

Union Calendar No. 47

117TH CONGRESS
1ST SESSION

H. R. 2662

[Report No. 117–66, Part I]

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

IN THE HOUSE OF REPRESENTATIVES

APRIL 19, 2021

Mrs. CAROLYN B. MALONEY of New York (for herself, Mr. HOYER, Mr. CONNOLLY, Mr. LYNCH, Mr. GOMEZ, Ms. PORTER, and Mr. LIEU) introduced the following bill; which was referred to the Committee on Oversight and Reform, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

JUNE 17, 2021

Additional sponsors: Ms. NORTON, Mr. COOPER, Mr. MFUME, Mr. CASE, and Mrs. NAPOLITANO

JUNE 17, 2021

Reported from the Committee on Oversight and Reform with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

JUNE 17, 2021

Committee on the Budget discharged; committed to the Committee of the
Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on April 19, 2021]

A BILL

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,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) *SHORT TITLE.*—*This Act may be cited as the “IG*
 5 *Independence and Empowerment Act”.*

6 (b) *TABLE OF CONTENTS.*—*The table of contents for*
 7 *this Act is as follows:*

Sec. 1. Short title; table of contents.

TITLE I—INSPECTOR GENERAL INDEPENDENCE

Sec. 101. Short title.

Sec. 102. Amendment.

**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 Con-
gress.

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 Gen-
eral 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—BUDGETARY EFFECTS

Sec. 1201. Determination of budgetary effects.

TITLE XIII—SEVERABILITY

Sec. 1301. Severability.

**1 TITLE I—INSPECTOR GENERAL
2 INDEPENDENCE**

3 SEC. 101. SHORT TITLE.

4 *This title may be cited as the “Inspector General Inde-
5 pendence Act”.*

6 SEC. 102. AMENDMENT.

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

9 *(1) in section 3(b)—*

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

3 “(1) An Inspector General”;

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

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

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

14 “(A) Documented permanent incapacity.

15 “(B) Documented neglect of duty.

16 “(C) Documented malfeasance.

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

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

21 “(F) Documented gross mismanagement.

22 “(G) Documented gross waste of funds.

23 “(H) Documented abuse of authority.

24 “(I) Documented inefficiency.”; and

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

6 “(A) Documented permanent incapacity.

7 “(B) Documented neglect of duty.

8 “(C) Documented malfeasance.

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

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

13 “(F) Documented gross mismanagement.

14 “(G) Documented gross waste of funds.

15 “(H) Documented abuse of authority.

16 “(I) Documented inefficiency.”.

17 **TITLE II—CONGRESSIONAL NO-**
 18 **TIFICATION OF CHANGE IN**
 19 **STATUS OF INSPECTOR GEN-**
 20 **ERAL**

21 **SEC. 201. SHORT TITLE.**

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

1 **SEC. 202. CHANGE IN STATUS OF INSPECTOR GENERAL OF-**
 2 **OFFICES.**

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

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

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

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

12 (b) *CHANGE IN STATUS OF INSPECTOR GENERAL OF*
 13 *DESIGNATED FEDERAL ENTITIES.*—Section 8G(e)(2) of the
 14 Inspector General Act of 1978 (5 U.S.C. App.) is amend-
 15 ed—

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

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

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

22 (c) *EFFECTIVE DATE.*—The amendments made by this
 23 section shall take effect 30 days after the date of the enact-
 24 ment of this Act.

1 **SEC. 203. PRESIDENTIAL EXPLANATION OF FAILURE TO**
 2 **NOMINATE AN INSPECTOR GENERAL.**

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

6 **“§ 3349e. Presidential explanation of failure to nomi-**
 7 **nate an Inspector General**

8 “If the President fails to make a formal nomination
 9 for a vacant Inspector General position that requires a for-
 10 mal nomination by the President to be filled within the pe-
 11 riod beginning on the date on which the vacancy occurred
 12 and ending on the day that is 210 days after that date,
 13 the President shall communicate, within 30 days after the
 14 end of such period, to Congress in writing—

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

17 “(2) a target date for making a formal nomina-
 18 tion.”.

19 (b) *CLERICAL AMENDMENT.*—The table of sections for
 20 chapter 33 of title 5, United States Code, is amended by
 21 inserting after the item relating to section 3349d the fol-
 22 lowing new item:

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

23 (c) *EFFECTIVE DATE.*—The amendment made by sub-
 24 section (a) shall take effect on the date of the enactment

1 *of this Act and shall apply to any vacancy first occurring*
 2 *on or after that date.*

3 ***TITLE III—VACANCY OF INSPEC-*** 4 ***TOR GENERAL POSITIONS***

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

6 *(a) IN GENERAL.—Section 3345 of title 5, United*
 7 *States Code, is amended by adding at the end the following:*

8 *“(d)(1) Notwithstanding subsection (a), if an Inspector*
 9 *General position that requires appointment by the Presi-*
 10 *dent by and with the advice and consent of the Senate to*
 11 *be filled is vacant, the first assistant of such position shall*
 12 *perform the functions and duties of the Inspector General*
 13 *temporarily in an acting capacity subject to the time limi-*
 14 *tations of section 3346.*

15 *“(2) Notwithstanding subsection (a), if for purposes of*
 16 *carrying out paragraph (1) of this subsection, by reason*
 17 *of absence, disability, or vacancy, the first assistant to the*
 18 *position of Inspector General is not available to perform*
 19 *the functions and duties of the Inspector General, an acting*
 20 *Inspector General shall be appointed by the President from*
 21 *among individuals serving in an office of any Inspector*
 22 *General, provided that—*

23 *“(A) during the 365-day period preceding the*
 24 *date of death, resignation, or beginning of inability to*
 25 *serve of the applicable Inspector General, the indi-*

1 *vidual served in a position in an office of any Inspec-*
 2 *tor General for not less than 90 days; and*

3 *“(B) the rate of pay for the position of such in-*
 4 *dividual is equal to or greater than the minimum*
 5 *rate of pay payable for a position at GS–15 of the*
 6 *General Schedule.”.*

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

11 ***TITLE IV—COUNCIL OF INSPEC-***
 12 ***TORS GENERAL ON INTEG-***
 13 ***RITY AND EFFICIENCY TRANS-***
 14 ***PARENCY***

15 ***SEC. 401. SHORT TITLE.***

16 *This title may be cited as the “Integrity Committee*
 17 *Transparency Act of 2021”.*

18 ***SEC. 402. ADDITIONAL INFORMATION TO BE INCLUDED IN***

19 ***REQUESTS AND REPORTS TO CONGRESS.***

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

22 *(1) in paragraph (5)(B)(ii), by striking the pe-*
 23 *riod at the end and inserting “, the length of time the*
 24 *Integrity Committee has been evaluating the allega-*
 25 *tion of wrongdoing, and a description of any previous*

1 *written notice provided under this clause with respect*
 2 *to the allegation of wrongdoing, including the descrip-*
 3 *tion provided for why additional time was needed.”;*
 4 *and*

5 (2) *in paragraph (8)(A)(ii), by inserting “or*
 6 *corrective action” after “disciplinary action”.*

7 **SEC. 403. AVAILABILITY OF INFORMATION TO MEMBERS OF**
 8 **CONGRESS REGARDING CERTAIN ALLEGA-**
 9 **TIONS OF WRONGDOING CLOSED WITHOUT**
 10 **REFERRAL.**

11 *Section 11(d)(5)(B) of the Inspector General Act of*
 12 *1978 (5 U.S.C. App) is amended by adding at the end the*
 13 *following:*

14 “(iii) *AVAILABILITY OF INFORMATION*
 15 *TO MEMBERS OF CONGRESS.—*

16 “(I) *IN GENERAL.—With respect*
 17 *to an allegation of wrongdoing made*
 18 *by a member of Congress that is closed*
 19 *by the Integrity Committee without re-*
 20 *ferral to the Chairperson of the Integ-*
 21 *riety Committee to initiate an inves-*
 22 *tigation, the Chairperson of the Integ-*
 23 *riety Committee shall, not later than 60*
 24 *days after closing such allegation, pro-*
 25 *vide a written description of the nature*

1 *of the allegation of wrongdoing and*
2 *how the Integrity Committee evaluated*
3 *the allegation of wrongdoing to—*

4 *“(aa) the Chair and Ranking*
5 *Member of the Committee on*
6 *Oversight and Reform of the*
7 *House of Representatives;*

8 *“(bb) the Chair and Ranking*
9 *Member of the Committee on*
10 *Homeland Security and Govern-*
11 *mental Affairs of the Senate;*

12 *“(cc) a member of the House*
13 *of Representatives who has the*
14 *support of any seven members of*
15 *the Committee on Oversight and*
16 *Reform of the House of Represent-*
17 *atives; or*

18 *“(dd) a member of the Senate*
19 *who has the support of any five*
20 *members of the Committee on*
21 *Homeland Security and Govern-*
22 *mental Affairs of the Senate.*

23 *“(II) REQUIREMENT TO FOR-*
24 *WARD.—The Chairperson of the Integ-*
25 *riety Committee shall forward any*

1 *written description or update provided*
 2 *under this clause to the members of the*
 3 *Integrity Committee and to the Chair-*
 4 *person of the Council.”.*

5 **SEC. 404. SEMIANNUAL REPORT.**

6 *Section 11(d)(9) of the Inspector General Act of 1978*
 7 *(5 U.S.C. App.) is amended to read as follows:*

8 “(9) SEMIANNUAL REPORT.—*On or before May*
 9 *31, 2022, and every six months thereafter, the Council*
 10 *shall submit to Congress and the President a report*
 11 *on the activities of the Integrity Committee during*
 12 *the immediately preceding six-month periods ending*
 13 *March 31 and September 30, which shall include the*
 14 *following with respect to allegations of wrongdoing*
 15 *that are made against Inspectors General and staff*
 16 *members of the various Offices of Inspector General*
 17 *described under paragraph (4)(C):*

18 “(A) *An overview and analysis of the alle-*
 19 *gations of wrongdoing disposed of by the Integ-*
 20 *rity Committee, including—*

21 “(i) *analysis of the positions held by*
 22 *individuals against whom allegations were*
 23 *made, including the duties affiliated with*
 24 *such positions;*

1 “(ii) analysis of the categories or types
2 of the allegations of wrongdoing; and

3 “(iii) a summary of disposition of all
4 the allegations.

5 “(B) The number of allegations referred to
6 the Department of Justice or the Office of Spe-
7 cial Counsel, including the number of allegations
8 referred for criminal investigation.

9 “(C) The number of allegations referred to
10 the Chairperson of the Integrity Committee for
11 investigation, a general description of the status
12 of such investigations, and a summary of the
13 findings of investigations completed.

14 “(D) An overview and analysis of allega-
15 tions of wrongdoing received by the Integrity
16 Committee during any previous reporting pe-
17 riod, but remained pending during some part of
18 the six months covered by the report, including—

19 “(i) analysis of the positions held by
20 individuals against whom allegations were
21 made, including the duties affiliated with
22 such positions;

23 “(ii) analysis of the categories or types
24 of the allegations of wrongdoing; and

1 “(iii) a summary of disposition of all
2 the allegations.

3 “(E) The number and category or type of
4 pending investigations.

5 “(F) For each allegation received—

6 “(i) the date on which the investigation
7 was opened;

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

10 “(iii) the case number associated with
11 the allegation.

12 “(G) The nature and number of allegations
13 to the Integrity Committee closed without refer-
14 ral, including the justification for why each alle-
15 gation was closed without referral.

16 “(H) A brief description of any difficulty
17 encountered by the Integrity Committee when re-
18 ceiving, evaluating, investigating, or referring
19 for investigation an allegation received by the
20 Integrity Committee, including a brief descrip-
21 tion of—

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

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

4 **SEC. 405. ADDITIONAL REPORTS; RULES OF CONSTRUC-**
 5 **TION.**

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

8 “(14) ADDITIONAL REPORTS.—

9 “(A) REPORT TO INSPECTOR GENERAL.—

10 *The Chairperson of the Integrity Committee shall*
 11 *submit a report immediately whenever the*
 12 *Chairperson of the Integrity Committee becomes*
 13 *aware of particularly serious or flagrant prob-*
 14 *lems, abuses, or deficiencies relating to the ad-*
 15 *ministration of programs and operations of an*
 16 *Office of Inspector General. The report shall be*
 17 *sent to the Inspector General who leads the Office*
 18 *of Inspector General at which the serious or fla-*
 19 *grant problems, abuses, or deficiencies were al-*
 20 *leged.*

21 “(B) REPORT TO CONGRESS.—*The Inspec-*
 22 *tor General of the Office identified by the Integ-*
 23 *rity Committee shall submit any such report to*
 24 *the House Committee on Oversight and Reform*
 25 *and the Senate Committee on Homeland Secu-*

1 *city and Governmental Affairs within seven cal-*
 2 *endar days from the time the Inspector General*
 3 *receives the report together with a report by the*
 4 *Inspector General at the Office identified by the*
 5 *Integrity Committee containing any comments*
 6 *such Inspector General deems appropriate.*

7 “(15) *RULE OF CONSTRUCTION.*—

8 “(A) *PUBLIC DISCLOSURE OF INFORMA-*
 9 *TION.*—*Except as provided in subparagraph (B),*
 10 *nothing in this subsection shall be construed to*
 11 *authorize the public disclosure of information*
 12 *which is—*

13 “(i) *prohibited from disclosure by any*
 14 *other provision of law;*

15 “(ii) *required by Executive order to be*
 16 *protected from disclosure in the interest of*
 17 *national defense or national security or in*
 18 *the conduct of foreign affairs; or*

19 “(iii) *a part of an ongoing criminal*
 20 *investigation.*

21 “(B) *PROVISION OF REPORT TO REQUEST-*
 22 *ING MEMBERS OF CONGRESS.*—*Subject to any*
 23 *other provision of law that would otherwise pro-*
 24 *hibit disclosure of such information, the informa-*
 25 *tion described in subparagraph (A) may be pro-*

1 *vided to any Member of Congress upon request of*
 2 *the Member.*

3 “(16) *PROHIBITED DISCLOSURES.—The Integ-*
 4 *riety Committee may not provide or otherwise disclose*
 5 *to Congress or the public any information that reveals*
 6 *the personally identifiable information of an indi-*
 7 *vidual who alleges wrongdoing to the Integrity Com-*
 8 *mittee under this subsection unless the Integrity Com-*
 9 *mittee first obtains the consent of the individual.”.*

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

11 *Section 11(d)(2) of the Inspector General Act of 1978*
 12 *(5 U.S.C. App.) is amended—*

13 *(1) in subparagraph (A), by adding at the end*
 14 *the following:*

15 *“(iv) The individual appointed under*
 16 *subparagraph (C).”; and*

17 *(2) by adding at the end the following:*

18 *“(C) APPOINTMENT OF FORMER INSPECTOR*
 19 *GENERAL TO COMMITTEE.—*

20 *“(i) APPOINTMENT.—The Chairperson*
 21 *of the Council shall appoint an individual*
 22 *who prior to the date of such appointment*
 23 *served as an Inspector General (as that po-*
 24 *sition is described in section 3(a) and sec-*
 25 *tion 8G(a)(6)), and who has upheld the*

1 *highest standards of integrity and profes-*
2 *sionalism while serving and since leaving*
3 *service as an Inspector General, as deter-*
4 *mined by the Chairperson, to serve as a*
5 *member of the Committee unless no such in-*
6 *dividual is available or willing to serve as*
7 *a member of the Committee at the time of*
8 *the appointment.*

9 “(ii) *INITIAL TERM.*—*The individual*
10 *appointed under clause (i) shall serve at the*
11 *pleasure of the Chairperson of the Council*
12 *for a 2-year term.*

13 “(iii) *ADDITIONAL TERM.*—*The Chair-*
14 *person of the Council may reappoint the in-*
15 *dividual appointed under clause (i) to serve*
16 *at the pleasure of the Chairperson of the*
17 *Council for an additional term not to exceed*
18 *2 years.*

19 “(iv) *COMPENSATION.*—

20 “(I) *SPECIAL GOVERNMENT EM-*
21 *PLOYEE DESIGNATION.*—*The indi-*
22 *vidual appointed under clause (i) shall*
23 *be considered a special government em-*
24 *ployee pursuant to section 202(a) of*
25 *title 18, United States Code.*

1 “(II) *COMPENSATION AND TRAVEL*

2 *EXPENSES.*—*An individual appointed*
3 *under clause (i) may not receive com-*
4 *ensation at a rate in excess of the rate*
5 *of basic pay for level IV of the execu-*
6 *tive schedule under section 5315 of title*
7 *5, United States Code, and any such*
8 *individual, while engaged in the per-*
9 *formance of their duties away from*
10 *their homes or regular places of busi-*
11 *ness, may be allowed travel expenses,*
12 *including per diem in lieu of subsist-*
13 *ence, as authorized by section 5703 of*
14 *such title for persons employed inter-*
15 *mittently in the Government service.*

16 “(III) *ACCEPTANCE OF VOLUN-*

17 *TEER SERVICES.*—*The Chairperson of*
18 *the Council may accept volunteer serv-*
19 *ices from the individual appointed*
20 *under this subparagraph without re-*
21 *gard to section 1342 of title 31, United*
22 *States Code.*

23 “(IV) *PROVISIONS RELATING TO*

24 *REEMPLOYMENT.*—

1 “(aa) *The Chairperson of the*
 2 *Council may reemploy annu-*
 3 *itants.*

4 “(bb) *The employment of an-*
 5 *nuitants under this paragraph*
 6 *shall be subject to the provisions*
 7 *of section 9902(g) of title 5,*
 8 *United States Code, as if the*
 9 *Council was the Department of*
 10 *Defense.”.*

11 **SEC. 407. REQUIREMENT TO REFER ALLEGATIONS OF**
 12 **WRONGDOING AGAINST INSPECTOR GENERAL**
 13 **TO INTEGRITY COMMITTEE.**

14 (a) *REQUIREMENT.*—Section 11(d)(4) of the Inspector
 15 *General Act of 1978 (5 U.S.C. App.) is amended—*

16 (1) *in subparagraph (A), in the heading, by*
 17 *striking “REQUIREMENT” and inserting “ALLEGA-*
 18 *TIONS AGAINST STAFF MEMBERS”;*

19 (2) *by redesignating subparagraphs (B) and (C)*
 20 *as subparagraphs (C) and (D), respectively; and*

21 (3) *by inserting after subparagraph (A) the fol-*
 22 *lowing:*

23 “(B) *ALLEGATIONS AGAINST INSPECTORS*
 24 *GENERAL.—An Inspector General shall refer to*

1 *the Integrity Committee any allegation of wrong-*
 2 *doing against that Inspector General.”.*

3 ***(b) TECHNICAL AND CONFORMING AMENDMENT.***—*Sec-*
 4 *tion 11(d)(1) of the Inspector General Act of 1978 (5 U.S.C.*
 5 *App.) is amended by striking “(4)(C)” and inserting*
 6 *“(4)(D)”.*

7 ***SEC. 408. REQUIREMENT TO REPORT FINAL DISPOSITION***
 8 ***TO CONGRESS.***

9 *Section 11(d)(8) of the Inspector General Act of 1978*
 10 *(5 U.S.C. App.) is amended—*

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

14 *(2) in subparagraph (B), by inserting “, the*
 15 *Committee on Homeland Security and Governmental*
 16 *Affairs of the Senate, the Committee on Oversight and*
 17 *Reform of the House of Representatives, and other*
 18 *congressional committees of jurisdiction,” after “In-*
 19 *tegrity Committee”.*

20 ***TITLE V—ADDITIONAL AUTHOR-***
 21 ***ITY PROVISIONS FOR INSPEC-***
 22 ***TORS GENERAL***

23 ***SEC. 501. SHORT TITLE.***

24 *This title may be cited as the “IG Subpoena Authority*
 25 *Act”.*

1 **SEC. 502. ADDITIONAL AUTHORITY PROVISIONS FOR IN-**
2 **SPECTORS GENERAL.**

3 *The Inspector General Act of 1978 (5 U.S.C. App.) is*
4 *amended—*

5 *(1) by inserting after section 6 the following new*
6 *section:*

7 **“SEC. 6A. ADDITIONAL AUTHORITY.**

8 *“(a) TESTIMONIAL SUBPOENA AUTHORITY.—In addi-*
9 *tion to the authority otherwise provided by this Act and*
10 *in accordance with the requirements of this section, each*
11 *Inspector General, in carrying out the provisions of this*
12 *Act (or in the case of an Inspector General or Special In-*
13 *spector General not established under this Act, the provi-*
14 *sions of the authorizing statute), is authorized to require*
15 *by subpoena the attendance and testimony of witnesses as*
16 *necessary in the performance of the functions assigned to*
17 *the Inspector General by this Act (or in the case of an In-*
18 *spector General or Special Inspector General not established*
19 *under this Act, the functions assigned by the authorizing*
20 *statute), which in the case of contumacy or refusal to obey,*
21 *such subpoena shall be enforceable by order of any appro-*
22 *priate United States district court. An Inspector General*
23 *may not require by subpoena the attendance and testimony*
24 *of any Federal employee or employee of a designated Fed-*
25 *eral entity, but may use other authorized procedures.*

1 “(b) *LIMITATION OF DELEGATION.*—*The authority to*
2 *issue a subpoena under subsection (a) may only be delegated*
3 *to an official performing the functions and duties of the*
4 *Inspector General when an Inspector General position is*
5 *vacant or when the Inspector General is unable to perform*
6 *the functions and duties of the Office.*

7 “(c) *PANEL REVIEW BEFORE ISSUANCE.*—

8 “(1) *APPROVAL REQUIRED.*—

9 “(A) *REQUEST FOR APPROVAL BY SUB-*
10 *POENA PANEL.*—*Before the issuance of a sub-*
11 *poena described in subsection (a), an Inspector*
12 *General shall submit a request for approval to*
13 *issue a subpoena to a panel (in this section, re-*
14 *ferred to as the ‘Subpoena Panel’), which shall be*
15 *comprised of three Inspectors General of the*
16 *Council of the Inspectors General on Integrity*
17 *and Efficiency, who shall be designated by the*
18 *Inspector General serving as Chairperson of the*
19 *Council.*

20 “(B) *PROTECTION FROM DISCLOSURE.*—*The*
21 *information contained in the request submitted*
22 *by an Inspector General under subparagraph (A)*
23 *and the identification of a witness shall be pro-*
24 *ected from disclosure to the extent permitted by*
25 *law. Any request for disclosure of such informa-*

1 *tion shall be submitted to the Inspector General*
2 *requesting the subpoena.*

3 “(2) *TIME TO RESPOND.*—

4 “(A) *IN GENERAL.*—*Except as provided in*
5 *subparagraph (B), the Subpoena Panel shall ap-*
6 *prove or deny a request for approval to issue a*
7 *subpoena not later than 10 calendar days after*
8 *the submission of such request.*

9 “(B) *ADDITIONAL INFORMATION FOR*
10 *PANEL.*—*If the Subpoena Panel determines that*
11 *additional information is necessary to approve*
12 *or deny a request submitted by an Inspector*
13 *General under paragraph (1)(A), the Subpoena*
14 *Panel shall request such information from the*
15 *Inspector General and shall approve or deny the*
16 *request submitted by the Inspector General under*
17 *paragraph (1)(A) not later than 20 calendar*
18 *days after the submission of the request under*
19 *such paragraph.*

20 “(3) *DENIAL BY PANEL.*—*If a majority of the*
21 *Subpoena Panel denies the approval of a subpoena,*
22 *that subpoena may not be issued.*

23 “(d) *NOTICE TO ATTORNEY GENERAL.*—

24 “(1) *IN GENERAL.*—*If the Subpoena Panel ap-*
25 *proves a subpoena under subsection (c), the Inspector*

1 General shall notify the Attorney General that the In-
 2 specter General intends to issue the subpoena.

3 “(2) *DENIAL FOR INTERFERENCE WITH AN ON-*
 4 *GOING INVESTIGATION.*—Not later than 10 calendar
 5 days after the date on which the Attorney General is
 6 notified pursuant to paragraph (1), the Attorney
 7 General may object to the issuance of the subpoena be-
 8 cause the subpoena will interfere with an ongoing in-
 9 vestigation and the subpoena may not be issued.

10 “(3) *ISSUANCE OF SUBPOENA APPROVED.*—If the
 11 Attorney General declines to object or fails to object
 12 to the issuance of the subpoena during the 10-day pe-
 13 riod described in paragraph (2), the Inspector Gen-
 14 eral may issue the subpoena.

15 “(e) *GUIDELINES.*—The Chairperson of the Council of
 16 the Inspectors General on Integrity and Efficiency, in con-
 17 sultation with the Attorney General, shall prescribe guide-
 18 lines to carry out this section.

19 “(f) *INSPECTOR GENERAL DEFINED.*—For purposes of
 20 this section, the term ‘Inspector General’ includes each In-
 21 specter General established under this Act and each Inspec-
 22 tor General or Special Inspector General not established
 23 under this Act.

24 “(g) *APPLICABILITY.*—The provisions of this section
 25 shall not affect the exercise of authority by an Inspector

1 *General of testimonial subpoena authority established under*
 2 *another provision of law.”;*

3 *(2) in section 5(a)—*

4 *(A) in paragraph (21)(B), by striking “;*
 5 *and” and inserting a semicolon;*

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

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

10 *“(23) a description of the use of subpoenas for*
 11 *the attendance and testimony of witnesses authorized*
 12 *under section 6A.”; and*

13 *(3) in section 8G(g)(1), by inserting “6A,” before*
 14 *“and 7”.*

15 ***TITLE VI—INVESTIGATIONS OF***
 16 ***DEPARTMENT OF JUSTICE***
 17 ***PERSONNEL***

18 ***SEC. 601. SHORT TITLE.***

19 *This title may be cited as the “Inspector General Ac-*
 20 *cess Act”.*

21 ***SEC. 602. INVESTIGATIONS OF DEPARTMENT OF JUSTICE***
 22 ***PERSONNEL.***

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

25 *(1) in subsection (b)—*

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

3 (B) by striking paragraph (3);

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

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

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

11 **TITLE VII—OFFICE OF INSPEC-**
12 **TOR GENERAL WHISTLE-**
13 **BLOWER COMPLAINTS**

14 **SEC. 701. SHORT TITLE.**

15 *This title may be cited as the “Enhanced Whistleblower*
16 *Engagement Act”.*

17 **SEC. 702. OFFICE OF INSPECTOR GENERAL WHISTLE-**
18 **BLOWER COMPLAINTS.**

19 (a) *WHISTLEBLOWER PROTECTION COORDINATOR.—*
20 *Section 3(d)(1)(C) of the Inspector General Act of 1978 (5*
21 *U.S.C. App.) is amended—*

22 (1) *in clause (i), in the matter preceding sub-*
23 *clause (I), by inserting “, including employees of that*
24 *Office of Inspector General” after “employees”; and*

1 (2) in clause (iii), by inserting “(including the
2 Integrity Committee of that Council)” after “and Ef-
3 ficiency”.

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

12 **TITLE VIII—NOTICE OF ONGO-**
13 **ING INVESTIGATIONS WHEN**
14 **THERE IS A CHANGE IN STA-**
15 **TUS OF INSPECTOR GENERAL**

16 **SEC. 801. NOTICE OF ONGOING INVESTIGATIONS WHEN**
17 **THERE IS A CHANGE IN STATUS OF INSPEC-**
18 **TOR GENERAL.**

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

23 “(h) Not later than 15 days after an Inspector General
24 is removed, placed on paid or unpaid non-duty status, or
25 transferred to another position or location within an estab-

1 *lishment, the acting Inspector General shall submit to the*
 2 *Committee on Oversight and Reform of the House of Rep-*
 3 *resentatives and the Committee on Homeland Security and*
 4 *Governmental Affairs of the Senate, a list of all audits and*
 5 *investigations being conducted, supervised, coordinated by*
 6 *the Office at the time the Inspector General was removed,*
 7 *placed on paid or unpaid non-duty status, or transferred.”.*

8 (b) *CHANGE IN STATUS OF INSPECTOR GENERAL OF*
 9 *DESIGNATED FEDERAL ENTITY.*—Section 8G(e) of the In-
 10 *spector General Act of 1978 (5 U.S.C. App.) is amended*
 11 *by inserting at the end the following:*

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

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

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

6 (a) *AVAILABILITY OF APPROPRIATED FUNDS.*—Section
 7 11(c)(3) of the Inspector General Act of 1978 (5 U.S.C.
 8 App.) is amended by adding at the end the following:

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

17 (b) *REMOVING COUNCIL FUNDING FROM INDIVIDUAL*
 18 *INSPECTOR GENERAL BUDGET REQUESTS.*—Section 6(g) of
 19 the Inspector General Act of 1978 is amended—

20 (1) in paragraph (1), by striking “, and any re-
 21 sources necessary to support the Council of the Inspec-
 22 tors General on Integrity and Efficiency. Resources
 23 necessary to support the Council of the Inspectors
 24 General on Integrity and Efficiency shall be specifi-

1 *cally identified and justified in the budget request”;*
 2 *and*

3 *(2) in paragraph (2)—*

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

6 *(B) by striking subparagraph (C); and*

7 *(C) by redesignating subparagraph (D) as*
 8 *subparagraph (C).*

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

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

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

21 *Section 6(c) of the Inspector General Act of 1978 (5*
 22 *U.S.C. App.) is amended by adding at the end the following:*

23 *“(3) If the information or assistance that is the subject*
 24 *of a report under paragraph (2) is not provided to the In-*
 25 *spector General by the date that is 30 days after the report*

1 *is made, the Inspector General shall submit a notice that*
 2 *the information or assistance requested is being unreason-*
 3 *ably refused or not provided by the head of the establishment*
 4 *involved or the head of the Federal agency involved, as ap-*
 5 *plicable, to—*

6 “(A) *the Committee in the House of Representa-*
 7 *tives and the Committee in the Senate that has juris-*
 8 *diction over the establishment involved or the Federal*
 9 *agency involved, as applicable;*

10 “(B) *the Committee on Oversight and Reform of*
 11 *the House of Representatives; and*

12 “(C) *the Committee on Homeland Security and*
 13 *Governmental Affairs of the Senate.”.*

14 ***TITLE XI—ENHANCEMENTS TO***
 15 ***INSPECTOR GENERAL TRAINING***

16 ***SEC. 1101. SHORT TITLE.***

17 *This title may be cited as the “Inspector General*
 18 *Training Enhancement Act”.*

19 ***SEC. 1102. ENHANCEMENTS TO INSPECTOR GENERAL***
 20 ***TRAINING.***

21 *Section 11(c)(1)(E) of the Inspector General Act of*
 22 *1978 (5 U.S.C. App.) is amended by inserting “and estab-*
 23 *lish minimum standards and best practices for training to*
 24 *ensure all Inspectors General receive training to carry out*
 25 *the duties, responsibilities, and authorities under this Act*

1 *and on emerging areas of the law of relevance to Inspectors*
 2 *General and the work of their offices as identified by the*
 3 *Council” after “Inspector General”.*

4 ***TITLE XII—BUDGETARY EFFECTS***

5 ***SEC. 1201. DETERMINATION OF BUDGETARY EFFECTS.***

6 *The budgetary effects of this Act, for the purpose of*
 7 *complying with the Statutory Pay-As-You-Go Act of 2010,*
 8 *shall be determined by reference to the latest statement titled*
 9 *“Budgetary Effects of PAYGO Legislation” for this Act,*
 10 *submitted for printing in the Congressional Record by the*
 11 *Chairman of the House Budget Committee, provided that*
 12 *such statement has been submitted prior to the vote on pas-*
 13 *sage.*

14 ***TITLE XIII—SEVERABILITY***

15 ***SEC. 1301. SEVERABILITY.***

16 *If any provision of this Act (or the application of that*
 17 *provision to particular persons or circumstances) is held*
 18 *invalid or found to be unconstitutional the remainder of*
 19 *this Act (or the application of that provision to other per-*
 20 *sons or circumstances) shall not be affected.*

Union Calendar No. 47

117TH CONGRESS
1ST Session

H. R. 2662

[Report No. 117-66, Part I]

A BILL

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

JUNE 17, 2021

Reported from the Committee on Oversight and Reform
with an amendment

JUNE 17, 2021

Committee on the Budget discharged; committed to the
Committee of the Whole House on the State of the
Union and ordered to be printed