

115TH CONGRESS
1ST SESSION

H. R. 2195

To amend title 5, United States Code, to provide for access of the Special Counsel to certain information.

IN THE HOUSE OF REPRESENTATIVES

APRIL 27, 2017

Mr. BLUM (for himself, Mr. CHAFFETZ, Mr. CUMMINGS, Miss RICE of New York, Mr. COFFMAN, and Ms. SPEIER) introduced the following bill; which was referred to the Committee on Oversight and Government Reform

A BILL

To amend title 5, United States Code, to provide for access of the Special Counsel to certain information.

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 “OSC Access Act”.

5 **SEC. 2. ADEQUATE ACCESS OF SPECIAL COUNSEL TO IN-**
6 **FORMATION.**

7 Section 1212(b) of title 5, United States Code, is
8 amended by adding at the end the following:

1 “(5)(A) Except as provided in subparagraph (B), the
2 Special Counsel, in carrying out this subchapter, is au-
3 thorized to—

4 “(i) have timely access to all records, data, re-
5 ports, audits, reviews, documents, papers, rec-
6 ommendations, or other material available to the ap-
7 plicable agency that relate to an investigation, re-
8 view, or inquiry conducted under—

9 “(I) section 1213, 1214, 1215, or 1216 of
10 this title; or

11 “(II) section 4324(a) of title 38;

12 “(ii) request from any agency the information
13 or assistance that may be necessary for the Special
14 Counsel to carry out the duties and responsibilities
15 of the Special Counsel under this subchapter; and

16 “(iii) require, during an investigation, review, or
17 inquiry of an agency, the agency to provide to the
18 Special Counsel any record or other information that
19 relates to an investigation, review, or inquiry con-
20 ducted under—

21 “(I) section 1213, 1214, 1215, or 1216 of
22 this title; or

23 “(II) section 4324(a) of title 38.

24 “(B)(i) The authorization of the Special Counsel
25 under subparagraph (A) shall not apply with respect to

1 any entity listed in section 2302(a)(2)(C) (ii) or (iii) un-
2 less the Special Counsel is investigating, or otherwise car-
3 rying out activities relating to the enforcement of, an ac-
4 tion under subchapter III of chapter 73.

5 “(ii) The Attorney General or an Inspector General
6 may withhold from the Special Counsel material described
7 in subparagraph (A) if—

8 “(I) disclosing the material could reasonably be
9 expected to interfere with a criminal investigation or
10 prosecution that is ongoing as of the date on which
11 the Special Counsel submits a request for the mate-
12 rial; and

13 “(II) the Attorney General or the Inspector
14 General, as applicable, submits to the Special Coun-
15 sel a written report that describes—

16 “(aa) the material being withheld; and

17 “(bb) the reason that the material is being
18 withheld.

19 “(C)(i) A claim of common law privilege by an agen-
20 cy, or an officer or employee of an agency, shall not pre-
21 vent the Special Counsel from obtaining any material de-
22 scribed in subparagraph (A) with respect to the agency.

23 “(ii) The submission of material described in sub-
24 paragraph (A) by an agency to the Special Counsel may
25 not be deemed to waive any assertion of privilege by the

1 agency against a non-Federal entity or against an indi-
2 vidual in any other proceeding.

3 “(iii) With respect to any record or other information
4 made available to the Special Counsel by an agency under
5 subparagraph (A), the Special Counsel may only disclose
6 the record or information for a purpose that is in further-
7 ance of any authority provided to the Special Counsel in
8 this subchapter.

9 “(6) The Special Counsel shall submit to the Com-
10 mittee on Homeland Security and Governmental Affairs
11 of the Senate, the Committee on Oversight and Govern-
12 ment Reform of the House of Representatives, and each
13 committee of Congress with jurisdiction over the applica-
14 ble agency a report regarding any case of contumacy or
15 failure to comply with a request submitted by the Special
16 Counsel under paragraph (5)(A).”.

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