

HR 6450

Inspector General Empowerment Act of 2016

Congress: 114 (2015–2017, Ended)

Chamber: House

Policy Area: Government Operations and Politics

Introduced: Dec 7, 2016

Current Status: Became Public Law No: 114-317.

Latest Action: Became Public Law No: 114-317. (Dec 16, 2016)

Law: 114-317 (Enacted Dec 16, 2016)

Official Text: <https://www.congress.gov/bill/114th-congress/house-bill/6450>

Sponsor

Name: Rep. Chaffetz, Jason [R-UT-3]

Party: Republican • **State:** UT • **Chamber:** House

Cosponsors (2 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Cummings, Elijah E. [D-MD-7]	D · MD		Dec 7, 2016
Rep. Meadows, Mark [R-NC-11]	R · NC		Dec 7, 2016

Committee Activity

Committee	Chamber	Activity	Date
Oversight and Government Reform Committee	House	Discharged From	Dec 8, 2016

Subjects & Policy Tags

Policy Area:

Government Operations and Politics

Related Bills

Bill	Relationship	Last Action
114 HR 2395	Related bill	Jun 22, 2016: Received in the Senate and Read twice and referred to the Committee on Homeland Security and Governmental Affairs.
114 S 3011	Related bill	Jun 6, 2016: Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 505.
114 S 579	Related bill	May 5, 2015: Placed on Senate Legislative Calendar under General Orders. Calendar No. 68.

(This measure has not been amended since it was introduced. The expanded summary of the House passed version is repeated here.)

Inspector General Empowerment Act of 2016

(Sec. 2) This bill amends the Inspector General Act of 1978 to exempt inspectors general (when they are conducting an authorized audit, investigation, inspection, evaluation, or review) from: (1) information privacy protections that require agreements between agencies for computerized comparisons of automated federal records systems under the Computer Matching and Privacy Protection Act of 1988, and (2) procedural requirements for information collections under the Paperwork Reduction Act.

(Sec. 3) The Council of the Inspectors General on Integrity and Efficiency (CIGIE) must submit to Congress an annual report that it currently submits only to the President.

CIGIE must mediate disputes regarding an audit, investigation, inspection, evaluation, or project that involves the jurisdiction of more than one office of inspector general, except for matters coordinated by intelligence community inspectors general.

The membership structure of CIGIE's Integrity Committee is modified to eliminate: (1) the Director of the Federal Bureau of Investigation as chairperson of the committee, and (2) the Special Counsel of the Office of Special Counsel (OSC) as a committee member. The committee must elect one of the inspectors general on the committee as chairperson to serve for a term of two years.

Within seven days after the committee receives an allegation of wrongdoing against an inspector general or a staff member of an inspector general's office, the committee must refer such allegation to: (1) the Department of Justice (DOJ) or the OSC for investigation, or (2) the committee for review. If an allegation of wrongdoing is referred to the committee, the committee must decide within 30 days whether to refer the allegation to the chairperson to initiate an investigation. The 30-day period may be extended if the committee notifies Congress.

The bill revises procedures for investigations of allegations of wrongdoing to: (1) require the committee chairperson to complete the investigation of referred allegations within 150 days after the committee's referral; (2) allow concurrent investigations by the committee, DOJ, and the OSC; and (3) require the committee's investigation reports and recommendations to be made available to Congress.

The committee may also receive, review, and refer allegations of wrongdoing against the Special Counsel or Deputy Special Counsel (officials appointed to investigate prohibited personnel practices and government waste and abuse).

(Sec. 4) The Government Accountability Office must report on prolonged vacancies in inspectors general offices. CIGIE must report on its analysis of critical issues that involve the jurisdiction of more than one office of inspector general to identify best practices and issues for increased coordination among inspectors general offices.

The semiannual reports that inspectors general submit to their agencies and Congress must include:

- a summary of audit, inspection, and evaluation reports for which an inspector general's agency did not return a comment and for which there are outstanding unimplemented recommendations, including the aggregate potential cost savings of those recommendations;

statistical tables and metrics showing the total number of issued investigative reports, referrals to prosecuting authorities for criminal prosecution, and indictments from prior referrals;

- a report on each investigation involving a senior government employee where allegations of misconduct were substantiated;
- descriptions of any whistle-blower retaliation, investigations that were closed and were not disclosed to the public, or attempts by an agency to interfere with inspector general independence, including through budget constraints, resistance to oversight, or delayed information access.

Inspectors general are prohibited from providing Congress or the public with any information through such semiannual reports that would reveal the personally identifiable information of a whistle-blower without the whistle-blower's consent.

Inspectors general must submit their recommendations for corrective action to: (1) the head of their agency, (2) the congressional committees of jurisdiction, and (3) any individual or entity requesting the corrective action if the recommendation was initiated by request. The document making the recommendation must also be posted on the inspector general's website.

(Sec. 5) The bill sets forth standards regarding inspectors general access to agency records, the timeliness of their access, and procedures for their requests for access to federal grand jury materials.

An inspector general may access federal grand jury materials that are protected from disclosure under the Federal Rules of Criminal Procedure by submitting a request to the head of his or her establishment, who must then transmit the request to DOJ. DOJ must grant such a request unless access to the grand jury materials would: (1) interfere with an ongoing criminal investigation, prosecution, or undercover operation; (2) identify a confidential source or protected witness; (3) pose a serious threat to national security; or (4) significantly impair the trade or economic interests of the United States. If DOJ denies such a request, it must submit a statement to Congress explaining the reason for the denial.

The DOJ Inspector General is exempt from these request procedures and shall automatically have access to information available to DOJ regarding grand jury materials.

(Sec. 6) The Attorney General or the Secretaries of Defense, the Treasury, Homeland Security, or Energy may prohibit inspectors general from accessing certain sensitive or national security information.

Actions Timeline

- **Dec 16, 2016:** Signed by President.
- **Dec 16, 2016:** Became Public Law No: 114-317.
- **Dec 14, 2016:** Presented to President.
- **Dec 12, 2016:** Message on Senate action sent to the House.
- **Dec 10, 2016:** Passed/agreed to in Senate: Passed Senate without amendment by Voice Vote.(consideration: CR S7128-7131)
- **Dec 10, 2016:** Passed Senate without amendment by Voice Vote. (consideration: CR S7128-7131)
- **Dec 8, 2016:** Mr. Chaffetz asked unanimous consent to discharge from committee and consider.
- **Dec 8, 2016:** Committee on Oversight and Government discharged.
- **Dec 8, 2016:** Considered by unanimous consent. (consideration: CR H7527-7531)
- **Dec 8, 2016:** Passed/agreed to in House: On passage Passed without objection.(text: CR H7527-7531)
- **Dec 8, 2016:** On passage Passed without objection. (text: CR H7527-7531)
- **Dec 8, 2016:** Motion to reconsider laid on the table Agreed to without objection.
- **Dec 8, 2016:** Received in the Senate, read twice.
- **Dec 7, 2016:** Introduced in House
- **Dec 7, 2016:** Referred to the House Committee on Oversight and Government Reform.