

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 928) TO AMEND THE INSPECTOR GENERAL ACT OF 1978 TO ENHANCE THE INDEPENDENCE OF THE INSPECTORS GENERAL, TO CREATE A COUNCIL OF THE INSPECTORS GENERAL ON INTEGRITY AND EFFICIENCY, AND FOR OTHER PURPOSES

OCTOBER 2, 2007.—Referred to the House Calendar and ordered to be printed

Ms. SUTTON, from the Committee on Rules,
submitted the following

R E P O R T

[To accompany H. Res. 701]

The Committee on Rules, having had under consideration House Resolution 701, by a nonrecord vote, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 928, the Improving Government Accountability Act, under a structured rule. The rule provides one hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Oversight and Government Reform. The rule waives all points of order against consideration of the bill except clauses 9 and 10 of rule XXI. The rule provides that the amendment in the nature of a substitute recommended by the Committee on Oversight and Government Reform now printed in the bill shall be considered as an original bill for the purpose of amendment and shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except clause 10 of rule XXI. This waiver does not affect the point of order available under clause 9 of rule XXI (regarding earmark disclosure).

The rule makes in order only those amendments printed in this report. The amendments made in order may be offered only in the order printed in this report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time specified in this report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. All points of order against the amendments except for clauses 9 and

10 of rule XXI are waived. The rule provides one motion to recommit with or without instructions. The rule provides that, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker.

EXPLANATION OF WAIVERS

The waiver all points of order against consideration of the bill (except for clauses 9 and 10 of rule XXI) includes a waiver of Section 306 of the Congressional Budget Act, prohibiting consideration of legislation within the jurisdiction of the Committee on the Budget unless reported by the Budget Committee. The rule waives of all points of order against the committee amendment in the nature of a substitute (except for clause 10 of rule XXI). The committee is not aware of any points of order against the substitute. The waiver is prophylactic in nature.

COMMITTEE VOTES

The results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

Rules Committee record vote No. 327

Date: October 2, 2007.

Measure: H.R. 928.

Motion by: Mr. Dreier.

Summary of motion: To grant an open rule.

Results: Defeated 4–8.

Vote by Members: McGovern—Nay; Hastings (FL)—Nay; Matsui—Nay; Cardoza—Nay; Welch—Nay; Castor—Nay; Arcuri—Nay; Sutton—Nay; Dreier—Yea; Diaz-Balart—Yea; Hastings (WA)—Yea; Sessions—Yea.

SUMMARY OF AMENDMENTS MADE IN ORDER UNDER THE RULE

1. Conyers (MI), The amendment would provide that the Department of Justice (DOJ) Inspector General is not required to refer to the Counsel of the Office of Professional Responsibility (OPR) of DOJ, allegations of misconduct involving DOJ attorneys and related personnel where the allegations relate to the exercise of the authority of an attorney to investigate, litigate, or provide legal advice. (10 minutes)

2. Davis, Tom (VA), The amendment would revise section 3 (“direct submission of budget requests to Congress”) by striking language authorizing all IGs to independently submit their office’s budget requests to Congress, separate and apart from the President’s budget submission, and inserting language requiring IGs to notify Congress only if the budget request submitted by the agency would “substantially inhibit the Inspector General from performing the duties of the office.” (10 minutes)

3. Miller, Brad (NC), The amendment would add additional reasons for which an IG may be removed from office, make certain changes to make the statute conform to existing Executive Orders, and require an annual report by the Council of the Inspectors Gen-

eral on Integrity and Efficiency on the activities of its Integrity Committee. (10 minutes)

4. Miller, Brad (NC), The amendment would establish a committee of Inspectors General of the Inspectors General Council to review the qualifications of nominees and final candidates for the position of Inspector General in all government establishments and entities to determine whether they meet the integrity and professional qualifications for the position established by the Inspector General Act. The committee would also be required to report back to the relevant Senate committee or federal appointing entity. (10 minutes)

5. Gillibrand (NY), The amendment would require that each federal agency website has a direct link to the website of the Office of Inspector General for that agency, that the Inspector General of each agency posts all reports and audits online within one day of being made publicly available, and that all Inspector General websites facilitate the individual, anonymous reporting of waste, fraud and abuse. (10 minutes)

TEXT OF AMENDMENTS MADE IN ORDER UNDER THE RULE

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CONYERS OF MICHIGAN, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of the bill, add the following new section (and conform the table of contents accordingly):

SEC. 9. AMENDMENTS TO SPECIAL PROVISIONS CONCERNING THE DEPARTMENT OF JUSTICE.

(a) AMENDMENT TO REQUIREMENT RELATING TO CERTAIN REFERRALS.—Section 8E(b) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking paragraph (3).

(b) CONFORMING AMENDMENTS.—Section 8E of such Act is further amended

(1) in subsection (b)—

(A) by striking “and paragraph (3)” in paragraph (2);

(B) by redesignating paragraph (4) as paragraph (3); and

(C) by redesignating paragraph (5) as paragraph (4) and in that paragraph by striking “(4)” and inserting “(3)”; and

(2) in subsection (d), by striking “, except with respect to allegations described in subsection (b)(3),”.

2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE TOM DAVIS OF VIRGINIA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 4, starting on line 20, strike “may” and all that follows through line 25 and insert the following: “shall inform the appropriate committees or subcommittees of the Congress if the budget request submitted by the head of the establishment would substantially inhibit the Inspector General from performing the duties of the office.”

Page 5, line 2, strike “Congress—” and all that follows through line 10 and insert the following: “Congress a separate statement of the amount of appropriations requested by each Inspector General.”

3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MILLER OF NORTH CAROLINA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 2, beginning on line 12, strike “adding at the end the following: ‘An’” and insert “striking ‘the reasons for any such removal to both Houses of Congress.’ and inserting the following: ‘in writing the reasons for any such removal to both Houses of Congress and to the Inspector General of the establishment at least 30 days before such removal. An’”.

Page 3, line 2, strike “; and” and insert the following:

“(6) Knowing violation of a law, rule, or regulation.

“(7) Gross mismanagement.

“(8) Gross waste of funds.

“(9) Abuse of authority.”; and

Page 3, line 11, insert after “Congress” the following: “and to the Inspector General of the entity”.

Page 5, starting on line 22, strike “increase” and all that follows through line 26 and insert the following: “coordinate and enhance governmental efforts to promote integrity and efficiency and to detect and prevent fraud, waste, and abuse in Federal programs.”

Page 10, line 11, insert “and professional standards” after “policies”.

Page 11, after line 20, insert the following:

“(d) ADMINISTRATIVE PROVISIONS.—

“(1) DIRECTOR OF OMB.—The Director of the Office of Management and Budget shall provide the Council with such administrative support as may be necessary for the performance of the functions of the Council.

“(2) HEADS.—The head of each establishment and designated Federal entity represented on the Council shall provide the persons representing the establishment or entity with such administrative support as may be necessary, in accordance with law, to enable the persons representing the establishment or entity to carry out their responsibilities.”.

Page 12, line 8, strike “3 or more” and insert “4”.

Page 13, line 19, after “General” insert the following: “, acts with the knowledge of the Inspector General, or against whom an allegation is made because such allegation is related to an allegation against the Inspector General, except that if an allegation concerns a member of the Integrity Committee, that member shall recuse himself from consideration of the matter”.

Page 14, strike lines 8 through 14 and insert the following:

“(B) refer any allegation of wrongdoing to the agency of the executive branch with appropriate jurisdiction over the matter; and

“(C) refer to the Chairperson of the Integrity Committee any allegation of wrongdoing determined by the Integrity Committee to be potentially meritorious that cannot be referred to an agency under subparagraph (B).”.

Page 14, line 20, strike “(5)(B)” and insert “(5)(C)”.

Page 16, strike lines 5 through 18 and insert the following:

“(8) REPORT.—

“(A) For allegations referred under paragraph (5)(C), the Chairperson of the Integrity Committee shall make a report containing the results of his investigation and shall

provide such report to members of the Integrity Committee.

“(B) For allegations referred under paragraph (5)(B), the head of an agency shall make a report containing the results of the investigation and shall provide such report to members of the Integrity Committee.

“(9) ASSESSMENT AND FINAL DISPOSITION.—

“(A) With respect to any report received under paragraph (8), the Integrity Committee shall—

“(i) assess the report;

“(ii) forward the report, with the Integrity Committee recommendations, including those on disciplinary action, within 180 days (to the maximum extent practicable) after the completion of the investigation, to the Executive Chairperson of the Council and to the President (in the case of a report relating to an Inspector General of an establishment or his staff) or the head of a designated Federal entity (in the case of a report relating to an Inspector General of such an entity or his staff) for resolution; and

“(iii) submit to Congress a copy of such report and recommendations within 30 days after the submission of such report to the Executive Chairperson under clause (ii).

“(B) The Chairperson of the Council shall report to the Integrity Committee the final disposition of the matter, including what action was taken by the President or agency head.”.

Page 16, after line 18, insert the following:

“(10) ANNUAL REPORT.—

“(A) MATTERS COVERED.—The Council shall submit to Congress and the President by December 31st of each year a report on the activities of the Integrity Committee during the preceding fiscal year. The report shall include the following:

“(i) The number of allegations received.

“(ii) The number of allegations referred to other agencies, including the number of allegations referred for criminal investigation.

“(iii) The number of allegations referred to the Chairperson of the Integrity Committee for investigation.

“(iv) The number of allegations closed without referral.

“(v) The date each allegation was received and the date each allegation was finally disposed of.

“(vi) In the case of allegations referred to the Chairperson of the Integrity Committee, a summary of the status of the investigation of the allegations and, in the case of investigations completed during the preceding fiscal year, a summary of the findings of the investigations.

“(vii) Other matters that the Council considers appropriate.

“(B) REQUESTS FOR MORE INFORMATION.—The Council shall provide more detailed information about specific allegations upon request from any of the following:

“(i) The chairman or ranking member of the Committee on Oversight and Government Reform of the House of Representatives.

“(ii) The chairman or ranking member of the Committee on Homeland Security and Governmental Affairs of the Senate.

“(iii) The chairman or ranking member of the congressional committees of jurisdiction.”.

Page 16, line 19, strike “(8)” and insert “(11)”.

Page 17, strike lines 4 through 6 and insert the following:

(b) EXECUTIVE ORDERS AND POLICIES AND PROCEDURES.—

(1) EXISTING EXECUTIVE ORDERS.—Executive Order 12805, dated May 11, 1992, and Executive Order 12993, dated March 21, 1996, shall have no force or effect.

(2) POLICIES AND PROCEDURES.—Not later than 180 days after the date of the enactment of this Act, the Inspectors General Council shall adopt policies and procedures to implement this section and the amendments made by this section. To the maximum extent practicable, the policies and procedures shall include all provisions of Executive Orders 12805 and 12933 (as in effect before the date of the enactment of this Act).

Page 21, after line 12, insert the following:

(3) ADDITIONAL CONFORMING AMENDMENT.—Section 194(b) of the National and Community Service Act of 1990 (42 U.S.C. 12651e(b)) is amended by striking paragraph (3).

Page 22, insert after line 10 the following:

(d) SAVINGS PROVISION FOR NEWLY APPOINTED INSPECTORS GENERAL.—The provisions of section 3392, title 5, United States Code, other than the terms “performance awards” and “awarding of ranks” in subsection (c)(1) of such section, shall apply to career appointees of the Senior Executive Service who are appointed to the position of Inspector General.

Page 24, insert after line 3 the following:

(d) QUALIFICATIONS OF INSPECTORS GENERAL OF DESIGNATED FEDERAL ENTITIES.—Section 8G(c)(1) of the Inspector General Act of 1978 (5 U.S.C. App.), as amended by this Act, is further amended by striking the period and inserting “without regard to political affiliation, and solely on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations.

4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MILLER OF NORTH CAROLINA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 4, after line 12, insert the following new paragraph:

(c)(1) in section 3(a), by inserting after the first sentence the following: “A committee of Inspectors General of the Inspectors General Council established under section 11 shall review nominations in light of these requirements, and the results of the committee’s review shall be provided to the Senate prior to the confirmation process.”

(2) in section 8G(c), by adding at the end the following: “The head of the designated Federal entity shall ask the committee of Inspectors General referred to in section 3(a) for a report on the qualifications of each final candidate for Inspector General and shall not appoint an Inspector General before reviewing such report.”

Page 4, line 13, strike “(c)” and insert “(d)”.

5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE GILLIBRAND OF NEW YORK, OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of the bill add the following new section (and conform the table of contents):

SEC. 9. INFORMATION ON WEBSITES OF OFFICES OF INSPECTORS GENERAL.

(a) **DEFINITION.**—In this section, the term “agency” has the meaning provided the term “Federal agency” under section 11(5) of the Inspector General Act of 1978 (5 U.S.C. App.).

(b) **DIRECT LINKS TO INSPECTORS GENERAL OFFICES.**—

(1) **IN GENERAL.**—Each agency shall establish and maintain on the homepage of the website of that agency a direct link to the website of the Office of the Inspector General of that agency.

(2) **ACCESSIBILITY.**—The direct link under paragraph (1) shall be obvious and facilitate accessibility to the website of the Office of the Inspector General.

(c) **REQUIREMENTS FOR INSPECTORS GENERAL WEBSITES.**—

(1) **POSTING OF REPORTS AND AUDITS.**—The Inspector General of each agency shall—

(A) not later than 1 day after any report or audit (or portion of any report or audit) is made publicly available, post that report or audit (or portion of that report or audit) on the website of the Office of the Inspector General; and

(B) ensure that any posted report or audit (or portion of that report or audit) described under subparagraph (A)—

(i) is easily accessible from a direct link on the homepage of the website of the Office of the Inspector General;

(ii) includes a summary of the findings of the Inspector General; and

(iii) is in a format that—

(I) is searchable, sortable, and downloadable; and

(II) facilitates printing by individuals of the public who are accessing the website.

(2) **OPTION TO RECEIVE RELATED INFORMATION.**—The Inspector General of each agency shall provide a service on the website of the Office of the Inspector General through which—

(A) an individual may elect to automatically receive information (including subsequent reports or audits) relating to any posted report or audit (or portion of that report or audit) described under paragraph (1)(A); and

(B) the Inspector General shall electronically transmit the information or notice of the availability of the information to that individual without further request.

(3) REPORTING OF WASTE, FRAUD, AND ABUSE.—

(A) IN GENERAL.—The Inspector General of each agency shall establish and maintain a direct link on the homepage of the website of the Office of the Inspector General for individuals to report waste, fraud, and abuse.

(B) ANONYMITY.—The Inspector General of each agency shall take such actions as necessary to ensure the anonymity of any individual making a report under this paragraph.

(d) IMPLEMENTATION.—Not later than 180 days after the date of enactment of this Act, the head of each agency and the Inspector General of each agency shall implement this section.

