information of a whistleblower under this section un-  
8 less the Office first obtains the consent of the whistle-  
9 blower.”.

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

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

19                   “(A) shall submit the work product to—

20                           “(i) the head of the establishment;

21                           “(ii) the congressional committees of juris-  
22 diction; and

23                           “(iii) if the work product was initiated  
24 upon request by an individual or entity other

1 than the Inspector General, that individual or  
2 entity;

3 “(B) may submit the work product to any  
4 Member of Congress upon request; and

5 “(C) not later than 3 days after the work prod-  
6 uct is submitted in final form to the head of the es-  
7 tablishment, post the work product on the website of  
8 the Office of Inspector General.

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

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

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

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

22 “(3) RULE OF CONSTRUCTION.—Nothing in  
23 this subsection shall be construed to authorize the  
24 public disclosure of information that is prohibited  
25 from disclosure by any other provision of law.”.

1 **SEC. 6. FULL AND PROMPT ACCESS TO ALL DOCUMENTS.**

2 Section 6 of the Inspector General Act of 1978 (5  
3 U.S.C. App.), as amended by section 3(b) of this Act, is  
4 further amended—

5 (1) in subsection (a), by striking paragraph (1)  
6 and inserting the following:

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

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

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

19 “(ii) limits the right of access of the In-  
20 spector General;”; and

21 (2) by inserting after subsection (a) the fol-  
22 lowing:

23 “(b) Each Inspector General shall ensure compliance  
24 with statutory limitations on disclosure relevant to any in-  
25 formation provided by the applicable establishment under  
26 subsection (a).”.



1 **SEC. 7. ACCESS TO INFORMATION FOR CERTAIN INSPEC-**  
2 **TORS GENERAL.**

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

5 (1) in section 8(b)(2)—

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

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

12 (2) in section 8D(a)(2)—

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

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

19 (3) in section 8E(a)(2)—

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

23 (B) by inserting “, access such informa-  
24 tion,” after “complete such audit or investiga-  
25 tion”;

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

5           (5) in section 8I(a)(2)—

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

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

12 **SEC. 8. TECHNICAL AND CONFORMING AMENDMENTS.**

13       (a) REPEALS.—

14           (1) INSPECTOR GENERAL ACT OF 2008.—Sec-  
15          tion 7(b) of the Inspector General Reform Act of  
16          2008 (Public Law 110–409; 122 Stat. 4312; 5  
17          U.S.C. 1211 note) is repealed.

18           (2) FINANCIAL SERVICES AND GENERAL GOV-  
19          ERNMENT APPROPRIATIONS ACT, 2009.—Section 744  
20          of the Financial Services and General Government  
21          Appropriations Act, 2009 (division D of Public Law  
22          111–8; 123 Stat. 693) is repealed.

23       (b) AGENCY APPLICABILITY.—

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

4           (A) in section 8M—

5           (i) in subsection (a)(1)—

6           (I) by striking “Each agency”  
7 and inserting “Each Federal agency  
8 and designated Federal entity”; and

9           (II) by striking “that agency”  
10 each place that term appears and in-  
11 sserting “that Federal agency or des-  
12 ignated Federal entity”;

13          (ii) in subsection (b)—

14          (I) in paragraph (1), by striking  
15 “agency” and inserting “Federal  
16 agency and designated Federal enti-  
17 ty”; and

18          (II) in paragraph (2), by striking  
19 “agency” each place that term ap-  
20 pears and inserting “Federal agency  
21 and designated Federal entity”; and

22          (iii) by adding at the end the fol-  
23 lowing:

24          “(c) DEFINITIONS.—In this section, the terms ‘des-  
25 ignated Federal entity’ and ‘head of the designated Fed-

1 eral entity’ have the meanings given those terms in section  
2 8G(a).”; and

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

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

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

15 (1) in subparagraph (A), by striking “report or  
16 audit (or portion of any report or audit)” and insert-  
17 ing “audit report, inspection report, or evaluation  
18 report (or portion of any such report)”; and

19 (2) by striking “report or audit (or portion of  
20 that report or audit)” each place that term appears  
21 and inserting “report (or portion of that report)”.

22 (d) CORRECTIONS.—

23 (1) EXECUTIVE ORDER NUMBER.—Section  
24 7(c)(2) of the Inspector General Reform Act of 2008  
25 (Public Law 110–409; 122 Stat. 4313; 31 U.S.C.

1 501 note) is amended by striking “12933” and in-  
2 sserting “12993”.

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

6 (A) in section 4(b)(2)—

7 (i) by striking “8F(a)(2)” each place  
8 that term appears and inserting  
9 “8G(a)(2)”; and

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

12 (B) in section 5(a)(5), by striking “section  
13 6(b)(2)” and inserting “section 6(e)(2)”;

14 (C) in section 5(a)(13), by striking  
15 “05(b)” and inserting “804(b)”;

16 (D) in section 6(a)(4), by striking “infor-  
17 mation, as well as any tangible thing)” and in-  
18 sserting “information), as well as any tangible  
19 thing”;

20 (E) in section 8A(d), by striking “section  
21 6(e)” and inserting “section 6(d)”;

22 (F) in section 8G(g)(3), by striking “8C”  
23 and inserting “8D”.

1           (3) SPELLING.—The Inspector General Act of  
2           1978 (5 U.S.C. App.), as amended by this Act, is  
3           further amended—

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

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

8                   (C) in section 8D(a)—

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

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

14                   (D) in section 8E(a)—

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

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

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