

Union Calendar No. 168

117TH CONGRESS
2^D SESSION

H. R. 5633

[Report No. 117-233]

To amend the Homeland Security Act of 2002 to enhance transparency regarding reports conducted by the Inspector General of the Department of Homeland Security, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 19, 2021

Mr. THOMPSON of Mississippi introduced the following bill; which was referred to the Committee on Homeland Security

JANUARY 21, 2022

Additional sponsor: Mr. SWALWELL

JANUARY 21, 2022

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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

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

A BILL

To amend the Homeland Security Act of 2002 to enhance transparency regarding reports conducted by the Inspector General of the Department of Homeland Security, 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 “Department of Home-*
 5 *land Security Inspector General Transparency Act”.*

6 **SEC. 2. OFFICE OF INSPECTOR GENERAL OF THE DEPART-**
 7 **MENT OF HOMELAND SECURITY.**

8 *(a) IN GENERAL.—Subtitle B of title VIII of the*
 9 *Homeland Security Act of 2002 is amended by inserting*
 10 *before section 812 the following new section:*

11 **“SEC. 811. OFFICE OF INSPECTOR GENERAL.**

12 **“(a) PUBLICATION OF REPORTS.—**

13 *“(1) IN GENERAL.—Beginning not later than 30*
 14 *days after the date of the enactment of this section,*
 15 *the Inspector General of the Department shall submit*
 16 *to the appropriate congressional committees any re-*
 17 *port finalized on and after such date that substan-*
 18 *tiates—*

19 *“(A) a violation of paragraph (8) or (9) of*
 20 *section 2302(b) of title 5, United States Code,*
 21 *section 1034 of title 10, United States Code, or*
 22 *Presidential Personnel Directive-19; or*

23 *“(B) an allegation of misconduct, waste,*
 24 *fraud, abuse, or violation of policy within the*
 25 *Department involving a member of the Senior*

1 *Executive Service or politically appointed offi-*
2 *cial of the Department.*

3 *“(2) PUBLIC AVAILABILITY.—*

4 *“(A) IN GENERAL.—Concurrent with the*
5 *submission to the appropriate congressional com-*
6 *mittees of reports pursuant to paragraph (1), the*
7 *Inspector General shall, consistent with privacy,*
8 *civil rights, and civil liberties protections, pub-*
9 *lish on a publicly available website of the Inspec-*
10 *tor General each such report.*

11 *“(B) EXCEPTION.—The requirement pursu-*
12 *ant to subparagraph (A) to publish reports does*
13 *not apply if section (5)(e)(1) of the Inspector*
14 *General Act of 1978 applies to any such report.*

15 *“(3) REQUIREMENT.—*

16 *“(A) IN GENERAL.—The Inspector General*
17 *of the Department may not redact any portion*
18 *of a report submitted pursuant to paragraph (1).*

19 *“(B) EXCEPTION.—The requirement under*
20 *subparagraph (A) shall not apply with respect to*
21 *the name or any other identifying information,*
22 *including any contextual details not relevant to*
23 *the audit, inspection, or evaluation at issue that*
24 *may be used by other employees or officers of the*
25 *Department to determine the identity of a whis-*

1 *tleblower complainant, of a whistleblower com-*
2 *plainant who does not consent to the inclusion of*
3 *such in a report of the Inspector General.*

4 “(b) *SEMIANNUAL REPORTING.*—*Beginning with the*
5 *first semiannual report transmitted to the appropriate com-*
6 *mittees or subcommittees of the Congress pursuant to section*
7 *5(b) of the Inspector General Act of 1978 that is transmitted*
8 *after the date of the enactment of this section, each such*
9 *report shall be accompanied by a list of ongoing audits,*
10 *inspections, and evaluations of the Department, together*
11 *with a narrative description relating to each such audit,*
12 *inspection, or evaluation that identifies the scope of such*
13 *audit, inspection, or evaluation, as the case may be, as well*
14 *as the subject office, component, or directorate of the De-*
15 *partment. For each such ongoing audit, inspection, or eval-*
16 *uation such narrative description shall include the fol-*
17 *lowing:*

18 “(1) *Information relating to the source of each*
19 *such audit, inspection, or evaluation.*

20 “(2) *Information regarding whether each such*
21 *audit, inspection, or evaluation is being conducted*
22 *independently, jointly, concurrently, or in some other*
23 *manner.*

24 “(3) *In the event each such audit, inspection, or*
25 *evaluation was initiated due to a referral, the date on*

1 *which the Inspector General notified the originator of*
2 *a referral of the Inspector General’s intention to carry*
3 *out such audit, inspection, or evaluation.*

4 “(4) *Information relating to the dates on*
5 *which—*

6 “(A) *each such audit, inspection, or evalua-*
7 *tion was initiated;*

8 “(B) *a draft report relating to each such*
9 *audit, inspection, or evaluation is scheduled to*
10 *be submitted to the Secretary for review; and*

11 “(C) *a final report relating to each such*
12 *audit, inspection, or evaluation is scheduled to*
13 *be submitted to the appropriate congressional*
14 *committees and published on the website of the*
15 *Inspector General in accordance with para-*
16 *graphs (1) and (2), respectively, of subsection*
17 *(a).*

18 “(5) *An explanation for—*

19 “(A) *any significant changes to the nar-*
20 *rative description of each such audit, inspection,*
21 *or evaluation, including the identification of the*
22 *subject office, component, or directorate of the*
23 *Department; or*

24 “(B) *a delay of more than 30 days in the*
25 *scheduled date for submitting to the Secretary a*

1 *draft report for review or publishing on the*
2 *website of the Inspector General of the Depart-*
3 *ment the final report relating to each such audit,*
4 *inspection, or evaluation.*

5 “(6) *Data regarding tips and complaints made*
6 *to the Inspector General Hotline of the Department or*
7 *otherwise referred to the Department, including—*

8 “(A) *the number and type of tips and com-*
9 *plaints regarding fraud, waste, abuse, corrup-*
10 *tion, financial crimes, civil rights and civil lib-*
11 *erty abuse, or other complaints regarding crimi-*
12 *nal or non-criminal activity associated with*
13 *fraud, waste, or abuse;*

14 “(B) *actions taken by the Department to*
15 *address or resolve each substantiated tip or com-*
16 *plaint;*

17 “(C) *the total amount of time it took the*
18 *Department to so address or resolve each such*
19 *substantiated tip or complaint;*

20 “(D) *the total number of tips and com-*
21 *plaints that are substantiated compared with the*
22 *number of tips and complaints that are unsub-*
23 *stantiated; and*

24 “(E) *the percentage of audits, inspections,*
25 *and evaluations that are initiated as a result of*

1 *tips and complaints made to the Inspector Gen-*
 2 *eral Hotline.*

3 “(c) *NOTIFICATION TO CONGRESS.—The Inspector*
 4 *General of the Department shall notify the Committee on*
 5 *Homeland Security of the House of Representatives and the*
 6 *Committee on Homeland Security and Governmental Af-*
 7 *airs of the Senate if the head of an office or component*
 8 *of the Department does not provide in a timely manner*
 9 *to the Inspector General information or assistance that is*
 10 *requested by the Inspector General to conduct an audit, in-*
 11 *spection, or evaluation.*

12 “(d) *DEFINITION.—In this section, the term ‘appro-*
 13 *priate congressional committees’ means the Committee on*
 14 *Homeland Security of the House of Representatives, the*
 15 *Committee on Homeland Security and Governmental Af-*
 16 *airs of the Senate, and any committee of the House of Rep-*
 17 *resentatives or the Senate, respectively, having legislative*
 18 *or oversight jurisdiction under the Rules of the House of*
 19 *Representatives or the Senate, respectively, over the matter*
 20 *concerned.’.*”

21 “(b) *CLERICAL AMENDMENT.—The table of contents in*
 22 *section 1(b) of the Homeland Security Act of 2002 is*
 23 *amended by amending the item relating to section 811 to*
 24 *read as follows:*

 “Sec. 811. *Office of Inspector General.*”.

25 “(c) *REPORTS.—*

1 (1) *INSPECTOR GENERAL OF DHS.*—Not later
2 than one year after the date of the enactment of this
3 Act, the Inspector General of the Department of
4 Homeland Security shall submit to the Committee on
5 Homeland Security of the House of Representatives,
6 the Committee on Homeland Security and Govern-
7 mental Affairs of the Senate, and the Comptroller
8 General of the United States a report on the policies,
9 procedures, and internal controls established that en-
10 sure compliance with the Quality Standards for Fed-
11 eral Offices of Inspector General from the Council of
12 Inspectors General on Integrity and Efficiency.

13 (2) *COMPTROLLER GENERAL.*—Not later than
14 one year after receipt of the report required under
15 paragraph (1), the Comptroller General of the United
16 States shall submit to the Committee on Homeland
17 Security of the House of Representatives and the
18 Committee on Homeland Security and Governmental
19 Affairs of the Senate an evaluation of such report.

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