

114<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 6450

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## AN ACT

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

1        *Be it enacted by the Senate and House of Representa-*  
2        *tives of the United States of America in Congress assembled,*

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

2 (a) SHORT TITLE.—This Act may be cited as the  
3 “Inspector General Empowerment Act of 2016”.

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Additional authority provisions for Inspectors General.
- Sec. 3. Additional responsibilities of the Council of the Inspectors General on Integrity and Efficiency.
- Sec. 4. Reports and additional information.
- Sec. 5. Full and prompt access to all documents.
- Sec. 6. Access to information for certain Inspectors General.
- Sec. 7. Technical and conforming amendments.
- Sec. 8. No additional funds authorized.

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

8 Section 6 of the Inspector General Act of 1978 (5  
9 U.S.C. App.), as amended by section 5 of this Act, is  
10 amended by adding at the end the following:

11 “(j)(1) In this subsection, the terms ‘agency’, ‘match-  
12 ing program’, ‘record’, and ‘system of records’ have the  
13 meanings given those terms in section 552a(a) of title 5,  
14 United States Code.

15 “(2) For purposes of section 552a of title 5, United  
16 States Code, or any other provision of law, a computerized  
17 comparison of two or more automated Federal systems of  
18 records, or a computerized comparison of a Federal sys-  
19 tem of records with other records or non-Federal records,  
20 performed by an Inspector General or by an agency in co-  
21 ordination with an Inspector General in conducting an

1 audit, investigation, inspection, evaluation, or other review  
2 authorized under this Act shall not be considered a match-  
3 ing program.

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

8 “(k) Subchapter I of chapter 35 of title 44, United  
9 States Code, shall not apply to the collection of informa-  
10 tion during the conduct of an audit, investigation, inspec-  
11 tion, evaluation, or other review conducted by the Council  
12 of the Inspectors General on Integrity and Efficiency or  
13 any Office of Inspector General, including any Office of  
14 Special Inspector General.”.

15 **SEC. 3. ADDITIONAL RESPONSIBILITIES OF THE COUNCIL**  
16 **OF THE INSPECTORS GENERAL ON INTEG-**  
17 **RITY AND EFFICIENCY.**

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

20 (1) in subsection (b)(3)(B), by amending clause  
21 (viii) to read as follows:

22 “(viii) prepare and transmit an an-  
23 nual report on behalf of the Council on the  
24 activities of the Council to—

25 “(I) the President;

1 “(II) the appropriate committees  
2 of jurisdiction of the Senate and the  
3 House of Representatives;

4 “(III) the Committee on Home-  
5 land Security and Governmental Af-  
6 fairs of the Senate; and

7 “(IV) the Committee on Over-  
8 sight and Government Reform of the  
9 House of Representatives.”;

10 (2) in subsection (c)(1)—

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

13 (B) by redesignating subparagraph (H) as  
14 subparagraph (I); and

15 (C) by inserting after subparagraph (G)  
16 the following:

17 “(H) except for matters coordinated  
18 among Inspectors General under section 3033  
19 of title 50, United States Code, receive, review,  
20 and mediate any disputes submitted in writing  
21 to the Council by an Office of Inspector General  
22 regarding an audit, investigation, inspection,  
23 evaluation, or project that involves the jurisdic-  
24 tion of more than one Office of Inspector Gen-  
25 eral; and”;

1 (3) in subsection (d)—

2 (A) in paragraph (2)—

3 (i) by striking subparagraph (C);

4 (ii) by redesignating subparagraphs  
5 (A), (B), and (D) as clauses (i), (ii), and  
6 (iii), respectively, and adjusting the mar-  
7 gins accordingly;

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

11 “(A) IN GENERAL.—The Integrity”;

12 (iv) in clause (i), as so redesignated,  
13 by striking “, who” and all that follows  
14 through “the Committee”;

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

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

20 “(B) CHAIRPERSON.—

21 “(i) IN GENERAL.—The Integrity  
22 Committee shall elect one of the Inspectors  
23 General referred to in subparagraph (A)(ii)  
24 to act as Chairperson of the Integrity  
25 Committee.

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

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

6           “(5) REVIEW OF ALLEGATIONS.—

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

17                 “(i) a representative of the Depart-  
18                 ment of Justice, as designated by the At-  
19                 torney General;

20                 “(ii) a representative of the Office of  
21                 Special Counsel, as designated by the Spe-  
22                 cial Counsel; and

23                 “(iii) a representative of the Integrity  
24                 Committee, as designated by the Chair-  
25                 person of the Integrity Committee.

1 “(B) REFERRAL TO THE CHAIRPERSON.—

2 “(i) IN GENERAL.—Except as pro-  
3 vided in clause (ii), not later than 30 days  
4 after the date on which an allegation of  
5 wrongdoing is referred to the Integrity  
6 Committee under subparagraph (A), the  
7 Integrity Committee shall determine  
8 whether to refer the allegation of wrong-  
9 doing to the Chairperson of the Integrity  
10 Committee to initiate an investigation.

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

20 (C) in paragraph (6)—

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

1 (ii) in subparagraph (B)(i), by strik-  
2 ing “may provide resources” and inserting  
3 “shall provide assistance”;

4 (D) in paragraph (7)—

5 (i) in subparagraph (B)—

6 (I) in clause (i)—

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

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

12 (cc) by adding at the end  
13 the following:

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

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

23 “(VII) creating procedures to  
24 avoid conflicts of interest for Integrity  
25 Committee investigations.”;

1 (II) by redesignating clause (ii)  
2 as clause (iii); and

3 (III) by inserting after clause (i)  
4 the following:

5 “(ii) EXCEPTION.—The requirement  
6 under clause (i)(V) shall not apply to any  
7 Office of Inspector General with less than  
8 50 employees who are authorized to con-  
9 duct audits or investigations.”;

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

11 (iii) by inserting after subparagraph  
12 (B) the following:

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

18 “(i) shall complete the investigation  
19 not later than 150 days after the date on  
20 which the Integrity Committee made the  
21 referral; and

22 “(ii) if the investigation cannot be  
23 completed within the 150-day period de-  
24 scribed in clause (i), shall—

1                   “(I) promptly notify the congress-  
2                   sional committees described in para-  
3                   graph (8)(A)(iii); and

4                   “(II) brief the congressional com-  
5                   mittees described in paragraph  
6                   (8)(A)(iii) every 30 days regarding the  
7                   status of the investigation and the  
8                   general reasons for delay until the in-  
9                   vestigation is complete.

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

22                   “(E) REPORTS.—

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

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

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

15 “(iii) AVAILABILITY TO CONGRESS.—

16 “(I) IN GENERAL.—The congress-  
17 sional committees described in para-  
18 graph (8)(A)(iii) shall have access to  
19 any report authored by the Integrity  
20 Committee.

21 “(II) MEMBERS OF CONGRESS.—

22 Subject to any other provision of law  
23 that would otherwise prohibit disclo-  
24 sure of such information, the Integrity  
25 Committee may provide any report

1            authored by the Integrity Committee  
2            to any Member of Congress.”;

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

5            “(iii) submit the report, with the rec-  
6            ommendations of the Integrity Committee,  
7            to the Committee on Homeland Security  
8            and Governmental Affairs of the Senate,  
9            the Committee on Oversight and Govern-  
10            ment Reform of the House of Representa-  
11            tives, and other congressional committees  
12            of jurisdiction; and

13            “(iv) following the submission of the  
14            report under clause (iii) and upon request  
15            by any Member of Congress, submit the re-  
16            port, with the recommendations of the In-  
17            tegrity Committee, to that Member.”;

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

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

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

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

4 “(A) SPECIAL COUNSEL DEFINED.—In this  
5 paragraph, the term ‘Special Counsel’ means  
6 the Special Counsel appointed under section  
7 1211(b) of title 5, United States Code.

8 “(B) AUTHORITY OF INTEGRITY COM-  
9 MITTEE.—

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

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

15          “(C) REGULATIONS.—The Integrity Com-  
16          mittee may prescribe any rules or regulations  
17          necessary to carry out this paragraph, subject  
18          to such consultation or other requirements as  
19          may otherwise apply.

20          “(13) COMMITTEE RECORDS.—The Chairperson  
21          of the Council shall maintain the records of the In-  
22          tegrity Committee.”.

1 **SEC. 4. 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 one 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) is amended—

11                   (1) in subsection (a)—

12                           (A) in paragraph (10)—

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

15                                   “(A) for which”; and

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

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

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

1 (B) in paragraph (15), by striking “and”  
2 at the end;

3 (C) in paragraph (16), by striking the pe-  
4 riod at the end and inserting a semicolon; and

5 (D) by adding at the end the following:

6 “(17) statistical tables showing—

7 “(A) the total number of investigative re-  
8 ports issued during the reporting period;

9 “(B) the total number of persons referred  
10 to the Department of Justice for criminal pros-  
11 ecution during the reporting period;

12 “(C) the total number of persons referred  
13 to State and local prosecuting authorities for  
14 criminal prosecution during the reporting pe-  
15 riod; and

16 “(D) the total number of indictments and  
17 criminal informations during the reporting pe-  
18 riod that resulted from any prior referral to  
19 prosecuting authorities;

20 “(18) a description of the metrics used for de-  
21 veloping the data for the statistical tables under  
22 paragraph (17);

23 “(19) a report on each investigation conducted  
24 by the Office involving a senior Government em-

1        ployee where allegations of misconduct were substan-  
2        tiated, including a detailed description of—

3                “(A) the facts and circumstances of the in-  
4        vestigation; and

5                “(B) the status and disposition of the mat-  
6        ter, including—

7                        “(i) if the matter was referred to the  
8        Department of Justice, the date of the re-  
9        ferral; and

10                      “(ii) if the Department of Justice de-  
11        clined the referral, the date of the declina-  
12        tion;

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

18                “(21) a detailed description of any attempt by  
19        the establishment to interfere with the independence  
20        of the Office, including—

21                      “(A) with budget constraints designed to  
22        limit the capabilities of the Office; and

23                      “(B) incidents where the establishment has  
24        resisted or objected to oversight activities of the  
25        Office or restricted or significantly delayed ac-

1           cess to information, including the justification  
2           of the establishment for such action; and

3           “(22) detailed descriptions of the particular cir-  
4           cumstances of each—

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

8                   “(B) investigation conducted by the Office  
9                   involving a senior Government employee that is  
10                  closed and was not disclosed to the public.”;

11           (2) in subsection (e), by adding at the end the  
12           following:

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

17           “(5) An Office may not provide to Congress or the  
18           public any information that reveals the personally identifi-  
19           able information of a whistleblower under this section un-  
20           less the Office first obtains the consent of the whistle-  
21           blower.”; and

22           (3) in subsection (f)—

23                   (A) in paragraph (5), by striking “and” at  
24           the end;

1 (B) in paragraph (6), by striking the pe-  
2 riod at the end and inserting “; and”; and

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

4 “(7) the term ‘senior Government employee’  
5 means—

6 “(A) an officer or employee in the execu-  
7 tive branch (including a special Government  
8 employee as defined in section 202 of title 18,  
9 United States Code) who occupies a position  
10 classified at or above GS–15 of the General  
11 Schedule or, in the case of positions not under  
12 the General Schedule, for which the rate of  
13 basic pay is equal to or greater than 120 per-  
14 cent of the minimum rate of basic pay payable  
15 for GS–15 of the General Schedule; and

16 “(B) any commissioned officer in the  
17 Armed Forces in pay grades O–6 and above.”.

18 (d) DUTY TO SUBMIT AND MAKE AVAILABLE TO THE  
19 PUBLIC CERTAIN RECOMMENDATIONS.—Section 4 of the  
20 Inspector General Act of 1978 (5 U.S.C. App.) is amended  
21 by adding at the end the following:

22 “(e)(1) In carrying out the duties and responsibilities  
23 established under this Act, whenever an Inspector General  
24 issues a recommendation for corrective action to the agen-  
25 cy, the Inspector General—

1           “(A) shall submit the document making a rec-  
2           ommendation for corrective action to—

3                   “(i) the head of the establishment;

4                   “(ii) the congressional committees of juris-  
5           diction; and

6                   “(iii) if the recommendation for corrective  
7           action was initiated upon request by an indi-  
8           vidual or entity other than the Inspector Gen-  
9           eral, that individual or entity;

10           “(B) may submit the document making a rec-  
11           ommendation for corrective action to any Member of  
12           Congress upon request; and

13           “(C) not later than 3 days after the rec-  
14           ommendation for corrective action is submitted in  
15           final form to the head of the establishment, post the  
16           document making a recommendation for corrective  
17           action on the website of the Office of Inspector Gen-  
18           eral.

19           “(2) Nothing in this subsection shall be construed as  
20           authorizing an Inspector General to publicly disclose infor-  
21           mation otherwise prohibited from disclosure by law.”.

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

1           (1) in paragraph (1)(A), by striking “is made  
2 publicly available” and inserting “is submitted in  
3 final form to the head of the Federal agency or the  
4 head of the designated Federal entity, as applica-  
5 ble”; and

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

7           “(3) **RULE OF CONSTRUCTION.**—Nothing in  
8 this subsection shall be construed as authorizing an  
9 Inspector General to publicly disclose information  
10 otherwise prohibited from disclosure by law.”.

11 **SEC. 5. FULL AND PROMPT ACCESS TO ALL DOCUMENTS.**

12       Section 6 of the Inspector General Act of 1978 (5  
13 U.S.C. App.) is amended—

14           (1) in subsection (a), by striking paragraph (1)  
15 and inserting the following:

16           “(1)(A) to have timely access to all records, re-  
17 ports, audits, reviews, documents, papers, rec-  
18 ommendations, or other materials available to the  
19 applicable establishment which relate to the pro-  
20 grams and operations with respect to which that In-  
21 spector General has responsibilities under this Act;

22           “(B) to have access under subparagraph (A)  
23 notwithstanding any other provision of law, except  
24 pursuant to any provision of law enacted by Con-  
25 gress that expressly—

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

2 “(ii) limits the right of access of the In-  
3 spector General; and

4 “(C) except as provided in subsection (i), with  
5 regard to Federal grand jury materials protected  
6 from disclosure pursuant to rule 6(e) of the Federal  
7 Rules of Criminal Procedure, to have timely access  
8 to such information if the Attorney General grants  
9 the request in accordance with subsection (h);”;

10 (2) by redesignating subsections (b) through (f)  
11 as subsections (c) through (g), respectively;

12 (3) by inserting after subsection (a) the fol-  
13 lowing:

14 “(b) Nothing in this section shall be construed as au-  
15 thORIZING an Inspector General to publicly disclose infor-  
16 mation otherwise prohibited from disclosure by law.”; and

17 (4) by inserting after subsection (g), as redesign-  
18 nated, the following:

19 “(h)(1) If the Inspector General of an establishment  
20 submits a request to the head of the establishment for  
21 Federal grand jury materials pursuant to subsection  
22 (a)(1), the head of the establishment shall immediately no-  
23 tify the Attorney General of such request.

24 “(2) Not later than 15 days after the date on which  
25 a request is submitted to the Attorney General under

1 paragraph (1), the Attorney General shall determine  
2 whether to grant or deny the request for Federal grand  
3 jury materials and shall immediately notify the head of  
4 the establishment of such determination. The Attorney  
5 General shall grant the request unless the Attorney Gen-  
6 eral determines that granting access to the Federal grand  
7 jury materials would be likely to—

8           “(A) interfere with an ongoing criminal inves-  
9           tigation or prosecution;

10           “(B) interfere with an undercover operation;

11           “(C) result in disclosure of the identity of a  
12           confidential source, including a protected witness;

13           “(D) pose a serious threat to national security;

14           or

15           “(E) result in significant impairment of the  
16           trade or economic interests of the United States.

17           “(3)(A) The head of the establishment shall inform  
18 the Inspector General of the establishment of the deter-  
19 mination made by the Attorney General with respect to  
20 the request for Federal grand jury materials.

21           “(B) The Inspector General of the establishment de-  
22 scribed under subparagraph (A) may submit comments on  
23 the determination submitted pursuant to such subpara-  
24 graph to the committees listed under paragraph (4) that  
25 the Inspector General considers appropriate.

1       “(4) Not later than 30 days after notifying the head  
2 of an establishment of a denial pursuant to paragraph (2),  
3 the Attorney General shall submit a statement that the  
4 request for Federal grand jury materials by the Inspector  
5 General was denied and the reason for the denial to each  
6 of the following:

7           “(A) The Committee on Homeland Security and  
8 Governmental Affairs, the Committee on the Judici-  
9 ary, and the Select Committee on Intelligence of the  
10 Senate.

11           “(B) The Committee on Oversight and Govern-  
12 ment Reform, the Committee on the Judiciary, and  
13 the Permanent Select Committee on Intelligence of  
14 the House of Representatives.

15           “(C) Other appropriate committees and sub-  
16 committees of Congress.

17           “(i) Subsections (a)(1)(C) and (h) shall not apply to  
18 requests from the Inspector General of the Department  
19 of Justice.”.

20 **SEC. 6. ACCESS TO INFORMATION FOR CERTAIN INSPEC-**  
21 **TORS GENERAL.**

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

24           (1) in section 8(b)(2)—

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

4 (B) by inserting “, access such informa-  
5 tion,” after “complete such audit or investiga-  
6 tion”;

7 (2) in section 8D(a)(2)—

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

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

14 (3) in section 8E(a)(2)—

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

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

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

25 (5) in section 8I(a)(2)—

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

4 (B) by inserting “, access such informa-  
5 tion,” after “complete such audit or investiga-  
6 tion”;

7 (6) in section 8J, by striking “or 8H” and in-  
8 serting “8H, or 8N”; and

9 (7) by inserting after section 8M the following:

10 **“SEC. 8N. ADDITIONAL PROVISIONS WITH RESPECT TO THE**  
11 **DEPARTMENT OF ENERGY.**

12 “(a) The Secretary of Energy may prohibit the In-  
13 spector General of the Department of Energy from access-  
14 ing Restricted Data and nuclear safeguards information  
15 protected from disclosure under chapter 12 of the Atomic  
16 Energy Act of 1954 (42 U.S.C. 2161 et seq.) and intel-  
17 ligence or counterintelligence, as defined in section 3 of  
18 the National Security Act of 1947 (50 U.S.C. 3003), if  
19 the Secretary of Energy determines that the prohibition  
20 is necessary to protect the national security or prevent the  
21 significant impairment to the national security interests  
22 of the United States.

23 “(b) Not later than 7 days after the date on which  
24 the Secretary of Energy exercises any power authorized  
25 under subsection (a), the Secretary shall notify the Inspec-

1 tor General of the Department of Energy in writing the  
2 reasons for such exercise. Within 30 days after receipt of  
3 any such notice, the Inspector General of the Department  
4 of Energy shall submit to the appropriate committees of  
5 Congress a statement concerning such exercise.”.

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

7 (a) REPEALS.—

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

12 (2) FINANCIAL SERVICES AND GENERAL GOV-  
13 ERNMENT APPROPRIATIONS ACT, 2009.—Section 744  
14 of the Financial Services and General Government  
15 Appropriations Act, 2009 (division D of Public Law  
16 111–8; 123 Stat. 693) is repealed.

17 (b) AGENCY APPLICABILITY.—

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

21 (A) in section 8M—

22 (i) in subsection (a)(1)—

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

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

5 (ii) in subsection (b)—

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

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

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

16 “(c) DEFINITIONS.—In this section, the terms ‘des-  
17 ignated Federal entity’ and ‘head of the designated Fed-  
18 eral entity’ have the meanings given those terms in section  
19 8G(a).”; and

20 (B) in section 11(c)(3)(A)(ii), by striking  
21 “department, agency, or entity of the executive  
22 branch” and inserting “Federal agency or des-  
23 ignated Federal entity (as defined in section  
24 8G(a))”.

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

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

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

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

15          (d) CORRECTIONS.—

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

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

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

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

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

6 (B) in section 5(a)(5), by striking “section  
7 6(b)(2)” and inserting “section 6(e)(2)”;

8 (C) in section 5(a)(13), by striking  
9 “05(b)” and inserting “804(b)”;

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

14 (E) in section 8A(d), by striking “section  
15 6(e)” and inserting “section 6(d)”;

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

18 (G) in section 11(d)(8)(A), in the matter  
19 preceding clause (i), by striking “paragraph  
20 (7)(C)” and inserting “paragraph (7)(E)”.

21 (3) SPELLING.—The Inspector General Act of  
22 1978 (5 U.S.C. App.), as amended by this Act, is  
23 further amended—

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

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

3 (C) in section 8D(a)—

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

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

9 (D) in section 8E(a)—

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

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

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

17 **SEC. 8. NO ADDITIONAL FUNDS AUTHORIZED.**

18 No additional funds are authorized to carry out the  
19 requirements of this Act or the amendments made by this  
20 Act. The requirements of this Act and the amendments

1 made by this Act shall be carried out using amounts other-  
2 wise authorized.

Passed the House of Representatives December 8,  
2016.

Attest:

*Clerk.*



114<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**H. R. 6450**

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**AN ACT**

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