

S.L.C.


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, and Ms. MIKULSKI)

Viz:

1 Strike all after the enacting clause and insert the following:
2

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. 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

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

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

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

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

9 “(iii) otherwise jeopardize legitimate interests
10 of the Federal Government.

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

20 “(C) The President may not place an Inspector Gen-
21 eral in an involuntary paid or unpaid, nonduty status
22 under subparagraph (A) for more than 10 days, unless
23 the Integrity Committee of the Council of the Inspectors
24 General for Integrity and Efficiency submits to the Presi-
25 dent a written recommendation for additional time, which

1 is acted upon by the President, and the decision is commu-
2 nicated immediately to both Houses of Congress.

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

6 (2) in section 8G—

7 (A) in subsection (d)(1)—

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

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

14 (B) in subsection (e)—

15 (i) in paragraph (2), by striking the
16 last sentence; and

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

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

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

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

3 “(iii) otherwise jeopardize legitimate interests
4 of the Federal Government.

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

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

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

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

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

10 (1) in section 5(a)—

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

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

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

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

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

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

21 “(a) TESTIMONIAL SUBPOENA AUTHORITY.—In ad-
22 dition to the authority otherwise provided by this Act and
23 in accordance with the requirements of this section, each
24 Inspector General (and each Special Inspector General not
25 established under this Act), in carrying out the provisions

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

18 “(b) PANEL REVIEW BEFORE ISSUANCE.—

19 “(1) APPROVAL REQUIRED.—Before the
20 issuance of a subpoena described in subsection (a),
21 an Inspector General shall submit a request for ap-
22 proval to issue a subpoena by a majority of a panel
23 (in this section referred to as the ‘Subpoena Panel’),
24 which shall be comprised of—

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

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

12 “(2) TIME TO RESPOND.—

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

19 “(B) ADDITIONAL INFORMATION FOR
20 PANEL.—If the Subpoena Panel determines
21 that additional information is necessary to ap-
22 prove or deny a request for approval to issue a
23 subpoena under subparagraph (A), the Sub-
24 poena Panel shall, not later than 20 days after
25 the date on which the request is submitted—

1 “(i) request the additional informa-
2 tion; and

3 “(ii) approve or deny the request.

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

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

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

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

17 “(c) NOTICE TO ATTORNEY GENERAL.—

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

23 “(2) DECISION OF ATTORNEY GENERAL.—Not
24 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 matter; 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 “(4) SUSPENSION OF SUBPOENA.—After the ex-
14 piration of the 10-day period described in paragraph
15 (2), the Attorney General may request that the In-
16 spector General suspend the subpoena if the Attor-
17 ney General determines that new circumstances
18 would result in the subpoena interfering with an on-
19 going matter. The Inspector General shall consult
20 with and consider the request of the Attorney Gen-
21 eral.

22 “(d) INCLUSION IN ANNUAL REPORT.—Not later
23 than 1 year after the date of enactment of this section,
24 and every year thereafter, each Inspector General shall
25 submit to the Chairperson of the Council of the Inspectors

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

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

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

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

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

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

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

23 “(h)(1) In this subsection, the terms ‘agency’,
24 ‘matching program’, ‘record’, and ‘system of records’ have

1 the meanings given those terms in section 552a(a) of title
2 5, United States Code.

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

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

17 “(i) Subchapter I of chapter 35 of title 44, United
18 States Code, shall not apply to the collection of informa-
19 tion during the conduct of an audit, investigation, inspec-
20 tion, evaluation, or other review conducted by the Council
21 of the Inspectors General on Integrity and Efficiency or
22 any Office of Inspector General, including any Office of
23 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 congress-
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 diselo-
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 and independent access
8 to all records, reports, audits, reviews, documents,
9 papers, recommendations, data and data systems or
10 other materials in any medium or format available
11 to the applicable establishment which relate to the
12 programs and operations with respect to which that
13 Inspector General has responsibilities under this Act;
14 and

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

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

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

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

24 “(b) Each Inspector General shall ensure compliance
25 with statutory limitations on disclosure relevant to any in-

1 formation provided by the applicable establishment under
2 subsection (a).”.

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

4 (a) REPEALS.—

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

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

14 (b) AGENCY APPLICABILITY.—

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

18 (A) in section 8M—

19 (i) in subsection (a)(1)—

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

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

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

3 (ii) in subsection (b)—

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

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

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

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

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

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

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

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

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

12 (d) CORRECTIONS.—

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

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

21 (A) in section 4(b)(2)—

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

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

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

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

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

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

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

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

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

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

22 (C) in section 8D(a)—

23 (i) in paragraph (1), by striking “sub-
24 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”.