

113TH CONGRESS  
1ST SESSION

# S. 1366

To modify the appointment of Inspectors General, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JULY 25, 2013

Mr. BOOZMAN (for himself, Ms. AYOTTE, and Mrs. SHAHEEN) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

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## A BILL

To modify the appointment of 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Verifying Agency Con-  
5 duct and Needs Through (VACANT) Inspectors General  
6 Act”.

7 **SEC. 2. APPOINTMENT OF INSPECTOR GENERAL.**

8 (a) ESTABLISHMENTS.—Section 3(a) of the Inspector  
9 General Act of 1978 (5 U.S.C. App.) is amended to read  
10 as follows:

1       “(a)(1) There shall be at the head of each Office an  
2 Inspector General who shall be, except as provided in  
3 paragraph (3), appointed by the President, by and with  
4 the advice and consent of the Senate, without regard to  
5 political affiliation and solely on the basis of integrity and  
6 demonstrated ability in accounting, auditing, financial  
7 analysis, law, management analysis, public administration,  
8 or investigations.

9       “(2) If there is a vacancy at the head of an Office  
10 of Inspector General at any establishment, the head of the  
11 establishment shall immediately notify the Council of In-  
12 spectors General on Integrity and Efficiency that a va-  
13 cancy exists and the Council of Inspectors General on In-  
14 tegrity and Efficiency shall immediately declare a vacancy  
15 at the head of the Office. Not later than 210 days after  
16 the declaration of a vacancy by the Council of Inspectors  
17 General on Integrity and Efficiency, the President shall  
18 appoint an Inspector General for the Office.

19       “(3) If the President does not nominate an Inspector  
20 General at an Office within 210 days after the declaration  
21 of a vacancy by the Council of Inspectors General on In-  
22 tegrity and Efficiency under paragraph (2), the Speaker  
23 of the House of Representatives and the President pro  
24 tempore of the Senate shall appoint an Inspector General  
25 at that establishment, without regard to political affili-

1 ation and solely on the basis of integrity and demonstrated  
2 ability in accounting, auditing, financial analysis, law,  
3 management analysis, public administration, or investiga-  
4 tions, after considering recommendations from—

5           “(A) the Committee on Oversight and Govern-  
6           ment Reform of the House of Representatives;

7           “(B) the Committee on Homeland Security and  
8           Governmental Affairs of the Senate; and

9           “(C) the Council of Inspectors General on In-  
10          tegrity and Efficiency.

11          “(4) Each Inspector General shall report to and be  
12          under the general supervision of the head of the establish-  
13          ment involved or, to the extent such authority is delegated,  
14          the officer next in rank below such head, but shall not  
15          report to, or be subject to supervision by, any other officer  
16          of such establishment.

17          “(5) Neither the head of the establishment nor the  
18          officer next in rank below such head shall prevent or pro-  
19          hibit the Inspector General from initiating, carrying out,  
20          or completing any audit or investigation, or from issuing  
21          any subpoena during the course of any audit or investiga-  
22          tion.”.

23          (b) DESIGNATED FEDERAL ENTITIES.—Section  
24          8G(e) of the Inspector General Act of 1978 (5 U.S.C.  
25          App.) is amended to read as follows:

1       “(c)(1) Except as provided under subsection (f) of  
2 this section, the Inspector General shall be, except as pro-  
3 vided in paragraph (3), appointed by the head of the des-  
4 ignated Federal entity in accordance with the applicable  
5 laws and regulations governing appointments within the  
6 designated Federal entity. Each Inspector General shall  
7 be appointed without regard to political affiliation and  
8 solely on the basis of integrity and demonstrated ability  
9 in accounting, auditing, financial analysis, law, manage-  
10 ment analysis, public administration, or investigations.

11       “(2) If there is a vacancy in the position of Inspector  
12 General at any designated Federal entity, the head of the  
13 designated Federal entity shall immediately notify the  
14 Council of Inspectors General on Integrity and Efficiency  
15 that a vacancy exists and the Council of Inspectors Gen-  
16 eral on Integrity and Efficiency shall immediately declare  
17 a vacancy in the position of Inspector General at that des-  
18 ignated Federal entity. Not later than 210 days after the  
19 declaration of a vacancy by the Council of Inspectors Gen-  
20 eral on Integrity and Efficiency, the head of the des-  
21 ignated Federal entity shall appoint an Inspector General  
22 at the designated Federal entity.

23       “(3) If the head of a designated Federal entity does  
24 not appoint an Inspector General at the designated Fed-  
25 eral entity within 210 days after the declaration of a va-

1 cancy by the Council of Inspectors General on Integrity  
2 and Efficiency under paragraph (2), the Speaker of the  
3 House of Representatives and the President pro tempore  
4 of the Senate shall appoint an Inspector General at that  
5 designated Federal entity, without regard to political af-  
6 filiation and solely on the basis of integrity and dem-  
7 onstrated ability in accounting, auditing, financial anal-  
8 ysis, law, management analysis, public administration, or  
9 investigations, after considering recommendations from—

10           “(A) the Committee on Oversight and Govern-  
11           ment Reform of the House of Representatives;

12           “(B) the Committee on Homeland Security and  
13           Governmental Affairs of the Senate; and

14           “(C) the Council of Inspectors General on In-  
15           tegrity and Efficiency.

16           “(4) For purposes of implementing this section, the  
17 Chairman of the Board of Governors of the Federal Re-  
18 serve System shall appoint the Inspector General of the  
19 Board of Governors of the Federal Reserve System and  
20 the Bureau of Consumer Financial Protection. The In-  
21 spector General of the Board of Governors of the Federal  
22 Reserve System and the Bureau of Consumer Financial  
23 Protection shall have all of the authorities and responsibil-  
24 ities provided by this Act with respect to the Bureau of  
25 Consumer Financial Protection, as if the Bureau were

1 part of the Board of Governors of the Federal Reserve  
2 System.”.

3 (c) DEFINITION OF VACANCY.—Section 12 of the In-  
4 spector General Act (5 U.S.C. App.) is amended—

5 (1) in paragraph (4), by striking “and” at the  
6 end;

7 (2) in paragraph (5), by striking the period at  
8 the end and inserting “; and”; and

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

10 “(6) the term ‘vacancy in the position of In-  
11 spector General’ means a vacancy due to—

12 “(A) the death of an Inspector General;

13 “(B) the removal of an Inspector General;

14 “(C) the resignation of an Inspector Gen-  
15 eral; or

16 “(D) the inability of an Inspector General  
17 to otherwise perform the functions and duties  
18 of the position of Inspector General.”.

19 **SEC. 3. AUTHORITY OF INSPECTOR GENERAL.**

20 Section 6(e) of the Inspector General Act (5 U.S.C.  
21 App.) is amended—

22 (1) in paragraph (1), by striking “(1) In addi-  
23 tion” and inserting “(1)(A) Except as provided in  
24 subparagraph (B), in addition”;

1 (2) by redesignating subparagraphs (A) through  
2 (C) as clauses (i) through (iii), respectively; and

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

4 “(B) Clauses (ii) and (iii) do not apply  
5 to—

6 “(i) an Inspector General appointed  
7 under section 3(a)(3) or section 8G(c)(3);

8 “(ii) any Assistant Inspector General  
9 for Investigations under an Inspector Gen-  
10 eral appointed under section 3(a)(3) or  
11 section 8G(c)(3); or

12 “(iii) any special agent supervised by  
13 an Assistant Inspector General for Inves-  
14 tigation under an Inspector General ap-  
15 pointed under section 3(a)(3) or section  
16 8G(c)(3).”.

17 **SEC. 4. DECLARATION OF INSPECTOR GENERAL VACAN-**  
18 **CIES.**

19 (a) IN GENERAL.—Not later than 30 days after the  
20 date of enactment of this Act, in accordance with sections  
21 3(a) and 8G(c) of the Inspector General Act of 1978 (5  
22 U.S.C. App.), as amended by this Act, the Council of In-  
23 spectors General on Integrity and Efficiency shall declare  
24 all vacancies in the position of Inspector General at any  
25 establishment or designated Federal entity.

1 (b) DEFINITION.—The term “vacancy in the position  
2 of Inspector General” has the meaning given the term in  
3 section 12(6) of the Inspector General Act of 1978 (5  
4 U.S.C. App.), as added by this Act.

5 **SEC. 5. SEVERABILITY.**

6 If any provision of this Act, an amendment made by  
7 this Act, or the application of such provision or amend-  
8 ment to any person or circumstance is held to be unconsti-  
9 tutional, the remainder of this Act, the amendments made  
10 by this Act, and the application of the provisions of such  
11 to any person or circumstance shall not be affected there-  
12 by.

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