

115TH CONGRESS  
1ST SESSION

# H. R. 1016

To amend the Inspector General Act of 1978 to establish an Office of Inspector General in the Executive Office of the President, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 13, 2017

Ms. DELAURO (for herself, Mr. MCGOVERN, Ms. SLAUGHTER, Mr. RASKIN, Mr. QUIGLEY, Mr. BLUMENAUER, and Mr. SERRANO) introduced the following bill; which was referred to the Committee on Oversight and Government Reform

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## A BILL

To amend the Inspector General Act of 1978 to establish an Office of Inspector General in the Executive Office of the President, 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 “Federal Executive Ac-  
5 countability Act of 2017”.

6 **SEC. 2. OFFICE OF INSPECTOR GENERAL IN THE EXECU-**  
7 **TIVE OFFICE OF THE PRESIDENT.**

8 (a) ESTABLISHMENT.—

1           (1) IN GENERAL.—Section 12 of the Inspector  
2       General Act of 1978 (5 U.S.C. App.) is amended—

3           (A) in paragraph (1), by striking “or the  
4       Director of the National Reconnaissance Of-  
5       fice” and inserting “the Director of the Na-  
6       tional Reconnaissance Office; or the President  
7       (with respect to the Executive Office of the  
8       President)”; and

9           (B) in paragraph (2), by striking “or the  
10      National Reconnaissance Office” and inserting  
11      “the National Reconnaissance Office, or the  
12      Executive Office of the President”.

13       (2) APPOINTMENT OF INSPECTOR GENERAL.—  
14      Not later than 120 days after the date of the enact-  
15      ment of this Act, the President shall appoint an in-  
16      dividual as the Inspector General of the Executive  
17      Office of the President in accordance with the re-  
18      quirements of section 3(a) of the Inspector General  
19      Act of 1978 (5 U.S.C. App.).

20       (b) SPECIAL PROVISIONS.—The Inspector General  
21      Act of 1978 (5 U.S.C. App.) is amended by inserting after  
22      section 8M the following:

1 **“SEC. 8N. SPECIAL PROVISIONS CONCERNING THE EXECU-**  
2 **TIVE OFFICE OF THE PRESIDENT.**

3 “(a) AUDITS, INVESTIGATIONS, AND ISSUANCE OF  
4 SUBPOENAS.—

5 “(1) AUTHORITY, DIRECTION, AND CONTROL.—

6 Notwithstanding the last two sentences of section  
7 3(a), the Inspector General of the Executive Office  
8 of the President shall be under the authority, direc-  
9 tion, and control of the President with respect to au-  
10 dits or investigations, or the issuance of subpoenas,  
11 that require access to information concerning any of  
12 the following:

13 “(A) The identity of a confidential source,  
14 including a protected witness.

15 “(B) An intelligence or counterintelligence  
16 matter.

17 “(C) An undercover operation.

18 “(2) PROHIBITION IN CERTAIN SITUATIONS.—

19 With respect to the information described in para-  
20 graph (1), the President may prohibit the Inspector  
21 General of the Executive Office of the President  
22 from initiating, carrying out, or completing any  
23 audit or investigation, or from issuing any subpoena,  
24 after the Inspector General has decided to initiate,  
25 carry out, or complete such audit or investigation, or  
26 to issue such subpoena, if the President determines

1 that such prohibition is necessary to prevent the dis-  
2 closure of any information described in paragraph  
3 (1).

4 “(3) NOTICE AFTER PROHIBITION.—

5 “(A) TO INSPECTOR GENERAL.—If the  
6 President exercises any power under paragraph  
7 (2), not later than 30 days after exercising any  
8 such power, the President shall notify the In-  
9 spector General of the Executive Office of the  
10 President in writing, stating the reasons for ex-  
11 ercising that power.

12 “(B) TO CONGRESS.—Not later than 30  
13 days after receiving a notice under subpara-  
14 graph (A), the Inspector General of the Execu-  
15 tive Office of the President shall transmit a  
16 copy of the notice to the chair and ranking  
17 member of each of the following:

18 “(i) The Committee on Oversight and  
19 Government Reform of the House of Rep-  
20 resentatives.

21 “(ii) The Committee on the Judiciary  
22 of the House of Representatives.

23 “(iii) The Committee on Homeland  
24 Security and Governmental Affairs of the  
25 Senate.

1                   “(iv) The Committee on the Judiciary  
2                   of the Senate.

3                   “(v) Any other appropriate committee  
4                   or subcommittee of Congress.

5                   “(b) SEMIANNUAL REPORTS.—

6                   “(1) ADDITIONAL INFORMATION TO BE IN-  
7                   CLUDED.—Any semiannual report prepared by the  
8                   Inspector General of the Executive Office of the  
9                   President under section 5(a) shall also include the  
10                  following:

11                  “(A) With respect to each significant rec-  
12                  ommendation on which corrective action has  
13                  been completed, a description of the corrective  
14                  action.

15                  “(B) A certification of whether the Inspec-  
16                  tor General of the Executive Office of the Presi-  
17                  dent has had full and direct access to all infor-  
18                  mation relevant to the performance of the func-  
19                  tions of the Inspector General.

20                  “(C) A description of any audit, inspection,  
21                  or evaluation occurring during the reporting pe-  
22                  riod in which the Inspector General of the Ex-  
23                  ecutive Office of the President could not obtain  
24                  relevant information due to an exercise of power  
25                  by the President under subsection (a)(2).

1           “(D) Such recommendations as the Inspec-  
2           tor General of the Executive Office of the Presi-  
3           dent considers appropriate with respect to effi-  
4           ciency in the administration of programs and  
5           operations undertaken by the President, and  
6           the detection and elimination of fraud, waste,  
7           and abuse in such programs and operations.

8           “(2) SUBMISSION TO PRESIDENT.—Notwith-  
9           standing section 5(b), the Inspector General of the  
10          Executive Office of the President shall submit to the  
11          President the semiannual reports prepared under  
12          section 5(a), including the additional information re-  
13          quired under paragraph (1), not later than April 30  
14          and October 31 of each year.

15          “(3) TRANSMISSION TO CONGRESS.—Not later  
16          than 30 days after receiving a semiannual report  
17          under paragraph (2), the President shall transmit  
18          the semiannual report, including any comments the  
19          President considers appropriate, to the chair and  
20          ranking member of each of the following:

21                  “(A) The Committee on Oversight and  
22                  Government Reform of the House of Represent-  
23                  atives.

24                  “(B) The Committee on the Judiciary of  
25                  the House of Representatives.

1           “(C) The Committee on Homeland Security and Governmental Affairs of the Senate.

2  
3           “(D) The Committee on the Judiciary of the Senate.”.

4  
5       (c) TECHNICAL AND CONFORMING AMENDMENTS.—  
6 The Inspector General Act of 1978 (5 U.S.C. App.) is  
7 amended—

8           (1) by striking “subpena” each place the term  
9 appears and inserting “subpoena”;

10          (2) by striking “subpenas” each place the term  
11 appears and inserting “subpoenas”;

12          (3) in section 8G(a)(1)—

13               (A) by striking subparagraph (C); and

14               (B) by redesignating subparagraphs (D)  
15 through (F) as subparagraphs (C) through (E),  
16 respectively; and

17          (4) in section 8J, by striking “8E” and all that  
18 follows through “this Act” and inserting “8E, 8F,  
19 8H, or 8N of this Act”.

20       (d) OVER-CLASSIFICATION AUDIT.—

21           (1) EVALUATIONS REQUIRED.—The Inspector  
22 General of the Executive Office of the President, in  
23 consultation with the Information Security Oversight  
24 Office of the National Archives and Records Admin-

1       istration, shall carry out two evaluations of the Ex-  
2       ecutive Office of the President—

3               (A) to assess whether applicable classifica-  
4               tion policies, procedures, rules, and regulations  
5               have been adopted, followed, and effectively ad-  
6               ministered within the Executive Office of the  
7               President; and

8               (B) to identify policies, procedures, rules,  
9               regulations, or management practices that may  
10              be contributing to persistent misclassification of  
11              material within the Executive Office of the  
12              President.

13       (2) DEADLINES FOR EVALUATIONS.—

14              (A) INITIAL EVALUATION.—The first eval-  
15              uation required under paragraph (1) shall be  
16              completed not later than one year after the date  
17              of the enactment of this Act.

18              (B) SECOND EVALUATION.—The second  
19              evaluation required under paragraph (1) shall  
20              review progress made pursuant to the results of  
21              the first evaluation and shall be completed not  
22              later than one year after the date on which the  
23              first evaluation is completed.

24       (3) COORDINATION.—The Inspector General of  
25       the Executive Office of the President shall coordi-



1       nate with other Inspector Generals and the Informa-  
2       tion Security Oversight Office to ensure that evalua-  
3       tions follow a consistent methodology, as appro-  
4       prium, that allows for cross-agency comparisons.

5           (4) REPORTS REQUIRED.—

6           (A) IN GENERAL.—Not later than 45 days  
7       after the completion of an evaluation, the In-  
8       spector General of the Executive Office of the  
9       President shall submit to the appropriate enti-  
10      ties a report on that evaluation.

11          (B) CONTENT.—Each report submitted  
12      under subparagraph (A) shall include a descrip-  
13      tion of—

14           (i) the policies, procedures, rules, reg-  
15      ulations, or management practices, if any,  
16      identified by the Inspector General under  
17      paragraph (1)(b); and

18           (ii) the recommendations, if any, of  
19      the Inspector General to address any such  
20      identified policies, procedures, rules, regu-  
21      lations, or management practices.

22          (5) APPROPRIATE ENTITIES DEFINED.—In this  
23      subsection, the term “appropriate entities” means  
24      each of the following:

1           (A) The Committee on Oversight and Gov-  
2           ernment Reform of the House of Representa-  
3           tives.

4           (B) The Committee on the Judiciary of the  
5           House of Representatives.

6           (C) The Committee on Homeland Security  
7           and Governmental Affairs of the Senate.

8           (D) The Committee on the Judiciary of the  
9           Senate.

10          (E) Any other appropriate committee or  
11          subcommittee of Congress.

12          (F) The President.

13          (G) The Director of the Information Secu-  
14          rity Oversight Office.

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