

117TH CONGRESS
1ST SESSION

H. R. 2662

AN ACT

To amend the Inspector General Act of 1978, 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 “IG
3 Independence and Empowerment Act”.

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

Sec. 1. Short title; table of contents.

TITLE I—INSPECTOR GENERAL INDEPENDENCE

Sec. 101. Short title.

Sec. 102. Amendment.

Sec. 103. Removal or transfer requirements.

**TITLE II—CONGRESSIONAL NOTIFICATION OF CHANGE IN
STATUS OF INSPECTOR GENERAL**

Sec. 201. Short title.

Sec. 202. Change in status of Inspector General offices.

Sec. 203. Presidential explanation of failure to nominate an Inspector General.

TITLE III—VACANCY OF INSPECTOR GENERAL POSITIONS

Sec. 301. Vacancy of Inspector General positions.

**TITLE IV—COUNCIL OF INSPECTORS GENERAL ON INTEGRITY
AND EFFICIENCY TRANSPARENCY**

Sec. 401. Short title.

Sec. 402. Additional information to be included in requests and reports to Congress.

Sec. 403. Availability of information to members of Congress regarding certain allegations of wrongdoing closed without referral.

Sec. 404. Semiannual report.

Sec. 405. Additional reports; rules of construction.

Sec. 406. Membership of Integrity Committee.

Sec. 407. Requirement to refer allegations of wrongdoing against Inspector General to Integrity Committee.

Sec. 408. Requirement to report final disposition to Congress.

**TITLE V—ADDITIONAL AUTHORITY PROVISIONS FOR
INSPECTORS GENERAL**

Sec. 501. Short title.

Sec. 502. Additional authority provisions for Inspectors General.

**TITLE VI—INVESTIGATIONS OF DEPARTMENT OF JUSTICE
PERSONNEL**

Sec. 601. Short title.

Sec. 602. Investigations of Department of Justice personnel.

**TITLE VII—OFFICE OF INSPECTOR GENERAL WHISTLEBLOWER
COMPLAINTS**

Sec. 701. Short title.

Sec. 702. Office of Inspector General whistleblower complaints.

**TITLE VIII—NOTICE OF ONGOING INVESTIGATIONS WHEN THERE
IS A CHANGE IN STATUS OF INSPECTOR GENERAL**

Sec. 801. Notice of ongoing investigations when there is a change in status of
Inspector General.

**TITLE IX—COUNCIL OF THE INSPECTORS GENERAL ON
INTEGRITY AND EFFICIENCY APPROPRIATION**

Sec. 901. CIGIE appropriation.

**TITLE X—NOTICE OF REFUSAL TO PROVIDE INSPECTORS
GENERAL ACCESS**

Sec. 1001. Notice of refusal to provide information or assistance to Inspectors
General.

TITLE XI—ENHANCEMENTS TO INSPECTOR GENERAL TRAINING

Sec. 1101. Short title.

Sec. 1102. Enhancements to Inspector General Training.

TITLE XII—EQUITABLE PAY FOR INSPECTORS GENERAL

Sec. 1201. Equitable pay for Inspectors General.

TITLE XIII—REPORT

Sec. 1301. GAO Review and Report.

TITLE XIV—BUDGETARY EFFECTS

Sec. 1401. Determination of budgetary effects.

TITLE XV—SEVERABILITY

Sec. 1501. Severability.

1 TITLE I—INSPECTOR GENERAL
2 INDEPENDENCE

3 SEC. 101. SHORT TITLE.

4 This title may be cited as the “Inspector General
5 Independence Act”.

6 SEC. 102. AMENDMENT.

7 The Inspector General Act of 1978 (5 U.S.C. App.)
8 is amended—

1 (1) in section 3(b)—

2 (A) by striking “An Inspector General”
3 and inserting:

4 “(1) An Inspector General”;

5 (B) by inserting after “by the President”
6 the following: “in accordance with paragraph
7 (2)”;

8 (C) by inserting at the end the following
9 new paragraph:

10 “(2) The President may remove an Inspector
11 General only for any of the following grounds (and
12 the documentation of any such ground shall be in-
13 cluded in the communication required pursuant to
14 paragraph (1)):

15 “(A) Documented permanent incapacity.

16 “(B) Documented neglect of duty.

17 “(C) Documented malfeasance.

18 “(D) Documented conviction of a felony or con-
19 duct involving moral turpitude.

20 “(E) Documented knowing violation of a law or
21 regulation.

22 “(F) Documented gross mismanagement.

23 “(G) Documented gross waste of funds.

24 “(H) Documented abuse of authority.

25 “(I) Documented inefficiency.”; and

1 (2) in section 8G(e)(2), by adding at the end
2 the following: “An Inspector General may be re-
3 moved only for any of the following grounds (and
4 the documentation of any such ground shall be in-
5 cluded in the communication required pursuant to
6 this paragraph):

7 “(A) Documented permanent incapacity.

8 “(B) Documented neglect of duty.

9 “(C) Documented malfeasance.

10 “(D) Documented conviction of a felony or
11 conduct involving moral turpitude.

12 “(E) Documented knowing violation of a
13 law or regulation.

14 “(F) Documented gross mismanagement.

15 “(G) Documented gross waste of funds.

16 “(H) Documented abuse of authority.

17 “(I) Documented inefficiency.”.

18 **SEC. 103. REMOVAL OR TRANSFER REQUIREMENTS.**

19 (a) REASONS FOR REMOVAL OR TRANSFER.—Section
20 3(b) of the Inspector General Act of 1978 (5 U.S.C. App.),
21 as amended by section 102, is further amended—

22 (1) in paragraph (1), by striking “reasons” and
23 inserting “substantive rationale, including detailed
24 and case-specific reasons,”; and

1 (2) by inserting at the end the following new
2 paragraph:

3 “(3) If there is an open or completed inquiry
4 into an Inspector General that relates to the removal
5 or transfer of the Inspector General under para-
6 graph (1), the written communication required
7 under that paragraph shall—

8 “(A) identify each entity that is con-
9 ducting, or that conducted, the inquiry; and

10 “(B) in the case of a completed inquiry,
11 contain the findings made during the inquiry.”.

12 (b) REASONS FOR REMOVAL OR TRANSFER FOR DES-
13 IGNATED FEDERAL ENTITIES.—Section 8G(e) of the In-
14 spector General Act of 1978 (5 U.S.C. App.) is amend-
15 ed—

16 (1) in paragraph (2), by striking “reasons” and
17 inserting “substantive rationale, including detailed
18 and case-specific reasons,”; and

19 (2) by inserting at the end the following new
20 paragraph:

21 “(3) If there is an open or completed inquiry
22 into an Inspector General that relates to the removal
23 or transfer of the Inspector General under para-
24 graph (2), the written communication required
25 under that paragraph shall—

1 “(A) identify each entity that is con-
 2 ducting, or that conducted, the inquiry; and

3 “(B) in the case of a completed inquiry,
 4 contain the findings made during the inquiry.”.

5 **TITLE II—CONGRESSIONAL NO-**
 6 **TIFICATION OF CHANGE IN**
 7 **STATUS OF INSPECTOR GEN-**
 8 **ERAL**

9 **SEC. 201. SHORT TITLE.**

10 This title may be cited as the “Inspector General Pro-
 11 tection Act”.

12 **SEC. 202. CHANGE IN STATUS OF INSPECTOR GENERAL OF-**
 13 **FICES.**

14 (a) CHANGE IN STATUS OF INSPECTOR GENERAL OF
 15 OFFICE.—Paragraph (1) of section 3(b) of the Inspector
 16 General Act of 1978 (5 U.S.C. App.) is amended—

17 (1) by inserting “, is placed on paid or unpaid
 18 non-duty status,” after “is removed from office”;

19 (2) by inserting “, change in status,” after
 20 “any such removal”; and

21 (3) by inserting “, change in status,” after “be-
 22 fore the removal”.

23 (b) CHANGE IN STATUS OF INSPECTOR GENERAL OF
 24 DESIGNATED FEDERAL ENTITY.—Section 8G(e)(2) of the

1 Inspector General Act of 1978 (5 U.S.C. App.) is amend-
2 ed—

3 (1) by inserting “, is placed on paid or unpaid
4 non-duty status,” after “office”;

5 (2) by inserting “, change in status,” after
6 “any such removal”; and

7 (3) by inserting “, change in status,” after “be-
8 fore the removal”.

9 (c) EXCEPTION TO REQUIREMENT TO SUBMIT COM-
10 MUNICATION RELATING TO CERTAIN CHANGES IN STA-
11 TUS.—

12 (1) COMMUNICATION RELATING TO CHANGE IN
13 STATUS OF INSPECTOR GENERAL OF OFFICE.—Sec-
14 tion 3(b) of the Inspector General Act of 1978 (5
15 U.S.C. App.), as amended by section 102(1), is fur-
16 ther amended—

17 (A) in paragraph (1), by striking “If” and
18 inserting “Except as provided in paragraph (3),
19 if”; and

20 (B) by adding at the end the following:

21 “(3) If an Inspector General is placed on paid
22 or unpaid non-duty status, the President may sub-
23 mit the communication described in paragraph (1)
24 to Congress later than 30 days before the Inspector
25 General is placed on paid or unpaid non-duty status,

1 but in any case not later than the date on which the
2 placement takes effect, if—

3 “(A) the President determines that a delay
4 in placing the Inspector General on paid or un-
5 paid non-duty status would—

6 “(i) pose a threat to the Inspector
7 General or others;

8 “(ii) result in the destruction of evi-
9 dence relevant to an investigation; or

10 “(iii) result in loss of or damage to
11 Government property;

12 “(B) in the communication, the President
13 includes—

14 “(i) a specification of which clause the
15 President relied on to make the determina-
16 tion under subparagraph (A);

17 “(ii) the substantive rationale, includ-
18 ing detailed and case-specific reasons, for
19 such determination;

20 “(iii) if the President relied on an in-
21 quiry to make such determination, an iden-
22 tification of each entity that is conducting,
23 or that conducted, such inquiry; and

1 “(iv) if an inquiry described in clause
2 (iii) is completed, the findings of that in-
3 quiry.

4 “(4) The President may not place an Inspector
5 General on paid or unpaid non-duty status during
6 the 30-day period preceding the date on which the
7 Inspector General is removed or transferred under
8 paragraph (1) unless the President—

9 “(A) determines that not placing the In-
10 spector General on paid or unpaid non-duty sta-
11 tus would—

12 “(i) pose a threat to the Inspector
13 General or others;

14 “(ii) result in the destruction of evi-
15 dence relevant to an investigation; or

16 “(iii) result in loss of or damage to
17 Government property; and

18 “(B) on or before the date on which the
19 placement takes effect, submits to the Com-
20 mittee in the House of Representatives and the
21 Committee in the Senate that has jurisdiction
22 over the Inspector General involved, the Com-
23 mittee on Oversight and Reform of the House
24 of Representatives, and the Committee on
25 Homeland Security and Governmental Affairs

1 of the Senate, a written communication that
2 contains the following information—

3 “(i) a specification of which clause
4 under subparagraph (A) the President re-
5 lied on to make the determination under
6 such subparagraph;

7 “(ii) the substantive rationale, includ-
8 ing detailed and case-specific reasons, for
9 such determination;

10 “(iii) if the President relied on an in-
11 quiry to make such determination, an iden-
12 tification of each entity that is conducting,
13 or that conducted, such inquiry; and

14 “(iv) if an inquiry described in clause
15 (iii) is completed, the findings of that in-
16 quiry.”.

17 (2) COMMUNICATION RELATING TO CHANGE IN
18 STATUS OF INSPECTOR GENERAL OF DESIGNATED
19 FEDERAL ENTITY.—Section 8G(e) of the Inspector
20 General Act Inspector General Act of 1978 (5
21 U.S.C. App.) is amended—

22 (A) in paragraph (1), by striking “If” and
23 inserting “Except as provided in paragraph (3),
24 if”; and

25 (B) by adding at the end the following:

1 “(3) If an Inspector General is placed on paid
2 or unpaid non-duty status, the head of a designated
3 Federal entity may submit the communication de-
4 scribed in paragraph (1) to Congress later than 30
5 days before the Inspector General is placed on paid
6 or unpaid non-duty status, but in any case not later
7 than the date on which the placement takes effect,
8 if—

9 “(A) the head determines that a delay in
10 placing the Inspector General on paid or unpaid
11 non-duty status would—

12 “(i) pose a threat to the Inspector
13 General or others;

14 “(ii) result in the destruction of evi-
15 dence relevant to an investigation; or

16 “(iii) result in loss of or damage to
17 Government property;

18 “(B) in the communication, the head in-
19 cludes—

20 “(i) a specification of which clause
21 under subparagraph (A) the head relied on
22 to make the determination under such sub-
23 paragraph;

1 “(ii) the substantive rationale, includ-
2 ing detailed and case-specific reasons, for
3 such determination;

4 “(iii) if the head relied on an inquiry
5 to make such determination, an identifica-
6 tion of each entity that is conducting, or
7 that conducted, such inquiry; and

8 “(iv) if an inquiry described in clause
9 (iii) is completed, the findings of that in-
10 quiry.

11 “(4) The head may not place an Inspector Gen-
12 eral on paid or unpaid non-duty status during the
13 30-day period preceding the date on which the In-
14 spector General is removed or transferred under
15 paragraph (1) unless the head—

16 “(A) determines that not placing the In-
17 spector General on paid or unpaid non-duty sta-
18 tus would—

19 “(i) pose a threat to the Inspector
20 General or others;

21 “(ii) result in the destruction of evi-
22 dence relevant to an investigation; or

23 “(iii) result in loss of or damage to
24 Government property; and

1 “(B) on or before the date on which the
2 placement takes effect, submits to the Com-
3 mittee in the House of Representatives and the
4 Committee in the Senate that has jurisdiction
5 over the Inspector General involved, the Com-
6 mittee on Oversight and Reform of the House
7 of Representatives, and the Committee on
8 Homeland Security and Governmental Affairs
9 of the Senate, a written communication that
10 contains the following information—

11 “(i) a specification of which clause
12 under subparagraph (A) the head relied on
13 to make the determination under such sub-
14 paragraph;

15 “(ii) the substantive rationale, includ-
16 ing detailed and case-specific reasons, for
17 such determination;

18 “(iii) if the head relied on an inquiry
19 to make such determination, an identifica-
20 tion of each entity that is conducting, or
21 that conducted, such inquiry; and

22 “(iv) if an inquiry described in clause
23 (iii) is completed, the findings of that in-
24 quiry.”.

1 (d) APPLICATION.—The amendments made by this
2 section shall apply with respect to removals, transfers, and
3 changes of status occurring on or after the date that is
4 30 days after the date of the enactment of this Act.

5 **SEC. 203. PRESIDENTIAL EXPLANATION OF FAILURE TO**
6 **NOMINATE AN INSPECTOR GENERAL.**

7 (a) IN GENERAL.—Subchapter III of chapter 33 of
8 title 5, United States Code, is amended by inserting after
9 section 3349d the following new section:

10 **“§ 3349e. Presidential explanation of failure to nomi-**
11 **nate an Inspector General**

12 “If the President fails to make a formal nomination
13 for a vacant Inspector General position that requires a for-
14 mal nomination by the President to be filled within the
15 period beginning on the date on which the vacancy oc-
16 curred and ending on the day that is 210 days after that
17 date, the President shall communicate, within 30 days
18 after the end of such period, to Congress in writing—

19 “(1) the reasons why the President has not yet
20 made a formal nomination; and

21 “(2) a target date for making a formal nomina-
22 tion.”.

23 (b) CLERICAL AMENDMENT.—The table of sections
24 for chapter 33 of title 5, United States Code, is amended

1 by inserting after the item relating to section 3349d the
 2 following new item:

“3349e. Presidential explanation of failure to nominate an Inspector General.”.

3 (c) EFFECTIVE DATE.—The amendment made by
 4 subsection (a) shall take effect on the date of the enact-
 5 ment of this Act and shall apply to any vacancy first oc-
 6 ccurring on or after that date.

7 **TITLE III—VACANCY OF INSPEC-** 8 **TOR GENERAL POSITIONS**

9 **SEC. 301. VACANCY OF INSPECTOR GENERAL POSITIONS.**

10 (a) IN GENERAL.—Section 3345 of title 5, United
 11 States Code, is amended by adding at the end the fol-
 12 lowing:

13 “(d)(1) Notwithstanding subsection (a), if an Inspec-
 14 tor General position that requires appointment by the
 15 President by and with the advice and consent of the Sen-
 16 ate to be filled is vacant, the first assistant of such posi-
 17 tion shall perform the functions and duties of the Inspec-
 18 tor General temporarily in an acting capacity subject to
 19 the time limitations of section 3346.

20 “(2) Notwithstanding subsection (a), if for purposes
 21 of carrying out paragraph (1) of this subsection, by reason
 22 of absence, disability, or vacancy, the first assistant to the
 23 position of Inspector General is not available to perform
 24 the functions and duties of the Inspector General, an act-
 25 ing Inspector General shall be appointed by the President

1 from among individuals serving in an office of any Inspec-
 2 tor General, provided that—

3 “(A) during the 365-day period preceding the
 4 date of death, resignation, or beginning of inability
 5 to serve of the applicable Inspector General, the in-
 6 dividual served in a position in an office of any In-
 7 spector General for not less than 90 days; and

8 “(B) the rate of pay for the position of such in-
 9 dividual is equal to or greater than the minimum
 10 rate of pay payable for a position at GS–15 of the
 11 General Schedule.”.

12 (b) APPLICATION.—The amendment made by sub-
 13 section (a) shall apply to any vacancy first occurring with
 14 respect to an Inspector General position on or after the
 15 date of enactment of this Act.

16 **TITLE IV—COUNCIL OF INSPEC-** 17 **TORS GENERAL ON INTEG-** 18 **RITY AND EFFICIENCY** 19 **TRANSPARENCY**

20 **SEC. 401. SHORT TITLE.**

21 This title may be cited as the “Integrity Committee
 22 Transparency Act of 2021”.

1 **SEC. 402. ADDITIONAL INFORMATION TO BE INCLUDED IN**
 2 **REQUESTS AND REPORTS TO CONGRESS.**

3 Section 11(d) of the Inspector General Act of 1978
 4 (5 U.S.C. App.) is amended—

5 (1) in paragraph (5)(B)(ii), by striking the pe-
 6 riod at the end and inserting “, the length of time
 7 the Integrity Committee has been evaluating the al-
 8 legation of wrongdoing, and a description of any pre-
 9 vious written notice provided under this clause with
 10 respect to the allegation of wrongdoing, including
 11 the description provided for why additional time was
 12 needed.”; and

13 (2) in paragraph (8)(A)(ii), by inserting “or
 14 corrective action” after “disciplinary action”.

15 **SEC. 403. AVAILABILITY OF INFORMATION TO MEMBERS OF**
 16 **CONGRESS REGARDING CERTAIN ALLEGA-**
 17 **TIONS OF WRONGDOING CLOSED WITHOUT**
 18 **REFERRAL.**

19 Section 11(d)(5)(B) of the Inspector General Act of
 20 1978 (5 U.S.C. App.) is amended by adding at the end
 21 the following:

22 “(iii) AVAILABILITY OF INFORMATION
 23 TO MEMBERS OF CONGRESS.—

24 “(I) IN GENERAL.—With respect
 25 to an allegation of wrongdoing made
 26 by a member of Congress that is

1 closed by the Integrity Committee
2 without referral to the Chairperson of
3 the Integrity Committee to initiate an
4 investigation, the Chairperson of the
5 Integrity Committee shall, not later
6 than 60 days after closing such alle-
7 gation, provide a written description
8 of the nature of the allegation of
9 wrongdoing and how the Integrity
10 Committee evaluated the allegation of
11 wrongdoing to—

12 “(aa) the Chair and Rank-
13 ing Member of the Committee on
14 Oversight and Reform of the
15 House of Representatives;

16 “(bb) the Chair and Rank-
17 ing Member of the Committee on
18 Homeland Security and Govern-
19 mental Affairs of the Senate;

20 “(cc) a member of the
21 House of Representatives who
22 has the support of any seven
23 members of the Committee on
24 Oversight and Reform of the
25 House of Representatives; or

1 “(dd) a member of the Sen-
2 ate who has the support of any
3 five members of the Committee
4 on Homeland Security and Gov-
5 ernmental Affairs of the Senate.

6 “(II) REQUIREMENT TO FOR-
7 WARD.—The Chairperson of the In-
8 tegrity Committee shall forward any
9 written description or update provided
10 under this clause to the members of
11 the Integrity Committee and to the
12 Chairperson of the Council.”.

13 **SEC. 404. SEMIANNUAL REPORT.**

14 Section 11(d)(9) of the Inspector General Act of
15 1978 (5 U.S.C. App.) is amended to read as follows:

16 “(9) SEMIANNUAL REPORT.—On or before May
17 31, 2022, and every six months thereafter, the
18 Council shall submit to Congress and the President
19 a report on the activities of the Integrity Committee
20 during the immediately preceding six-month periods
21 ending March 31 and September 30, which shall in-
22 clude the following with respect to allegations of
23 wrongdoing that are made against Inspectors Gen-
24 eral and staff members of the various Offices of In-
25 spector General described under paragraph (4)(C):

1 “(A) An overview and analysis of the alle-
2 gations of wrongdoing disposed of by the Integ-
3 rity Committee, including—

4 “(i) analysis of the positions held by
5 individuals against whom allegations were
6 made, including the duties affiliated with
7 such positions;

8 “(ii) analysis of the categories or
9 types of the allegations of wrongdoing; and

10 “(iii) a summary of disposition of all
11 the allegations.

12 “(B) The number of allegations referred to
13 the Department of Justice or the Office of Spe-
14 cial Counsel, including the number of allega-
15 tions referred for criminal investigation.

16 “(C) The number of allegations referred to
17 the Chairperson of the Integrity Committee for
18 investigation, a general description of the status
19 of such investigations, and a summary of the
20 findings of investigations completed.

21 “(D) An overview and analysis of allega-
22 tions of wrongdoing received by the Integrity
23 Committee during any previous reporting pe-
24 riod, but remained pending during some part of

1 the six months covered by the report, includ-
2 ing—

3 “(i) analysis of the positions held by
4 individuals against whom allegations were
5 made, including the duties affiliated with
6 such positions;

7 “(ii) analysis of the categories or
8 types of the allegations of wrongdoing; and

9 “(iii) a summary of disposition of all
10 the allegations.

11 “(E) The number and category or type of
12 pending investigations.

13 “(F) For each allegation received—

14 “(i) the date on which the investiga-
15 tion was opened;

16 “(ii) the date on which the allegation
17 was disposed of, as applicable; and

18 “(iii) the case number associated with
19 the allegation.

20 “(G) The nature and number of allegations
21 to the Integrity Committee closed without refer-
22 ral, including the justification for why each alle-
23 gation was closed without referral.

24 “(H) A brief description of any difficulty
25 encountered by the Integrity Committee when

receiving, evaluating, investigating, or referring
for investigation an allegation received by the
Integrity Committee, including a brief descrip-
tion of—

“(i) any attempt to prevent or hinder
an investigation; or

“(ii) concerns about the integrity or
operations at an Office of Inspector Gen-
eral.”.

SEC. 405. ADDITIONAL REPORTS; RULES OF CONSTRUCTION.

Section 11(d) of the Inspector General Act of 1978
(5 U.S.C. App.) is amended by adding at the end the fol-
lowing:

“(14) ADDITIONAL REPORTS.—

“(A) REPORT TO INSPECTOR GENERAL.—

The Chairperson of the Integrity Committee
shall submit a report immediately whenever the
Chairperson of the Integrity Committee be-
comes aware of particularly serious or flagrant
problems, abuses, or deficiencies relating to the
administration of programs and operations of
an Office of Inspector General. The report shall
be sent to the Inspector General who leads the
Office of Inspector General at which the serious

1 or flagrant problems, abuses, or deficiencies
2 were alleged.

3 “(B) REPORT TO CONGRESS.—The Inspec-
4 tor General of the Office identified by the In-
5 tegrity Committee shall submit any such report
6 to the House Committee on Oversight and Re-
7 form and the Senate Committee on Homeland
8 Security and Governmental Affairs within seven
9 calendar days from the time the Inspector Gen-
10 eral receives the report together with a report
11 by the Inspector General at the Office identified
12 by the Integrity Committee containing any com-
13 ments such Inspector General deems appro-
14 priate.

15 “(15) RULE OF CONSTRUCTION.—

16 “(A) PUBLIC DISCLOSURE OF INFORMA-
17 TION.—Except as provided in subparagraph
18 (B), nothing in this subsection shall be con-
19 strued to authorize the public disclosure of in-
20 formation which is—

21 “(i) prohibited from disclosure by any
22 other provision of law;

23 “(ii) required by Executive order to be
24 protected from disclosure in the interest of

1 national defense or national security or in
2 the conduct of foreign affairs; or

3 “(iii) a part of an ongoing criminal in-
4 vestigation.

5 “(B) PROVISION OF REPORT TO REQUEST-
6 ING MEMBERS OF CONGRESS.—Subject to any
7 other provision of law that would otherwise pro-
8 hibit disclosure of such information, the infor-
9 mation described in subparagraph (A) may be
10 provided to any Member of Congress upon re-
11 quest of the Member.

12 “(16) PROHIBITED DISCLOSURES.—The Integ-
13 rity Committee may not provide or otherwise disclose
14 to Congress or the public any information that re-
15 veals the personally identifiable information of an in-
16 dividual who alleges wrongdoing to the Integrity
17 Committee under this subsection unless the Integrity
18 Committee first obtains the consent of the indi-
19 vidual.”.

20 **SEC. 406. MEMBERSHIP OF INTEGRITY COMMITTEE.**

21 Section 11(d)(2) of the Inspector General Act of
22 1978 (5 U.S.C. App.) is amended—

23 (1) in subparagraph (A), by adding at the end
24 the following:

1 “(iv) The individual appointed under
2 subparagraph (C).”; and

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

4 “(C) APPOINTMENT OF FORMER INSPEC-
5 TOR GENERAL TO COMMITTEE.—

6 “(i) APPOINTMENT.—The Chair-
7 person of the Council shall appoint an indi-
8 vidual who prior to the date of such ap-
9 pointment served as an Inspector General
10 (as that position is described in section
11 3(a) and section 8G(a)(6)), and who has
12 upheld the highest standards of integrity
13 and professionalism while serving and since
14 leaving service as an Inspector General, as
15 determined by the Chairperson, to serve as
16 a member of the Committee unless no such
17 individual is available or willing to serve as
18 a member of the Committee at the time of
19 the appointment.

20 “(ii) INITIAL TERM.—The individual
21 appointed under clause (i) shall serve at
22 the pleasure of the Chairperson of the
23 Council for a 2-year term.

24 “(iii) ADDITIONAL TERM.—The Chair-
25 person of the Council may reappoint the

1 individual appointed under clause (i) to
2 serve at the pleasure of the Chairperson of
3 the Council for an additional term not to
4 exceed 2 years.

5 “(iv) COMPENSATION.—

6 “(I) SPECIAL GOVERNMENT EM-
7 PLOYEE DESIGNATION.—The indi-
8 vidual appointed under clause (i) shall
9 be considered a special government
10 employee pursuant to section 202(a)
11 of title 18, United States Code.

12 “(II) COMPENSATION AND TRAV-
13 EL EXPENSES.—An individual ap-
14 pointed under clause (i) may not re-
15 ceive compensation at a rate in excess
16 of the rate of basic pay for level IV of
17 the executive schedule under section
18 5315 of title 5, United States Code,
19 and any such individual, while en-
20 gaged in the performance of their du-
21 ties away from their homes or regular
22 places of business, may be allowed
23 travel expenses, including per diem in
24 lieu of subsistence, as authorized by
25 section 5703 of such title for persons

1 employed intermittently in the Gov-
2 ernment service.

3 “(III) ACCEPTANCE OF VOLUN-
4 TEER SERVICES.—The Chairperson of
5 the Council may accept volunteer serv-
6 ices from the individual appointed
7 under this subparagraph without re-
8 gard to section 1342 of title 31,
9 United States Code.

10 “(IV) PROVISIONS RELATING TO
11 REEMPLOYMENT.—

12 “(aa) The Chairperson of
13 the Council may reemploy annu-
14 itants.

15 “(bb) The employment of
16 annuitants under this paragraph
17 shall be subject to the provisions
18 of section 9902(g) of title 5,
19 United States Code, as if the
20 Council was the Department of
21 Defense.”.

1 **SEC. 407. REQUIREMENT TO REFER ALLEGATIONS OF**
 2 **WRONGDOING AGAINST INSPECTOR GEN-**
 3 **ERAL TO INTEGRITY COMMITTEE.**

4 (a) REQUIREMENT.—Section 11(d)(4) of the Inspec-
 5 tor General Act of 1978 (5 U.S.C. App.) is amended—

6 (1) in subparagraph (A), in the heading, by
 7 striking “REQUIREMENT” and inserting “ALLEGA-
 8 TIONS AGAINST STAFF MEMBERS”;

9 (2) by redesignating subparagraphs (B) and
 10 (C) as subparagraphs (C) and (D), respectively; and

11 (3) by inserting after subparagraph (A) the fol-
 12 lowing:

13 “(B) ALLEGATIONS AGAINST INSPECTORS
 14 GENERAL.—An Inspector General shall refer to
 15 the Integrity Committee any allegation of
 16 wrongdoing against that Inspector General.”.

17 (b) TECHNICAL AND CONFORMING AMENDMENT.—
 18 Section 11(d)(1) of the Inspector General Act of 1978 (5
 19 U.S.C. App.) is amended by striking “(4)(C)” and insert-
 20 ing “(4)(D)”.

21 **SEC. 408. REQUIREMENT TO REPORT FINAL DISPOSITION**
 22 **TO CONGRESS.**

23 Section 11(d)(8) of the Inspector General Act of
 24 1978 (5 U.S.C. App.) is amended—

1 (1) in subparagraph (A)(iii), by inserting “con-
 2 temporaneously with the submission of the report
 3 under clause (ii),” before “submit”; and

4 (2) in subparagraph (B), by inserting “, the
 5 Committee on Homeland Security and Governmental
 6 Affairs of the Senate, the Committee on Oversight
 7 and Reform of the House of Representatives, and
 8 other congressional committees of jurisdiction,” after
 9 “Integrity Committee”.

10 **TITLE V—ADDITIONAL AUTHOR-** 11 **ITY PROVISIONS FOR INSPEC-** 12 **TORS GENERAL**

13 **SEC. 501. SHORT TITLE.**

14 This title may be cited as the “IG Subpoena Author-
 15 ity Act”.

16 **SEC. 502. ADDITIONAL AUTHORITY PROVISIONS FOR IN-** 17 **SPECTORS GENERAL.**

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

20 (1) by inserting after section 6 the following
 21 new section:

22 **“SEC. 6A. ADDITIONAL AUTHORITY.**

23 “(a) TESTIMONIAL SUBPOENA AUTHORITY.—In ad-
 24 dition to the authority otherwise provided by this Act and
 25 in accordance with the requirements of this section, each

1 Inspector General, in carrying out the provisions of this
2 Act (or in the case of an Inspector General or Special In-
3 spector General not established under this Act, the provi-
4 sions of the authorizing statute), is authorized to require
5 by subpoena the attendance and testimony of witnesses
6 as necessary in the performance of the functions assigned
7 to the Inspector General by this Act (or in the case of
8 an Inspector General or Special Inspector General not es-
9 tablished under this Act, the functions assigned by the au-
10 thorizing statute), which in the case of contumacy or re-
11 fusal to obey, such subpoena shall be enforceable by order
12 of any appropriate United States district court. An Inspec-
13 tor General may not require by subpoena the attendance
14 and testimony of any Federal employee or employee of a
15 designated Federal entity, but may use other authorized
16 procedures.

17 “(b) LIMITATION OF DELEGATION.—The authority
18 to issue a subpoena under subsection (a) may only be dele-
19 gated to an official performing the functions and duties
20 of the Inspector General when an Inspector General posi-
21 tion is vacant or when the Inspector General is unable to
22 perform the functions and duties of the Office.

23 “(c) PANEL REVIEW BEFORE ISSUANCE.—

24 “(1) APPROVAL REQUIRED.—

1 “(A) REQUEST FOR APPROVAL BY SUB-
2 POENA PANEL.—Before the issuance of a sub-
3 poena described in subsection (a), an Inspector
4 General shall submit a request for approval to
5 issue a subpoena to a panel (in this section, re-
6 ferred to as the ‘Subpoena Panel’), which shall
7 be comprised of three Inspectors General of the
8 Council of the Inspectors General on Integrity
9 and Efficiency, who shall be designated by the
10 Inspector General serving as Chairperson of the
11 Council.

12 “(B) PROTECTION FROM DISCLOSURE.—
13 The information contained in the request sub-
14 mitted by an Inspector General under subpara-
15 graph (A) and the identification of a witness
16 shall be protected from disclosure to the extent
17 permitted by law. Any request for disclosure of
18 such information shall be submitted to the In-
19 specter General requesting the subpoena.

20 “(2) TIME TO RESPOND.—

21 “(A) IN GENERAL.—Except as provided in
22 subparagraph (B), the Subpoena Panel shall
23 approve or deny a request for approval to issue
24 a subpoena not later than 10 calendar days
25 after the submission of such request.

1 “(B) ADDITIONAL INFORMATION FOR
2 PANEL.—If the Subpoena Panel determines
3 that additional information is necessary to ap-
4 prove or deny a request submitted by an In-
5 specter General under paragraph (1)(A), the
6 Subpoena Panel shall request such information
7 from the Inspector General and shall approve or
8 deny the request submitted by the Inspector
9 General under paragraph (1)(A) not later than
10 20 calendar days after the submission of the re-
11 quest under such paragraph.

12 “(3) DENIAL BY PANEL.—If a majority of the
13 Subpoena Panel denies the approval of a subpoena,
14 that subpoena may not be issued.

15 “(d) NOTICE TO ATTORNEY GENERAL.—

16 “(1) IN GENERAL.—If the Subpoena Panel ap-
17 proves a subpoena under subsection (c), the Inspec-
18 tor General shall notify the Attorney General that
19 the Inspector General intends to issue the subpoena.

20 “(2) DENIAL FOR INTERFERENCE WITH AN ON-
21 GOING INVESTIGATION.—Not later than 10 calendar
22 days after the date on which the Attorney General
23 is notified pursuant to paragraph (1), the Attorney
24 General may object to the issuance of the subpoena

1 because the subpoena will interfere with an ongoing
2 investigation and the subpoena may not be issued.

3 “(3) ISSUANCE OF SUBPOENA APPROVED.—If
4 the Attorney General declines to object or fails to
5 object to the issuance of the subpoena during the
6 10-day period described in paragraph (2), the In-
7 specter General may issue the subpoena.

8 “(e) GUIDELINES.—The Chairperson of the Council
9 of the Inspectors General on Integrity and Efficiency, in
10 consultation with the Attorney General, shall prescribe
11 guidelines to carry out this section.

12 “(f) INSPECTOR GENERAL DEFINED.—For purposes
13 of this section, the term ‘Inspector General’ includes each
14 Inspector General established under this Act and each In-
15 specter General or Special Inspector General not estab-
16 lished under this Act.

17 “(g) APPLICABILITY.—The provisions of this section
18 shall not affect the exercise of authority by an Inspector
19 General of testimonial subpoena authority established
20 under another provision of law.”;

21 (2) in section 5(a)—

22 (A) in paragraph (21)(B), by striking “;
23 and” and inserting a semicolon;

24 (B) in paragraph (22), by striking the pe-
25 riod at the end and inserting “; and”; and

1 (C) by inserting at the end the following
 2 new paragraph:

3 “(23) a description of the use of subpoenas for
 4 the attendance and testimony of witnesses author-
 5 ized under section 6A.”; and

6 (3) in section 8G(g)(1), by inserting “6A,” be-
 7 fore “and 7”.

8 **TITLE VI—INVESTIGATIONS OF**
 9 **DEPARTMENT OF JUSTICE**
 10 **PERSONNEL**

11 **SEC. 601. SHORT TITLE.**

12 This title may be cited as the “Inspector General Ac-
 13 cess Act”.

14 **SEC. 602. INVESTIGATIONS OF DEPARTMENT OF JUSTICE**
 15 **PERSONNEL.**

16 Section 8E of the Inspector General Act of 1978 (5
 17 U.S.C. App.) is amended—

18 (1) in subsection (b)—

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

21 (B) by striking paragraph (3);

22 (C) by redesignating paragraphs (4) and
 23 (5) as paragraphs (3) and (4), respectively; and

1 (D) in paragraph (4), as redesignated, by
 2 striking “paragraph (4)” and inserting “para-
 3 graph (3)”;

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

7 **TITLE VII—OFFICE OF INSPEC-**
 8 **TOR GENERAL WHISTLE-**
 9 **BLOWER COMPLAINTS**

10 **SEC. 701. SHORT TITLE.**

11 This title may be cited as the “Enhanced Whistle-
 12 blower Engagement Act”.

13 **SEC. 702. OFFICE OF INSPECTOR GENERAL WHISTLE-**
 14 **BLOWER COMPLAINTS.**

15 (a) WHISTLEBLOWER PROTECTION COORDINATOR.—
 16 Section 3(d)(1)(C) of the Inspector General Act of 1978
 17 (5 U.S.C. App.) is amended—

18 (1) in clause (i), in the matter preceding sub-
 19 clause (I), by inserting “, including employees of
 20 that Office of Inspector General” after “employees”;
 21 and

22 (2) in clause (iii), by inserting “(including the
 23 Integrity Committee of that Council)” after “and
 24 Efficiency”.

1 (b) COUNCIL OF THE INSPECTORS GENERAL ON IN-
 2 TEGRITY AND EFFICIENCY.—Section 11(c)(5)(B) of the
 3 Inspector General Act of 1978 (5 U.S.C. App.) is amended
 4 by striking “, allegations of reprisal,” and inserting the
 5 following: “and allegations of reprisal (including the timely
 6 and appropriate handling and consideration of protected
 7 disclosures and allegations of reprisal that are internal to
 8 an Office of Inspector General)”.

9 **TITLE VIII—NOTICE OF ONGO-**
 10 **ING INVESTIGATIONS WHEN**
 11 **THERE IS A CHANGE IN STA-**
 12 **TUS OF INSPECTOR GENERAL**

13 **SEC. 801. NOTICE OF ONGOING INVESTIGATIONS WHEN**
 14 **THERE IS A CHANGE IN STATUS OF INSPEC-**
 15 **TOR GENERAL.**

16 (a) CHANGE IN STATUS OF INSPECTOR GENERAL OF
 17 OFFICE.—Section 3 of the Inspector General Act of 1978
 18 (5 U.S.C. App.) is amended by inserting at the end the
 19 following:

20 “(h) Not later than 15 days after an Inspector Gen-
 21 eral is removed, placed on paid or unpaid non-duty status,
 22 or transferred to another position or location within an
 23 establishment, the acting Inspector General shall submit
 24 to the Committee on Oversight and Reform of the House
 25 of Representatives and the Committee on Homeland Secu-

1 rity and Governmental Affairs of the Senate, a list of all
2 audits and investigations being conducted, supervised, co-
3 ordinated by the Office at the time the Inspector General
4 was removed, placed on paid or unpaid non-duty status,
5 or transferred.”.

6 (b) CHANGE IN STATUS OF INSPECTOR GENERAL OF
7 DESIGNATED FEDERAL ENTITY.—Section 8G(e) of the
8 Inspector General Act of 1978 (5 U.S.C. App.), as amend-
9 ed by section 202(c)(2), is further amended by inserting
10 at the end the following:

11 “(5) Not later than 15 days after an Inspector Gen-
12 eral is removed, placed on paid or unpaid non-duty status,
13 or transferred to another position or location within an
14 designated Federal entity, the acting Inspector General
15 shall submit to the Committee on Oversight and Reform
16 of the House of Representatives and the Committee on
17 Homeland Security and Governmental Affairs of the Sen-
18 ate, a list of all audits and investigations being conducted,
19 supervised, coordinated by the Office at the time the In-
20 spector General was removed, placed on paid or unpaid
21 non-duty status, or transferred.”.

1 **TITLE IX—COUNCIL OF THE IN-**
2 **SPECTORS GENERAL ON IN-**
3 **TEGRITY AND EFFICIENCY**
4 **APPROPRIATION**

5 **SEC. 901. CIGIE APPROPRIATION.**

6 (a) AVAILABILITY OF APPROPRIATED FUNDS.—Sec-
7 tion 11(c)(3) of the Inspector General Act of 1978 (5
8 U.S.C. App.) is amended by adding at the end the fol-
9 lowing:

10 “(D) AUTHORIZATION OF APPROPRIA-
11 TIONS.—In addition to any funds available in
12 the Inspectors General Council Fund estab-
13 lished under subparagraph (B), there are au-
14 thorized to be appropriated such sums as may
15 be necessary, to remain available until ex-
16 pended, to carry out the functions and duties of
17 the Council under this subsection.”.

18 (b) REMOVING COUNCIL FUNDING FROM INDI-
19 VIDUAL INSPECTOR GENERAL BUDGET REQUESTS.—Sec-
20 tion 6(g) of the Inspector General Act of 1978 is amend-
21 ed—

22 (1) in paragraph (1), by striking “, and any re-
23 sources necessary to support the Council of the In-
24 spectors General on Integrity and Efficiency. Re-
25 sources necessary to support the Council of the In-

1 spectors General on Integrity and Efficiency shall be
 2 specifically identified and justified in the budget re-
 3 quest”; and

4 (2) in paragraph (2)—

5 (A) in subparagraph (B), by adding “and”
 6 after the semicolon;

7 (B) by striking subparagraph (C); and

8 (C) by redesignating subparagraph (D) as
 9 subparagraph (C).

10 (c) EFFECTIVE DATE.—The amendments made by
 11 subsection (b) shall take effect on the date that is 30 days
 12 after the date of receipt by the Council of the Inspectors
 13 General on Integrity and Efficiency of an appropriation
 14 for the Council to carry out the functions and duties of
 15 the Council under section 11 of the Inspector General Act
 16 (5 U.S.C. App. 11), as amended under this section.

17 **TITLE X—NOTICE OF REFUSAL**
 18 **TO PROVIDE INSPECTORS**
 19 **GENERAL ACCESS**

20 **SEC. 1001. NOTICE OF REFUSAL TO PROVIDE INFORMATION**
 21 **OR ASSISTANCE TO INSPECTORS GENERAL.**

22 Section 6(c) of the Inspector General Act of 1978 (5
 23 U.S.C. App.) is amended by adding at the end the fol-
 24 lowing:

1 “(3) If the information or assistance that is the sub-
 2 ject of a report under paragraph (2) is not provided to
 3 the Inspector General by the date that is 30 days after
 4 the report is made, the Inspector General shall submit a
 5 notice that the information or assistance requested is
 6 being unreasonably refused or not provided by the head
 7 of the establishment involved or the head of the Federal
 8 agency involved, as applicable, to—

9 “(A) the Committee in the House of Represent-
 10 atives and the Committee in the Senate that has ju-
 11 risdiction over the establishment involved or the
 12 Federal agency involved, as applicable;

13 “(B) the Committee on Oversight and Reform
 14 of the House of Representatives; and

15 “(C) the Committee on Homeland Security and
 16 Governmental Affairs of the Senate.”.

17 **TITLE XI—ENHANCEMENTS TO** 18 **INSPECTOR GENERAL TRAINING**

19 **SEC. 1101. SHORT TITLE.**

20 This title may be cited as the “Inspector General
 21 Training Enhancement Act”.

22 **SEC. 1102. ENHANCEMENTS TO INSPECTOR GENERAL** 23 **TRAINING.**

24 Section 11(c)(1)(E) of the Inspector General Act of
 25 1978 (5 U.S.C. App.) is amended by inserting “and estab-

lish minimum standards and best practices for training to ensure all Inspectors General receive training to carry out the duties, responsibilities, and authorities under this Act, on emerging areas of the law of relevance to Inspectors General and the work of their offices as identified by the Council, and on the use of and process for the suspension or debarment of persons for eligibility for Federal contracts” after “Inspector General”.

TITLE XII—EQUITABLE PAY FOR INSPECTORS GENERAL

SEC. 1201. EQUITABLE PAY FOR INSPECTORS GENERAL.

Section 3(e) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by inserting after “3 percent” the following: “or the rate of pay that is equal to the highest rate of basic pay of any other employee of the Office of such Inspector General, whichever is higher”.

TITLE XIII—REPORT

SEC. 1301. GAO REVIEW AND REPORT.

Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall—

- (1) conduct a review that evaluates the effectiveness of the processes of the Integrity Committee of the Council of the Inspectors General on Integrity and Efficiency, and the processes of Offices of In-

1 spector General, respectively, for ensuring that In-
 2 spectors General—

3 (A) are held accountable through the inves-
 4 tigation of allegations of wrongdoing, including
 5 allegations of misconduct, abuse of authority, or
 6 other malfeasance, that are made against such
 7 Inspectors General; and

8 (B) meet relevant standards for integrity
 9 and independence;

10 (2) identify recommendations with respect to—

11 (A) enhancing accountability for Inspectors
 12 General; and

13 (B) ensuring that Inspectors General meet
 14 relevant standards for integrity and independ-
 15 ence; and

16 (3) issue a report—

17 (A) on the results of the review required by
 18 paragraph (1); and

19 (B) that contains any recommendations
 20 identified under paragraph (2).

21 **TITLE XIV—BUDGETARY** 22 **EFFECTS**

23 **SEC. 1401. DETERMINATION OF BUDGETARY EFFECTS.**

24 The budgetary effects of this Act, for the purpose of
 25 complying with the Statutory Pay-As-You-Go Act of 2010,

1 shall be determined by reference to the latest statement
2 titled “Budgetary Effects of PAYGO Legislation” for this
3 Act, submitted for printing in the Congressional Record
4 by the Chairman of the House Budget Committee, pro-
5 vided that such statement has been submitted prior to the
6 vote on passage.

7 **TITLE XV—SEVERABILITY**

8 **SEC. 1501. SEVERABILITY.**

9 If any provision of this Act (or the application of that
10 provision to particular persons or circumstances) is held
11 invalid or found to be unconstitutional the remainder of
12 this Act (or the application of that provision to other per-
13 sons or circumstances) shall not be affected.

Passed the House of Representatives June 29, 2021.

Attest:

Clerk.

117TH CONGRESS
1ST SESSION

H. R. 2662

AN ACT

To amend the Inspector General Act of 1978, and
for other purposes.