

Calendar No. 585

117TH CONGRESS <i>2d Session</i>	{	SENATE	{	REPORT 117-226
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INSPECTOR GENERAL INDEPENDENCE AND EMPOWERMENT ACT

R E P O R T

OF THE

COMMITTEE ON HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS
UNITED STATES SENATE

TO ACCOMPANY

H.R. 2662

TO AMEND THE INSPECTOR GENERAL ACT OF 1978,
AND FOR OTHER PURPOSES



DECEMBER 5, 2022.—Ordered to be printed

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INSPECTOR GENERAL INDEPENDENCE AND EMPOWERMENT ACT

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Mr. PETERS, from the Committee on Homeland Security and
Governmental Affairs, submitted the following

R E P O R T

[To accompany H.R. 2662]

[Including cost estimate of the Congressional Budget Office]

The Committee on Homeland Security and Governmental Affairs, to which was referred the bill (H.R. 2662) to amend the Inspector General Act of 1978, and for other purposes, having considered the same, reports favorably thereon with an amendment, in the nature of a substitute, and recommends that the bill, as amended, do pass.

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I. PURPOSE AND SUMMARY

H.R. 2662, the *Inspector General Independence and Empowerment Act of 2021*, clarifies the 2008 *Inspector General Reform Act* by requiring the administration to provide a “substantive rationale, including detailed and case-specific reasons” prior to removing an inspector general (IG). It also limits the use of administrative leave for IGs, including during the 30 days following the removal announcement. To ensure the independence of the IG community, the bill requires acting IGs to be selected from among senior-level employees within the watchdog community. To protect the integrity of

investigations and audits during an IG transition, the bill requires regular training to IG employees on their whistleblower rights. The legislation also provides federal watchdogs the authority to subpoena the testimony of contractors and former federal officials, and gives the Department of Justice (DOJ) IG the authority to investigate misconduct by DOJ attorneys. Finally, the bill includes a number of new reporting requirements for IGs, streamlines others, and tasks relevant IGs with oversight related to the processing of evacuees from Afghanistan.

II. BACKGROUND AND THE NEED FOR LEGISLATION

The Inspector General Act of 1978 (IG Act) established offices of inspectors general and required them to keep agency heads and the Congress “fully and currently informed” about problems and deficiencies relating to the administration of agency programs and operations. In 2008, the Inspector General Reform Act became law and established the Council of the Inspectors General for Integrity and Efficiency (CIGIE) as the unified council of all statutory IGs with the mission to: address integrity, economy, and effectiveness issues that transcend individual government agencies; increase the professionalism, skills, and effectiveness of IG personnel by developing guidance, standards, and policies.¹

Today, the IG Act governs over 70 IGs who provide invaluable oversight by investigating allegations of waste, fraud, and abuse of taxpayer dollars in agency programs and operations.² The role of IGs as impartial, independent watchdogs is vital to Congressional oversight and to holding the federal government accountable to the public. However, IG offices are not impervious to politicization by agency officials and, too often, a lack of sufficient resources and access to information threatens to undermine their important work. Reforms are needed to preserve and strengthen IG independence, ensure sufficient access to information, and improve Congressional oversight of the IG community.

H.R. 2662 would enhance the current presidential notification requirement for removing an inspector general, grant inspectors general temporary testimonial subpoena authority, and place reasonable limits on who can serve as an acting inspector general in the event of a vacancy. The bill will prevent harmful politicization of IGs by giving them necessary tools to carry out their mission and by ensuring Congress has the ability to conduct oversight of IG operations.

III. LEGISLATIVE HISTORY

Representative Carolyn Maloney (D-NY) introduced H.R. 2662, the *IG Independence and Empowerment Act*, on April 19, 2021, with Representatives Steny Hoyer (D-MD), Gerald Connolly (D-VA), Stephen Lynch (D-MA), Jimmy Gomez (D-CA), Katie Porter (D-CA), and Ted Lieu (D-CA). The bill was referred to the House Committee on Oversight and Reform and the House Committee on the Budget. Delegate Eleanor Holmes Norton (D-DC) joined as a

¹ Council of the Inspectors General on Integrity and Efficiency, Inspector General Act History Page (<https://www.ignet.gov/content/ig-act-history>) (accessed Jan. 26, 2022).

² Ben Wilhelm, Congressional Research Service, *Legislative Proposals Related to the Removal of Inspectors General in the 116th Congress* (2020).

cosponsor on April 21, 2021. Representatives Jim Cooper (D-TN) and Kweisi Mfume (D-MD) joined as cosponsors on May 7, 2021. Representative Ed Case (D-HI) joined as a cosponsor on May 28, 2021. Representative Grace Napolitano (D-CA) joined as a cosponsor on June 15, 2021.

On May 25, 2021, the House Oversight Committee considered H.R. 2662 at a business meeting during which the bill was ordered to be reported favorably to the House, as amended by a substitute amendment. The bill was reported by the committee to the House on June 17, 2021. The House considered H.R. 2662 on June 29, 2021 under suspension of the rules, and it passed by a roll call vote of 221–182.

The bill was referred to the Senate Committee on Homeland Security and Governmental Affairs on July 12, 2021. The Committee considered H.R. 2662 at a business meeting on November 3, 2021. During the business meeting, a modified amendment in the nature of a substitute (ANS) was offered by Chairman Peters and Ranking Member Portman and adopted by unanimous consent. The modified ANS made significant changes to H.R. 2662 as passed by the House, including removing for-cause removal protections for IGs and the authorization of direct appropriations for CIGIE, placing checks on the testimonial subpoena authority established in the bill, and streamlining IG reports to Congress.

The modified ANS also incorporated requested changes from several offices. Sen. Paul requested the addition of a new section that gives non-governmental organizations the ability to review IG reports that mention them by name upon publication, and have a comment attached to the final report. Sen. Hassan requested the addition of a new section that streamlines the semiannual reporting requirements for IGs. Several new guardrails, including a sunset, were added to the testimonial subpoena authority provision in response to requests from Senators Romney and Scott. Finally, a change was made at the request of Sen. Lankford to require that CIGIE Integrity Committee investigations of Senate-confirmed IGs are conducted by other Senate-confirmed IGs.

Ranking Member Portman offered an additional amendment and it was adopted by voice vote as amended by a Peters 2nd degree amendment. The Portman amendment, as amended, requires an IG review of the evacuation, processing, and resettlement of evacuees from Afghanistan and the Afghanistan Special Immigrant Visa Program.

Senator Scott offered an amendment requiring a Department of Homeland Security (DHS) IG review of the vetting and processing of migrants apprehended on the southwest border of the United States, and Chairman Peters offered a 2nd degree amendment that made changes to the substance of the review, and neither amendment was adopted.

Senator Hawley offered an amendment to expand the jurisdiction of and provide additional funding for the Special Inspector General for Pandemic Recovery (SIGPR). Chairman Peters offered a 2nd degree amendment to instead require a GAO study of pandemic relief funding oversight. Neither amendment was adopted.

The bill was ordered reported favorably by voice vote as amended. The Senators present were: Peters, Carper, Hassan, Sinema,

Rosen, Padilla, Ossoff, Portman, Johnson, Lankford, Romney, Scott, and Hawley.

IV. SECTION-BY-SECTION ANALYSIS OF THE BILL, AS REPORTED

Section 1. Short title; Table of Contents

Establishes the short title as the “Inspector General Independence and Empowerment Act of 2021” and sets forth a table of contents for the bill.

TITLE I—INSPECTOR GENERAL INDEPENDENCE

Section 101. Short title

Establishes the short title as the “Securing Inspector General Independence Act of 2021.”

Section 102. Removal or transfer of Inspectors General; Placement on non-duty status

This section clarifies the 30-day reporting requirement before an Inspector General (IG) is removed by requiring the President or agency head, where applicable, to provide the “substantive rationale, including detailed and case-specific reasons” before the removal of an IG. It only allows placement of an IG on administrative leave (“non-duty status”) during this 30-day period under the following circumstances set forth in the Administrative Leave Act: the IG poses a threat to themselves or others; the IG could destroy evidence relevant to an investigation; the IG poses a threat to Government property; or the IG may otherwise jeopardize legitimate government interests. In such circumstance, an explanation must be submitted to Congress. This section also requires the President or agency head, where applicable, to provide 15 days’ notice to Congress when placing an IG on administrative leave unless the same Administrative Leave Act requirements are met and explained, in which case notice can be concurrent.

Section 103. Vacancy in position of Inspector General

This section requires that acting IGs for Presidentially-appointed, Senate-confirmed IG positions be senior officials from within an Office of Inspector General (OIG) and, while an IG is on administrative leave that the acting IG come from within that particular OIG. It also requires that current acting IGs meet the new requirements or vacate the position within 30 days.

Section 104. Office of Inspector General whistleblower complaints

This section requires the Council of the Inspectors General on Integrity and Efficiency (CIGIE) to establish best practices, and requires OIGs to provide annual training to all their employees, regarding the whistleblower rights of OIG employees.

TITLE II—PRESIDENTIAL EXPLANATION OF FAILURE TO NOMINATE AN INSPECTOR GENERAL

Section 201. Presidential explanation of failure to nominate an Inspector General

If the President does not make a formal nomination for a vacant IG position within 210 days of the vacancy occurring, this section

requires the President to submit to Congress an explanation for the failure to make a nomination and a target date for the nomination. The report is required within 30 days, and annually thereafter.

**TITLE III—INTEGRITY COMMITTEE OF THE COUNCIL OF INSPECTORS
GENERAL ON INTEGRITY AND EFFICIENCY TRANSPARENCY**

Section 301. Short title

This section establishes the short title as the “Integrity Committee Transparency Act of 2021.”

Section 302. Additional information to be included in requests and reports to Congress

This section requires the CIGIE Integrity Committee to include additional information when it notifies Congress that it has extended the 30-day period to evaluate an allegation of wrongdoing, including the length of time the evaluation has been ongoing and a description of any previous written notice of extension. This section also requires the Committee to include recommendations on corrective action (in addition to disciplinary action) in reports to Congress on the results of investigations.

Section 303. Availability of information to Congress on certain allegations of wrongdoing closed without referral

This section requires reporting to Congress in situations where the CIGIE Integrity Committee closes an evaluation of an allegation referred by a member of Congress without referral to the Chairperson of the Integrity Committee for investigation. It also requires that the report be forwarded to the members of the Integrity Committee and to the CIGIE Chairperson.

Section 304. Semiannual report

This section establishes semiannual reporting on the activities of the CIGIE Integrity Committee with respect to allegations of wrongdoing made against IGs and OIG staff, including an overview and analysis of the allegations, the number of allegations and their outcomes, allegations made during previous reporting periods that remained pending, and any difficulties encountered by the Integrity Committee during evaluations or investigations.

Section 305. Additional reports

This section requires the Chairperson of the CIGIE Integrity Committee, after becoming aware of a flagrant problem at an OIG, to immediately submit a report on the problem to the relevant IG, who must then notify the President, Congress, and the relevant agency head within 7 days. This is similar to the 7-day letter requirement for when an agency refuses to provide information to an IG.

Section 306. Requirement to report final disposition to Congress

This section adds Senate HSGAC and House COR as recipients of reports of the final disposition of CIGIE Integrity Committee cases.

Section 307: Investigations of Offices of Inspectors General of establishments by the Integrity Committee

This section requires that investigations of OIGs of establishments be conducted by OIGs of establishments.

TITLE IV—TESTIMONIAL SUBPOENA AUTHORITY FOR INSPECTORS GENERAL

Section 401. Short title

This section establishes the short title as the “IG Testimonial Subpoena Authority Act.”

Section 402. Additional authority provisions for Inspectors General

This section grants IGs the authority to subpoena witness testimony and attendance as necessary during an audit, inspection, evaluation, or investigation, except for individuals who are otherwise obligated to provide testimony and cooperate with the IG.

This section includes the following safeguards for IGs’ testimonial subpoena authority:

- Establishes a Subpoena Panel to approve or deny subpoena requests, comprised of 3 Presidentially-appointed, Senate-confirmed IGs. IGs must be randomly selected, with exceptions to ensure selected IGs are appropriately cleared and available.
- In a request for a subpoena, the IG must include the IG’s determination that the testimony sought is likely to be relevant to the audit, inspection, evaluation, or investigation and that the information to be sought cannot be reasonably obtained through other means.
- In order for an IG to issue a subpoena, a majority of the Panel must approve the subpoena. The panel must decide whether to approve or disapprove the subpoena within 10 days of submission of the request or within 20 days of asking for additional information from the requesting IG. If a majority do not approve the subpoena, it may not be issued.
- Before an IG requests approval for a subpoena from the Subpoena Panel, this section requires the IG to give notice to the Attorney General (AG) and to take into consideration any information from the AG relating to the subpoena. The IG may go ahead with requesting approval to issue a subpoena if the AG does not respond to the notice within 10 days, and the request to the Panel must include any information provided by the AG.
- Requires the IG to give notice to the Chairperson of CIGIE and to the AG upon issuing a subpoena.
- Requires semiannual reporting to Congress on the use of subpoenas by IGs, including a list of all IGs who have submitted a request to the Panel, anonymized descriptions of the requests, information provided by the AG related to the requests, Panel members for each request, relevant dates, and whether the requests were approved or denied.

Additionally, this section requires CIGIE, in consultation with the AG, to issue standards and provide training relating to the issuance of subpoenas. This section sunsets the provision on Janu-

ary 1, 2027, and stipulates that the sunset shall not affect the enforceability of subpoenas issued on or before December 31, 2026.

Section 403. Review by Comptroller General

This section requires the Comptroller General to review the use of testimonial subpoena authority by IGs and submit a report to Congress by January 1, 2026.

TITLE V—INVESTIGATIONS OF DEPARTMENT OF JUSTICE PERSONNEL

Section 501. Short title

This section establishes the short title as the “Inspector General Access Act of 2021.”

Section 502. Investigations of Department of Justice personnel

This section allows the Department of Justice (DOJ) IG to investigate allegations of misconduct involving DOJ attorneys, which—under current law—the DOJ IG is required to refer to the DOJ Office of Professional Responsibility.

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

Section 601. Notice of ongoing investigations when there is a change in status of Inspector General

This section requires the acting IG to report to Congress about ongoing work by the OIG at the time of an IG’s removal, transfer, or placement on administrative leave within 15 days of the IG’s removal, transfer, or placement on administrative leave.

TITLE VII—COUNCIL OF THE INSPECTORS GENERAL ON INTEGRITY AND EFFICIENCY REPORT ON EXPENDITURES

Section 701. CIGIE report on expenditures

This section requires the Chairperson of CIGIE to submit annually to Congress a report on expenditures for the previous fiscal year.

TITLE VIII—NOTICE OF REFUSAL TO PROVIDE INSPECTORS GENERAL ACCESS

Section 801. Notice of refusal to provide information or assistance to Inspectors General

If an agency refuses or does not provide requested information or assistance to an IG within 30 days of the IG notifying the agency head of the situation, this section requires the IG to notify Congress.

TITLE IX—TRAINING RESOURCES FOR INSPECTORS GENERAL AND OTHER MATTERS

Section 901. Training resources for Inspectors General

This section requires CIGIE to support the professional development of IGs, including training opportunities on the duties, responsibilities, and authorities of the Inspector General Act of 1978, as amended, and other topics identified by IGs and CIGIE.

Section 902. Definition of appropriate congressional committees

This section provides a technical edit to define “appropriate congressional committees” for purposes of the IG Act as including the Senate Committee on Homeland Security and Governmental Affairs, the House Committee on Oversight and Reform, and other relevant congressional committees and subcommittees of jurisdiction. This section includes conforming edits throughout the IG Act to use the same defined term.

Section 903. Semiannual reports

This section streamlines and consolidates semiannual IG reporting requirements to avoid duplicative and unnecessary reporting.

Section 904. Submission of reports that specifically identify non-governmental organizations or business entities

This section gives non-governmental organizations the ability to review IG reports that mention them by name upon publication, and have a comment attached to the final report. This section is retroactively applicable to reports from January 1, 2019 or later.

V. EVALUATION OF REGULATORY IMPACT

Pursuant to the requirements of paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee has considered the regulatory impact of this bill and determined that the bill will have no regulatory impact within the meaning of the rules. The Committee agrees with the Congressional Budget Office’s statement that the bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

VI. CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, November 9, 2022.

Hon. GARY C. PETERS,
Chairman, Committee on Homeland Security and Governmental Affairs, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN The Congressional Budget Office has prepared the enclosed table summarizing estimated budgetary effects and mandates information for some of the legislation that has been ordered reported by the Senate Committee on Homeland Security and Governmental Affairs during the 117th Congress.

If you wish further details, we will be pleased to provide them. The CBO staff contact for each estimate is listed on the enclosed table.

Sincerely,

PHILLIP L. SWAGEL,
Director.

Enclosure.

SUMMARY ESTIMATES OF LEGISLATION ORDERED REPORTED

The Congressional Budget Act of 1974 requires the Congressional Budget Office, to the extent practicable, to prepare estimates of the budgetary effects of legislation ordered reported by Congressional authorizing committees. In order to provide the Congress with as much information as possible, the attached table summarizes information about the estimated direct spending and revenue effects of some of the legislation that has been ordered reported by the Senate Committee on Homeland Security and Governmental Affairs during the 117th Congress. The legislation listed in this table generally would have small effects, if any, on direct spending or revenues, CBO estimates. Where possible, the table also provides information about the legislation's estimated effects on spending subject to appropriation and on intergovernmental and private-sector mandates as defined in the Unfunded Mandates Reform Act.

ESTIMATED BUDGETARY EFFECTS AND MANDATES INFORMATION

Bill Number	Title	Status	Last Action	Budget Function	Direct Spending, 2023–2032	Revenues, 2023–2032	Spending Subject to Appropriation, 2023–2027	Pay-As-You-Go Procedures Apply?	Increases On-Budget Deficits Beginning in 2033?	Mandates	Contact
HR. 2662	IG Independence and Empowerment Act	Ordered reported	11/03/21	800	Between zero and \$500,000	0	Not estimated	Yes	No	No	Matthew Pickford

HR. 2662 would provide additional tools for inspectors general and the Council of the Inspectors General on Integrity and Efficiency to improve oversight of federal programs. The legislation would authorize new training opportunities and subpoena authority for inspectors general and require additional reporting. The legislation also would call for a review of efforts to support and clear evacuees from Afghanistan. CBO estimates that enacting HR. 2662 would have an insignificant effect on direct spending and no effect on revenues over the 2023–2032 period. CBO has not estimated the discretionary costs of implementing the legislation. The legislation contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

VII. CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows: (existing law proposed to be omitted is enclosed in brackets, new matter is printed in italic, and existing law in which no change is proposed is shown in roman):

UNITED STATES CODE

* * * * *

TITLE 5—GOVERNMENT ORGANIZATION AND EMPLOYEES

* * * * *

PART III—EMPLOYEES

* * * * *

Subpart B—Employment and Retention

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CHAPTER 33—EXAMINATION, SELECTION, AND PLACEMENT

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Subchapter III—Details, Vacancies, and Appointments

Table of Sections

3341. Details; within Executive or military departments.

* * * * *

3349d. Notification of intent to nominate during certain recesses or adjournments.

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

* * * * *

SEC. 3349d. NOTIFICATION OF INTENT TO NOMINATE DURING CERTAIN RECESSES OR ADJOURNMENTS.

* * * * *

§ 3349e. PRESIDENTIAL EXPLANATION OF FAILURE TO NOMINATE AN INSPECTOR GENERAL

If the President fails to make a formal nomination for a vacant inspector general position that requires a formal nomination by the President to be filled within the period beginning on the later of the date on which the vacancy occurred or on which a nomination is rejected, withdrawn, or returned, and ending on the day that is 210 days after that date, the President shall communicate, within 30 days after the end of such period and not later than June 1 of each year thereafter, to the appropriate congressional committees, as defined in section 12 of the Inspector General Act of 1978 (5 U.S.C. App.)—

- (1) the reasons why the President has not yet made a formal nomination; and
 (2) a target date for making a formal nomination.

* * * * *

APPENDIX

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INSPECTOR GENERAL ACT OF 1978

* * * * *

SEC. 3. APPOINTMENT OF INSPECTOR GENERAL; SUPERVISION; REMOVAL; POLITICAL ACTIVITIES; APPOINTMENT OF ASSISTANT INSPECTOR GENERAL FOR AUDITING AND ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS

(a) * * *

(b)(1)(A) An Inspector General may be removed from office by the President. If an Inspector General is removed from office or is transferred to another position or location within an establishment, the President shall communicate in writing the [reasons] substantive rationale, including detailed and case specific reasons for any such removal or transfer to both Houses of Congress (including to the appropriate congressional committees), not later than 30 days before the removal or transfer. Nothing in this subsection shall prohibit a personnel action otherwise authorized by law, other than transfer or removal.

(B) If there is an open or completed inquiry into an Inspector General that relates to the removal or transfer of the Inspector General under subparagraph (A), the written communication required under that subparagraph shall—

(i) identify each entity that is conducting, or that conducted, the inquiry; and

(ii) in the case of a completed inquiry, contain the findings made during the inquiry.

(2)(A) Subject to the other provisions of this paragraph, only the President may place an Inspector General on non-duty status.

(B) If the President places an Inspector General on non-duty status, the President shall communicate in writing the substantive rationale, including detailed and case specific reasons, for the change in status to both Houses of Congress (including to the appropriate congressional committees) not later than 15 days before the date on which the change in status takes effect, except that the President may submit that communication not later than the date on which the change in status takes effect if—

(i) the President has made a determination that the continued presence of the Inspector General in the workplace poses a threat described in any of clauses (i) through (iv) of section 6329b(b)(2)(A) of title 5, United States Code; and

(ii) in the communication, the President includes a report on the determination described in clause (i), which shall include—

(I) a specification of which clause of section 6329b(b)(2)(A) of title 5, United States Code, the President

has determined applies under clause (i) of this subparagraph;

(II) the substantive rationale, including detailed and case-specific reasons, for the determination made under clause (i);

(III) an identification of each entity that is conducting, or that conducted, any inquiry upon which the determination under clause (i) was made; and

(IV) in the case of an inquiry described in sub clause (III) that is completed, the findings made during that inquiry.

(C) The President may not place an Inspector General on non-duty status during the 30-day period preceding the date on which the Inspector General is removed or transferred under paragraph (1)(A) unless the President—

(i) has made a determination that the continued presence of the Inspector General in the workplace poses a threat described in any of clauses (i) through (iv) of section 6329b(b)(2)(A) of title 5, United States Code; and

(ii) not later than the date on which the change in status takes effect, submits to both Houses of Congress (including to the appropriate congressional committees) a written communication that contains the information required under subparagraph (B), including the report required under clause (ii) of that subparagraph.

(D) For the purposes of this paragraph—

(i) the term “Inspector General”—

(I) means an Inspector General who was appointed by the President, without regard to whether the Senate provided advice and consent with respect to that appointment; and

(II) includes the Inspector General of the Intelligence Community, the Inspector General of the Central Intelligence Agency, the Special Inspector General for Afghanistan Reconstruction, the Special Inspector General for the Troubled Asset Relief Program, and the Special Inspector General for Pandemic Recovery; and

(ii) a reference to the removal or transfer of an Inspector General under paragraph (1), or to the written communication described in that paragraph, shall be considered to be—

(I) in the case of the Inspector General of the Intelligence Community, a reference to section 103H(c)(4) of the National Security Act of 1947 (50 U.S.C. 3033(c)(4));

(II) in the case of the Inspector General of the Central Intelligence Agency, a reference to section 17(b)(6) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3517(b)(6));

(III) in the case of the Special Inspector General for Afghanistan Reconstruction, a reference to section 1229(c)(6) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 378);

(IV) in the case of the Special Inspector General for the Troubled Asset Relief Program, a reference to section 121(b)(4) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5231(b)(4)); and

(V) in the case of the Special Inspector General for Pandemic Recovery, a reference to section 4018(b)(3) of the CARES Act (15 U.S.C. 9053(b)(3)).

(c) * * *

(d)(1) Each Inspector General shall, in accordance with applicable laws and regulations governing the civil service—

(A) appoint an Assistant Inspector General for Auditing who shall have the responsibility for supervising the performance of auditing activities relating to programs and operations of the establishment;

(B) appoint an Assistant Inspector General for Investigations who shall have the responsibility for supervising the performance of investigative activities relating to such programs and operations; and

(C) designate a Whistleblower Protection Coordinator who shall

(i) educate agency employees *including employees of that Office of Inspector General*—

* * * * *

(iii) assist the Inspector General in facilitating communication and coordination with the Special Counsel, the Council of the Inspectors General on Integrity and Efficiency (*including the Integrity Committee of that Council*), the establishment, Congress, and any other relevant entity regarding the timely and appropriate handling and consideration of protected disclosures, allegations of reprisal, and general matters regarding the implementation and administration of whistleblower protection laws, rules, and regulations.

* * * * *

(h)(1) *In this subsection—*

(A) the term ‘first assistant to the position of Inspector General’ means, with respect to an Office of Inspector General—

(i) an individual who, as of the day before the date on which the Inspector General dies, resigns, or otherwise becomes unable to perform the functions and duties of that position—

(I) is serving in a position in that Office; and

(II) has been designated in writing by the Inspector General, through an order of succession or otherwise, as the first assistant to the position of Inspector General; or

(ii) if the Inspector General has not made a designation described in clause (i)(II)—

(I) the Principal Deputy Inspector General of that Office, as of the day before the date on which the Inspector General dies, resigns, or otherwise becomes unable to perform the functions and duties of that position; or

(II) if there is no Principal Deputy Inspector General of that Office, the Deputy Inspector General of that Office, as of the day before the date on which the Inspector General dies, resigns, or otherwise becomes unable to perform the functions and duties of that position; and

(B) the term ‘Inspector General’—

(i) means an Inspector General who is appointed by the President, by and with the advice and consent of the Senate; and

(ii) includes the Inspector General of an establishment, the Inspector General of the Intelligence Community, the Inspector General of the Central Intelligence Agency, the Special Inspector General for the Troubled Asset Relief Program, and the Special Inspector General for Pandemic Recovery.

(2) If an Inspector General dies, resigns, or is otherwise unable to perform the functions and duties of the position—

(A) section 3345(a) of title 5, United States Code, and section 103(e) of the National Security Act of 1947 (50 U.S.C. 3025(e)) shall not apply;

(B) subject to paragraph (4), the first assistant to the position of Inspector General shall perform the functions and duties of the Inspector General temporarily in an acting capacity subject to the time limitations of section 3346 of title 5, United States Code; and

(C) notwithstanding subparagraph (B), and subject to paragraphs (4) and (5), the President (and only the President) may direct an officer or employee of any Office of an Inspector General to perform the functions and duties of the Inspector General temporarily in an acting capacity subject to the time limitations of section 3346 of title 5, United States Code, only if—

(i) during the 365-day period preceding the date of death, resignation, or beginning of inability to serve of the Inspector General, the officer or employee served in a position in an Office of an Inspector General for not less than 90 days, except that—

(I) the requirement under this clause shall not apply if the officer is an Inspector General; and

(II) for the purposes of this subparagraph, performing the functions and duties of an Inspector General temporarily in an acting capacity does not qualify as service in a position in an Office of an Inspector General;

(ii) the rate of pay for the position of the officer or employee described in clause (i) is equal to or greater than the minimum rate of pay payable for a position at GS-15 of the General Schedule;

(iii) the officer or employee has demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations; and

(iv) not later than 30 days before the date on which the direction takes effect, the President communicates in writing to both Houses of Congress (including to the appropriate congressional committees) the substantive rationale, including the detailed and case-specific reasons, for such direction, including the reason for the direction that someone other than the individual who is performing the functions and duties of the Inspector General temporarily in an acting capacity (as of the date on which the President issues that direction) perform those functions and duties temporarily in an acting capacity.

(3) Notwithstanding section 3345(a) of title 5, United States Code, section 103(e) of the National Security Act of 1947 (50 U.S.C. 3025(e)), and subparagraphs (B) and (C) of paragraph (2), and subject to paragraph (4), during any period in which an Inspector General is on non-duty status—

(A) the first assistant to the position of Inspector General shall perform the functions and duties of the position temporarily in an acting capacity subject to the time limitations of section 3346 of title 5, United States Code; and

(B) if the first assistant described in subparagraph (A) dies, resigns, or becomes otherwise unable to perform those functions and duties, the President (and only the President) may direct an officer or employee in that Office of Inspector General to perform those functions and duties temporarily in an acting capacity, subject to the time limitations of section 3346 of title 5, United States Code, if—

(i) that direction satisfies the requirements under clauses (ii), (iii), and (iv) of paragraph (2)(C); and

(ii) that officer or employee served in a position in that Office of Inspector General for not fewer than 90 of the 365 days preceding the date on which the President makes that direction.

(4) An individual may perform the functions and duties of an Inspector General temporarily and in an acting capacity under subparagraph (B) or (C) of paragraph (2), or under paragraph (3), with respect to only 1 Inspector General position at any given time.

(5) If the President makes a direction under paragraph (2)(C), during the 30-day period preceding the date on which the direction of the President takes effect, the functions and duties of the position of the applicable Inspector General shall be performed by—

(A) the first assistant to the position of Inspector General; or

(B) the individual performing those functions and duties temporarily in an acting capacity, as of the date on which the President issues that direction, if that individual is an individual other than the first assistant to the position of Inspector General.

* * * * *

SEC. 4. DUTIES AND RESPONSIBILITIES; REPORT OF CRIMINAL VIOLATIONS TO ATTORNEY GENERAL

(a) * * *

(1) * * *

(2) to review existing and proposed legislation and regulations relating to programs and operations of such establishment and to make recommendations, *including* in the semi-annual reports required by section 5(a), concerning the impact of such legislation or regulations on the economy and efficiency in the administration of programs and operations administered or financed by such establishment or the prevention and detection of fraud and abuse in such programs and operations;

* * * * *

SEC. 5. SEMIANNUAL REPORTS; TRANSMITTAL TO CONGRESS; AVAILABILITY TO PUBLIC; IMMEDIATE REPORT ON SERIOUS OR FLAGRANT PROBLEMS; DISCLOSURE OF INFORMATION; DEFINITIONS

(a) Each Inspector General shall, not later than April 30 and October 31 of each year, prepare semiannual reports summarizing the activities of the Office during the immediately preceding six-month periods ending March 31 and September 30. Such reports shall include, but need not be limited to—

[(1) a description of significant problems, abuses, and deficiencies relating to the administration of programs and operations of such establishment disclosed by such activities during the reporting period;

* * * * *

(12) information concerning any significant management decision with which the Inspector General is in disagreement.]

(1) *a description of significant problems, abuses, and deficiencies relating to the administration of programs and operations of the establishment and associated reports and recommendations for corrective action made by the Office;*

(2) *an identification of each recommendation made before the reporting period, for which corrective action has not been completed, including the potential costs savings associated with the recommendation;*

(3) *a summary of significant investigations closed during the reporting period;*

(4) *an identification of the total number of convictions during the reporting period resulting from investigations;*

(5) *information regarding each audit, inspection, or evaluation report issued during the reporting period, including—*

(A) *a listing of each audit, inspection, or evaluation;*

(B) *if applicable, the total dollar value of questioned costs (including a separate category for the dollar value of unsupported costs) and the dollar value of recommendations that funds be put to better use, including whether a management decision had been made by the end of the reporting period;*

(6) *information regarding any management decision made during the reporting period with respect to any audit, inspection, or evaluation issued during a previous reporting period;*

[(13)] (7) * * *

[(14)] (8) * * *

[(15)] (9) * * *

[(16)] (10) * * *

[(17) statistical tables showing—

(A) *the total number of investigative reports issued during the reporting period;*

(B) *the total number of persons referred to the Department of Justice for criminal prosecution during the reporting period;*

(C) *the total number of persons referred to State and local prosecuting authorities for criminal prosecution during the reporting period; and*

(D) the total number of indictments and criminal informations during the reporting period that resulted from any prior referral to prosecuting authorities;】

(11) a description of the use of subpoenas for the attendance and testimony of certain witnesses authorized under section 6A.

[(18)] (12) * * *

(19) a report on each investigation conducted by the Office involving a senior Government employee where allegations of misconduct were substantiated, including the name of the senior government official (as defined by the department or agency) if already made public by the Office, and a detailed description of—

(A) the facts and circumstances of the investigation; and
 (B) the status and disposition of the matter, including—

(i) if the matter was referred to the Department of Justice, the date of the referral; and
 (ii) if the Department of Justice declined the referral, the date of the declination;】

(13) a report on each investigation conducted by the Office where allegations of misconduct were substantiated involving a senior Government employee or senior official (as defined by the Office) if the establishment does not have senior Government employees, which shall include—

(A) the name of the senior Government employee, if already made public by the Office; and
 (B) a detailed description of—

(i) the facts and circumstances of the investigation; and
 (ii) the status and disposition of the matter, including—

(I) if the matter was referred to the Department of Justice, the date of the referral; and
 (II) if the Department of Justice declined the referral, the date of the declination;

[(20)] (14) * * *

(21) a detailed description of any attempt by the establishment to interfere with the independence of the Office, including—】

(15) information related to interference by the establishment, including—

[(A) with budget constraints designed to limit the capabilities of the Office; and

(B) incidents where the establishment has resisted or objected to oversight activities of the Office or restricted or significantly delayed access to information, including the justification of the establishment for such action; and】

(A) a detailed description of any attempt by the establishment to interfere with the independence of the Office, including—

(i) with budget constraints designed to limit the capabilities of the Office; and

(ii) incidents where the establishment has resisted or objected to oversight activities of the Office or restricted or significantly delayed access to information, includ-

ing the justification of the establishment for such action; and

(B) a summary of each report made to the head of the establishment under section 6(c)(2) during the reporting period;

[(22)] (16) * * *

(A) * * *

(B) investigation conducted by the Office involving a senior Government employee that is closed and was not disclosed to the public[.]; and

(17) a description of the use of subpoenas for the attendance and testimony of certain witnesses authorized under section 6A.

(b) Semiannual reports of each Inspector General shall be furnished to the head of the establishment involved not later than April 30 and October 31 of each year and shall be transmitted by such head to the appropriate [committees or subcommittees of the Congress] congressional committees within thirty days after receipt of the report, together with a report by the head of the establishment containing—

(1) * * *

[(2)] statistical tables showing the total number of audit reports, inspection reports, and evaluation reports and the dollar value of disallowed costs, for reports—

(A) for which final action had not been taken by the commencement of the reporting period;

(B) on which management decisions were made during the reporting period;

(C) for which final action was taken during the reporting period, including—

(i) the dollar value of disallowed costs that were recovered by management through collection, offset, property in lieu of cash, or otherwise; and

(ii) the dollar value of disallowed costs that were written off by management; and

(D) for which no final action has been taken by the end of the reporting period;]

[(3)] statistical tables showing the total number of audit reports, inspection reports, and evaluation reports and the dollar value of recommendations that funds be put to better use by management agreed to in a management decision, for reports—

(A) for which final action had not been taken by the commencement of the reporting period;

(B) on which management decisions were made during the reporting period;

(C) for which final action was taken during the reporting period, including—

(i) the dollar value of recommendations that were actually completed; and

(ii) the dollar value of recommendations that management has subsequently concluded should not or could not be implemented or completed; and

(D) for which no final action has been taken by the end of the reporting period;]

(2) where final action on audit, inspection, and evaluation reports had not been taken before the commencement of the reporting period, statistical tables showing—

(A) with respect to management decisions—

- (i) for each report, whether a management decision was made during the reporting period;
- (ii) if a management decision was made during the reporting period, the dollar value of disallowed costs and funds to be put to better use as agreed to in the management decision; and
- (iii) total number of reports where a management decision was made during the reporting period and the total corresponding dollar value of disallowed costs and funds to be put to better use as agreed to in the management decision; and

(B) with respect to final actions—

- (i) whether, if a management decision was made before the end of the reporting period, final action was taken during the reporting period;
- (ii) if final action was taken, the dollar value of—
 - (I) disallowed costs that were recovered by management through collection, offset, property in lieu of cash, or otherwise;
 - (II) disallowed costs that were written off by management;
 - (III) disallowed costs and funds to be put to better use not yet recovered or written off by management;
 - (IV) recommendations that were completed; and
 - (V) recommendations that management has subsequently concluded should not or could not be implemented or completed; and
- (iii) total number of reports where final action was not taken and total number of reports where final action was taken, including the total corresponding dollar value of disallowed costs and funds to be put to better use as agreed to in the management decisions;

[(4)] (3) whether the establishment entered into a settlement agreement with the official described in [subsection (a)(20)(A)] subsection (a)(14)(A), which shall be reported regardless of any confidentiality agreement relating to the settlement agreement; and

[(5) a statement with respect to audit reports on which management decisions have been made but final action has not been taken, other than audit reports on which a management decision was made within the preceding year, containing—

- (A) a list of such audit reports and the date each such report was issued;
- (B) the dollar value of disallowed costs for each report;
- (C) the dollar value of recommendations that funds be put to better use agreed to by management for each report; and
- (D) an explanation of the reasons final action has not been taken with respect to each such audit report, except that such statement may exclude such audit reports that

are under formal administrative or judicial appeal or upon which management of an establishment has agreed to pursue a legislative solution, but shall identify the number of reports in each category so excluded.]

(4) *a statement explaining why final action has not been taken with respect to each audit, inspection, and evaluation report in which a management decision has been made but final action has not yet been taken, except that such statement—*

(A) *may exclude reports if—*

(i) *a management decision was made within the preceding year; or*

(ii) *the report is under formal administrative or judicial appeal or management of the establishment has agreed to pursue a legislative solution; and*

(B) *shall identify the number of reports in each category so excluded.*

(c) * * *

(d) Each Inspector General shall report immediately to the head of the establishment involved whenever the Inspector General becomes aware of particularly serious or flagrant problems, abuses, or deficiencies relating to the administration of programs and operations of such establishment. The head of the establishment shall transmit any such report to the appropriate [committees or subcommittees of Congress] congressional committees within seven calendar days, together with a report by the head of the establishment containing any comments such head deems appropriate.

(e) *ADDITIONAL REPORTS.—*

(1) *REPORT TO INSPECTOR GENERAL.—The Chairperson of the Integrity Committee of the Council of the Inspectors General on Integrity and Efficiency shall, immediately whenever the Chairperson of the Integrity Committee becomes aware of particularly serious or flagrant problems, abuses, or deficiencies relating to the administration of programs and operations of an Office of Inspector General for which the Integrity Committee may receive, review, and refer for investigation allegations of wrongdoing under section 11(d), submit a report to the Inspector General who leads the Office at which the serious or flagrant problems, abuses, or deficiencies were alleged.*

(2) *REPORT TO PRESIDENT, CONGRESS, AND THE ESTABLISHMENT.—Not later than 7 days after the date on which an Inspector General receives a report submitted under paragraph (1), the Inspector General shall submit to the President, the appropriate congressional committees, and the head of the establishment—*

(A) *the report received under paragraph (1); and*

(B) *a report by the Inspector General containing any comments the Inspector General determines appropriate.*

(f) *Not later than 15 days after an Inspector General is removed, placed on paid or unpaid non-duty status, or transferred to another position or location within an establishment, the officer or employee performing the functions and duties of the Inspector General temporarily in an acting capacity shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Reform of the House of Representatives information regarding work being conducted by the Office as of the*

date on which the Inspector General was removed, placed on paid or unpaid non-duty status, or transferred, which shall include—

- (1) *for each investigation—*
 - (A) *the type of alleged offense;*
 - (B) *the fiscal quarter in which the Office initiated the investigation;*
 - (C) *the relevant Federal agency, including the relevant component of that Federal agency for any Federal agency listed in section 901(b) of title 31, United States Code, under investigation or affiliated with the individual or entity under investigation; and*
 - (D) *whether the investigation is administrative, civil, criminal, or a combination thereof, if known; and*
- (2) *for any work not described in paragraph (1)—*
 - (A) *a description of the subject matter and scope;*
 - (B) *the relevant agency, including the relevant component of that Federal agency, under review;*
 - (C) *the date on which the Office initiated the work; and*
 - (D) *the expected time frame for completion.*

[(e)](g)(1) Nothing in this section shall be construed to authorize the public disclosure of information which is—

* * * * *

(6)(A) Except as provided in subparagraph (B), if an audit, evaluation, inspection, or other non-investigative report prepared by an Inspector General specifically identifies a specific non-governmental organization or business entity, whether or not the non-governmental organization or business entity is the subject of that audit, evaluation, inspection, or non-investigative report—

- (i) the Inspector General shall notify the nongovernmental organization or business entity;*
- (ii) the non-governmental organization or business entity shall have—*
 - (I) 30 days to review the audit, evaluation, inspection, or non-investigative report beginning on the date of publication of the audit, evaluation, inspection, or non-investigative report; and*
 - (II) the opportunity to submit a written response for the purpose of clarifying or providing additional context as it directly relates to each instance wherein an audit, evaluation, inspection, or non-investigative report specifically identifies that non-governmental organization or business entity; and*

(iii) if a written response is submitted under clause (ii)(II) within the 30-day period described in clause (ii)(I)—

- (I) the written response shall be attached to the audit, evaluation, inspection, or non-investigative report; and*
- (II) in every instance where the report may appear on the public-facing website of the Inspector General, the website shall be updated in order to access a version of the audit, evaluation, inspection, or non-investigative report that includes the written response.*

(B) Subparagraph (A) shall not apply with respect to a non-governmental organization or business entity that refused to provide information or assistance sought by an Inspector General during the

creation of the audit, evaluation, inspection, or non-investigative report.

(C) An Inspector General shall review any written response received under subparagraph (A) for the purpose of preventing the improper disclosure of classified information or other non-public information, consistent with applicable laws, rules, and regulations, and, if necessary, redact such information.

(h) If an Office has published any portion of the report or information required under subsection (a) to the website of the Office or on oversight.gov, the Office may elect to provide links to the relevant webpage or website in the report of the Office under subsection (a) in lieu of including the information in that report.

[(f)] [(h)] (i)

* * * * *

SEC. 6. AUTHORITY OF INSPECTOR GENERAL; INFORMATION AND ASSISTANCE FROM FEDERAL AGENCIES; UNREASONABLE REFUSAL; OFFICE SPACE AND EQUIPMENT.

(a) * * *

(b) * * *

(c) * * *

(1) * * *

(2) * * *

(3) If the information or assistance that is the subject of a report under paragraph (2) is not provided to the Inspector General by the date that is 30 days after the report is made, the Inspector General shall submit a notice that the information or assistance requested has not been provided by the head of the establishment involved or the head of the Federal agency involved, as applicable, to the appropriate congressional committees.

* * * * *

(h) * * *

* * * * *

(4) * * *

(A) * * *

(B) The Committee on Oversight and [Government] Reform, the Committee on the Judiciary, and the Permanent Select Committee on Intelligence of the House of Representatives.

(C) [Other appropriate committees and subcommittees of Congress.] Any other relevant congressional committee or subcommittee of jurisdiction.

* * * * *

(k) * * *

SEC. 6A. ADDITIONAL AUTHORITY.

(a) *DEFINITIONS.*—In this section—

(1) the term ‘Chairperson’ means the Chairperson of the Council of the Inspectors General on Integrity and Efficiency;

(2) the term ‘Inspector General’—

(A) means an Inspector General of an establishment or a designated Federal entity (as defined in section 8G(a)); and

(B) includes—

(i) the Inspector General of the Central Intelligence Agency established under section 17 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3517);

(ii) the Inspector General of the Intelligence Community established under section 103H of the National Security Act of 1947 (50 U.S.C. 3033);

(iii) the Special Inspector General for Afghanistan Reconstruction established under section 1229 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 379);

(iv) the Special Inspector General for the Troubled Asset Relief Plan established under section 121 of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5231); and

(v) the Special Inspector General for Pandemic Recovery established under section 4018 of the CARES Act (15 U.S.C. 9053); and

(3) the term ‘Subpoena Panel’ means the panel to which requests for approval to issue a subpoena are submitted under subsection (e).

(b) **TESTIMONIAL SUBPOENA AUTHORITY.**—

(1) **IN GENERAL.**—In addition to the authority otherwise provided by this Act and in accordance with the requirements of this section, each Inspector General, in carrying out the provisions of this Act or the provisions of the authorizing statute of the Inspector General, as applicable, is authorized to require by subpoena the attendance and testimony of witnesses as necessary in the performance of an audit, inspection, evaluation, or investigation, which subpoena, in the case of contumacy or refusal to obey, shall be enforceable by order of any appropriate United States district court.

(2) **PROHIBITION.**—An Inspector General may not require by subpoena the attendance and testimony of a Federal employee or employee of a designated Federal entity, but may use other authorized procedures.

(3) **DETERMINATION BY INSPECTOR GENERAL.**—The determination of whether a matter constitutes an audit, inspection, evaluation, or investigation shall be at the discretion of the applicable Inspector General.

(c) **LIMITATION ON DELEGATION.**—The authority to issue a subpoena under subsection (b) may only be delegated to an official performing the functions and duties of an Inspector General when the Inspector General position is vacant or when the Inspector General is unable to perform the functions and duties of the Office of the Inspector General.

(d) **NOTICE TO ATTORNEY GENERAL.**—

(1) **IN GENERAL.**—Not less than 10 days before submitting a request for approval to issue a subpoena to the Subpoena Panel under subsection (e), an Inspector General shall—

(A) notify the Attorney General of the plan of the Inspector General to issue the subpoena; and

(B) take into consideration any information provided by the Attorney General relating to the subpoena.

(2) **RULE OF CONSTRUCTION.**—Nothing in this subsection may be construed to prevent an Inspector General from submitting

to the Subpoena Panel under subsection (e) a request for approval to issue a subpoena if 10 or more days have elapsed since the date on which the Inspector General submits to the Attorney General the notification required under paragraph (1)(A) with respect to that subpoena.

(e) *PANEL REVIEW BEFORE ISSUANCE.*—

(1) *APPROVAL REQUIRED.*—

(A) *REQUEST FOR APPROVAL BY SUBPOENA PANEL.*—Before the issuance of a subpoena described in subsection (b), an Inspector General shall submit to a panel a request for approval to issue the subpoena, which shall include a determination by the Inspector General that—

- (i) *the testimony is likely to be reasonably relevant to the audit, inspection, evaluation, or investigation for which the subpoena is sought; and*
- (ii) *the information to be sought cannot be reasonably obtained through other means.*

(B) *COMPOSITION OF SUBPOENA PANEL.*—

(i) *IN GENERAL.*—Subject to clauses (ii) and (iii), a Subpoena Panel shall be comprised of 3 inspectors general appointed by the President and confirmed by the Senate, who shall be randomly drawn by the Chairperson or a designee of the Chairperson from a pool of all such inspectors general.

(ii) *CLASSIFIED INFORMATION.*—If consideration of a request for a subpoena submitted under subparagraph (A) would require access to classified information, the Chairperson or a designee of the Chairperson may limit the pool of inspectors general described in clause (i) to appropriately cleared inspectors general.

(iii) *CONFIRMATION OF AVAILABILITY.*—If an inspector general drawn from the pool described in clause (i) does not confirm their availability to serve on the Subpoena Panel within 24 hours of receiving a notification from the Chairperson or a designee of the Chairperson regarding selection for the Subpoena Panel, the Chairperson or a designee of the Chairperson may randomly draw a new inspector general from the pool to serve on the Subpoena Panel.

(C) *CONTENTS OF REQUEST.*—The request described in subparagraph (A) shall include any information provided by the Attorney General related to the subpoena, which the Attorney General requests that the Subpoena Panel consider.

(D) *PROTECTION FROM DISCLOSURE.*—

(i) *IN GENERAL.*—The information contained in a request submitted by an Inspector General under subparagraph (A) and the identification of a witness shall be protected from disclosure to the extent permitted by law.

(ii) *REQUEST FOR DISCLOSURE.*—Any request for disclosure of the information described in clause (i) shall be submitted to the Inspector General requesting the subpoena.

(2) *TIME TO RESPOND.*—

(A) *IN GENERAL.*—Except as provided in subparagraph (B), the Subpoena Panel shall approve or deny a request for approval to issue a subpoena submitted under paragraph (1) not later than 10 days after the submission of the request.

(B) *ADDITIONAL INFORMATION FOR PANEL.*—If the Subpoena Panel determines that additional information is necessary to approve or deny a request for approval to issue a subpoena submitted by an Inspector General under paragraph (1), the Subpoena Panel shall—

- (i) request that information; and
- (ii) approve or deny the request for approval submitted by the Inspector General not later than 20 days after the Subpoena Panel submits the request for information under clause (i).

(3) *APPROVAL BY PANEL.*—If all members of the Subpoena Panel unanimously approve a request for approval to issue a subpoena submitted by an Inspector General under paragraph (1), the Inspector General may issue the subpoena.

(4) *NOTICE TO COUNCIL AND ATTORNEY GENERAL.*—Upon issuance of a subpoena by an Inspector General under subsection (b), the Inspector General shall provide contemporaneous notice of such issuance to the Chairperson or a designee of the Chairperson and to the Attorney General.

(f) *SEMIANNUAL REPORTING.*—On or before May 31, 2022, and every 6 months thereafter, the Council of the Inspectors General on Integrity and Efficiency shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Reform of the House of Representatives, and the Comptroller General of the United States a report on the use of subpoenas described in subsection (b) in any audit, inspection, evaluation, or investigation that concluded during the immediately preceding 6-month periods ending March 31 and September 30, which shall include—

(1) a list of each Inspector General that has submitted a request for approval of a subpoena to the Subpoena Panel;

(2) for each applicable Inspector General, the number of subpoenas submitted to the Subpoena Panel, approved by the Subpoena Panel, and disapproved by the Subpoena Panel;

(3) for each subpoena submitted to the Subpoena Panel for approval—

(A) an anonymized description of the individual or organization to whom the subpoena was directed;

(B) the date on which the subpoena request was sent to the Attorney General, the date on which the Attorney General responded, and whether the Attorney General provided information regarding the subpoena request, including whether the Attorney General opposed issuance of the proposed subpoena;

(C) the members of the Subpoena Panel considering the subpoena;

(D) the date on which the subpoena request was sent to the Subpoena Panel, the date on which the Subpoena Panel approved or disapproved the subpoena request, and the decision of the Subpoena Panel; and

(E) the date on which the subpoena request was sent to the Subpoena Panel, the date on which the Subpoena Panel approved or disapproved the subpoena request, and the decision of the Subpoena Panel; and

(4) any other information the Council of the Inspectors General on Integrity and Efficiency considers appropriate to include.

(g) TRAINING AND STANDARDS.—The Council of the Inspectors General on Integrity and Efficiency, in consultation with the Attorney General, shall promulgate standards and provide training relating to the issuance of subpoenas, conflicts of interest, and any other matter the Council determines necessary to carry out this section.

(h) APPLICABILITY.—The provisions of this section shall not affect the exercise of authority by an Inspector General of testimonial subpoena authority established under another provision of law.

(i) TERMINATION.—The authorities provided under subsection (b) shall terminate on January 1, 2027, provided that this subsection shall not affect the enforceability of a subpoena issued on or before December 31, 2026.

* * * * *

SEC. 8. ADDITIONAL PROVISIONS WITH RESPECT TO THE INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE

(a) * * *

(b) * * *

(1) * * *

(2) * * *

(3) If the Secretary of Defense exercises any power under paragraph (1) or (2), the Inspector General shall submit a statement concerning such exercise within thirty days to [the Committees on Armed Services and Governmental Affairs of the Senate and the Committee on Armed Services and the Committee on Government Reform and Oversight of the House of Representatives and to other appropriate committees or subcommittees of the Congress.] *the appropriate congressional committees, including the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives.*

(4) The Secretary shall, within thirty days after submission of a statement under paragraph (3), transmit a statement of the reasons for the exercise of power under paragraph (1) or (2) to the congressional committees specified in paragraph (3) [and to other appropriate committees or subcommittees].

* * * * *

(f)(1) Each semiannual report prepared by the Inspector General of the Department of Defense under section 5(a) shall be transmitted by the Secretary of Defense to [the Committees on Armed Services and on Homeland Security and Governmental Affairs of the Senate and the Committees on Armed Services and on Oversight and Government Reform of the House of Representatives and to other appropriate committees or subcommittees of Congress.] *the appropriate congressional committees, including the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives.* Each such report shall include—

(A) * * *
 (B) * * *

(2) Any report required to be transmitted by the Secretary of Defense to the appropriate [committees or subcommittees of the Congress] *congressional committees* under section 5(d) shall also be transmitted, within the seven-day period specified in such section, to the congressional committees specified in paragraph (1).

* * * * *

SEC. 8D. SPECIAL PROVISIONS CONCERNING THE DEPARTMENT OF TREASURY

(a) * * *

* * * * *

(3) If the Secretary of the Treasury exercises any power under paragraph (1) or (2), the Secretary of the Treasury shall notify the Inspector General of the Department of the Treasury in writing stating the reasons for such exercise. Within 30 days after receipt of any such notice, the Inspector General of the Department of the Treasury shall transmit a copy of such notice to the [Committees on Governmental Affairs and Finance of the Senate and the Committees on Government Operations and Ways and Means of the House of Representatives, and to other appropriate committees or subcommittees of the Congress] *appropriate congressional committees, including the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives.*

* * * * *

(g)(1) Any report required to be transmitted by the Secretary of the Treasury to the appropriate [committees or subcommittees of the Congress] *congressional committees* under section 5(d) shall also be transmitted, within the seven-day period specified under such section, to the [Committees on Governmental Affairs and Finance of the Senate and the Committees on Government Reform and Oversight and Ways and Means of the House of Representatives] *Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives.*

(2) Any report made by the Treasury Inspector General for Tax Administration that is required to be transmitted by the Secretary of the Treasury to the appropriate [committees or subcommittees] *congressional committees* of Congress under section 5(d) shall also be transmitted, within the 7-day period specified under such subsection, to the Internal Revenue Service Oversight Board and the Commissioner of Internal Revenue.

* * * * *

SEC. 8E. SPECIAL PROVISIONS CONCERNING THE DEPARTMENT OF JUSTICE (a) * * *

(1) * * *
 (2) * * *

(3) If the Attorney General exercises any power under paragraph (1) or (2), the Attorney General shall notify the Inspector General in writing stating the reasons for such exercise. Within 30 days after receipt of any such notice, the Inspector General shall transmit a copy of such notice to the [Committees on Governmental Affairs and Judiciary of the Senate and the

Committees on Government Operations and Judiciary of the House of Representatives, and to other appropriate committees or subcommittees of the Congress] *appropriate congressional committees, including the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives.*

(b) * * *

(1) * * *

(2) except as specified in subsection (a) [and paragraph (3)], may investigate allegations of criminal wrongdoing or administrative misconduct by an employee of the Department of Justice, or may, in the discretion of the Inspector General, refer such allegations to the Office of Professional Responsibility or the internal affairs office of the appropriate component of the Department of Justice;

[(3) shall refer to the Counsel, Office of Professional Responsibility of the Department of Justice, allegations of misconduct involving Department attorneys, investigators, or law enforcement personnel, where the allegations relate to the exercise of the authority of an attorney to investigate, litigate, or provide legal advice, except that no such referral shall be made if the attorney is employed in the Office of Professional Responsibility;]

[(4)] (3) may investigate allegations of criminal wrongdoing or administrative misconduct by a person who is the head of any agency or component of the Department of Justice; and

[(5)] (4) shall forward the results of any investigation conducted under [paragraph (4)] paragraph 3, along with any appropriate recommendation for disciplinary action, to the Attorney General.

(c) Any report required to be transmitted by the Attorney General to the appropriate [committees or subcommittees of the Congress] *congressional committees* under section 5(d) shall also be transmitted, within the seven-day period specified under such section, to the [Committees on the Judiciary and Governmental Affairs of the Senate and the Committees on the Judiciary and Government Operations of the House of Representatives] *Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives.*

(d) The Attorney General shall ensure by regulation that any component of the Department of Justice receiving a nonfrivolous allegation of criminal wrongdoing or administrative misconduct by an employee of the Department of Justice [I, except with respect to allegations described in subsection (b)(3),] shall report that information to the Inspector General.

* * * * *

SEC. 8G. REQUIREMENTS FOR FEDERAL ENTITIES AND DESIGNATED FEDERAL ENTITIES

(d) * * *

(1) * * *

(2) * * *

* * * * *

(E) The committees of Congress specified in this subparagraph are *the appropriate congressional committees, including—*

- (i) * * *
- (ii) * * *

(e)(1) In the case of a designated Federal entity for which a board, chairman of a committee, or commission is the head of the designated Federal entity, a removal or placement on non-duty status under this subsection may only be made upon the written concurrence of a 2/3 majority of the board, committee, or commission.

(2)(A) If an Inspector General is removed from office or is transferred to another position or location within a designated Federal entity, the head of the designated Federal entity shall communicate in writing the [reasons] substantive rationale, including detailed and case specific reasons, for any such removal or transfer to both Houses of Congress (*including to the appropriate congressional committees*), not later than 30 days before the removal or transfer. Nothing in this subsection shall prohibit a personnel action otherwise authorized by law, other than transfer or removal.

(B) If there is an open or completed inquiry into an Inspector General that relates to the removal or transfer of the Inspector General under subparagraph (A), the written communication required under that subparagraph shall—

- (i) identify each entity that is conducting, or that conducted, the inquiry; and
- (ii) in the case of a completed inquiry, contain the findings made during the inquiry.

(3)(A) Subject to the other provisions of this paragraph, only the head of the applicable designated Federal entity (referred to in this paragraph as the ‘covered official’) may place an Inspector General on non-duty status.

(B) If a covered official places an Inspector General on non-duty status, the covered official shall communicate in writing the substantive rationale, including detailed and case-specific reasons, for the change in status to both Houses of Congress (*including to the appropriate congressional committees*) not later than 15 days before the date on which the change in status takes effect, except that the covered official may submit that communication not later than the date on which the change in status takes effect if—

(i) the covered official has made a determination that the continued presence of the Inspector General in the workplace poses a threat described in any of clauses (i) through (iv) of section 6329b(b)(2)(A) of title 5, United States Code; and

(ii) in the communication, the covered official includes a report on the determination described in clause (i), which shall include—

(I) a specification of which clause of section 6329b(b)(2)(A) of title 5, United States Code, the covered official has determined applies under clause (i) of this subparagraph;

(II) the substantive rationale, including detailed and case-specific reasons, for the determination made under clause (i);

(III) an identification of each entity that is conducting, or that conducted, any inquiry upon which the determination under clause (i) was made; and

(IV) in the case of an inquiry described in subclause (III) that is completed, the findings made during that inquiry.

(C) A covered official may not place an Inspector General on non-duty status during the 30-day period preceding the date on which the Inspector General is removed or transferred under paragraph (2)(A) unless the covered official—

(i) has made a determination that the continued presence of the Inspector General in the workplace poses a threat described in any of clauses (i) through (iv) of section 6329b(b)(2)(A) of title 5, United States Code; and

(ii) not later than the date on which the change in status takes effect, submits to both Houses of Congress (including to the appropriate congressional committees) a written communication that contains the information required under subparagraph (B), including the report required under clause (ii) of that subparagraph.

(D) Nothing in this paragraph may be construed to limit or otherwise modify—

(i) any statutory protection that is afforded to an Inspector General; or

(ii) any other action that a covered official may take under law with respect to an Inspector General.

(f) * * *

* * * * * * *

(3) * * * (A) * * *

* * * * * * *

(iii) If the Governors exercise any power under clause (i) or (ii), the Governors shall notify the Inspector General in writing stating the reasons for such exercise. Within 30 days after receipt of any such notice, the Inspector General shall transmit a copy of such notice to the [Committee on Governmental Affairs of the Senate and the Committee on Government Reform and Oversight of the House of Representatives, and to other appropriate committees or subcommittees of the Congress] the appropriate congressional committees.

(B) * * *

I(C) Any report required to be transmitted by the Governors to the appropriate committees or subcommittees of the Congress under section 5(d) shall also be transmitted, within the seven-day period specified under such section, to the Committee on Governmental Affairs of the Senate and the Committee on Government Reform and Oversight of the House of Representatives.]

(g)(1) Sections 4, 5, 6 (other than subsections (a)(7) and (a)(8) thereof), 6A and 7 of this Act shall apply to each Inspector General and Office of Inspector General of a designated Federal entity and such sections shall be applied to each designated Federal entity

and head of the designated Federal entity (as defined under subsection (a)) by substituting—

* * * * *

SEC. 8I. SPECIAL PROVISIONS CONCERNING THE DEPARTMENT OF HOMELAND SECURITY

(a) * * *

* * * * *

(3) If the Secretary of Homeland Security exercises any power under paragraph (1) or (2), the Secretary shall notify the Inspector General of the Department of Homeland Security in writing within seven days stating the reasons for such exercise. Within 30 days after receipt of any such notice, the Inspector General shall transmit to the President of the Senate, the Speaker of the House of Representatives, and appropriate [committees and subcommittees of Congress] *congressional committees* the following:

(A) * * *

(B) * * *

(b) * * *

(c) * * *

(d) Any report required to be transmitted by the Secretary of Homeland Security to the appropriate [committees or subcommittees of Congress] *congressional committees* under section 5(d) shall be transmitted, within the seven-day period specified under such section, to the President of the Senate, the Speaker of the House of Representatives, and [appropriate committees and subcommittees of Congress] *congressional committees*.

* * * * *

SEC. 8N. ADDITIONAL PROVISIONS WITH RESPECT TO THE DEPARTMENT OF ENERGY

(a) * * *

(b) Not later than 7 days after the date on which the Secretary of Energy exercises any power authorized under subsection (a), the Secretary shall notify the Inspector General of the Department of Energy in writing the reasons for such exercise. Within 30 days after receipt of any such notice, the Inspector General of the Department of Energy shall submit to the appropriate [committees of Congress] *congressional committees* a statement concerning such exercise.

* * * * *

SEC. 11. ESTABLISHMENT OF THE COUNCIL OF THE INSPECTORS GENERAL ON INTEGRITY AND EFFICIENCY

(a) * * *

(b) * * *

(1) * * *

(2) * * *

(3) * * *

(A) * * *

(B) * * *

* * * * *

(viii) * * *

(I) the President and;

(II) the appropriate *congressional* committees [of jurisdiction of the Senate and the House of Representatives];

[(III) the Committee on Homeland Security and Governmental Affairs of the Senate; and]

[(IV) the Committee on Oversight and Government Reform of the House of Representatives.]

(c) * * *

(1) * * *

(D) * * *

(E) support the professional development of Inspectors General, including by providing training opportunities on the duties, responsibilities, and authorities under this Act and on topics relevant to Inspectors General and the work of Inspectors General, as identified by Inspectors General and the Council.

[(E)] (F) * * *

[(F)] (G) * * *

[(G)] (H) * * *

[(H)] (I) * * *

[(I)] (J) * * *

* * * * *

(3) * * *

* * * * *

(D) REPORT ON EXPENDITURES.—Not later than November 30 of each year, the Chairperson shall submit to the appropriate committees or subcommittees of Congress, including the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives, a report on the expenditures of the Council for the preceding fiscal year, including from direct appropriations to the Council, interagency funding pursuant to subparagraph (A), a revolving fund pursuant to subparagraph (B), or any other source.

(4) * * *

(5) * * *

(A) * * *

(B) in consultation with the Office of Special Counsel and Whistleblower Protection Coordinators from the member offices of the Inspector General, develop best practices for coordination and communication in promoting the timely and appropriate handling and consideration of protected disclosures, [allegations of reprisal] and allegations of reprisal (including the timely and appropriate handling and consideration of protected disclosures and allegations of reprisal that are internal to an Office of Inspector General), and general matters regarding the implementation and administration of whistleblower protection laws, in accordance with Federal law.

(d) * * *

* * * * *

(5) * * *

(A) * * *

(B) * * *

(i) * * *

(ii) EXTENSION.—The 30-day period described in clause (i) may be extended for an additional period of 30 days if the Integrity Committee provides written notice to the congressional committees described in paragraph (8)(A) (iii) that includes a detailed, case-specific description of why the additional time is needed to evaluate the allegation of wrongdoing [I], the length of time the Integrity Committee has been evaluating the allegation of wrongdoing, and a description of any previous written notice provided under this clause with respect to the allegation of wrongdoing, including the description provided for why additional time was needed.

(iii) Availability of information to Congress on certain allegations of wrongdoing closed without referral.—

(I) IN GENERAL.—With respect to an allegation of wrongdoing made by a member of Congress that is closed by the Integrity Committee without referral to the Chairperson of the Integrity Committee to initiate an investigation, the Chairperson of the Integrity Committee shall, not later than 60 days after closing the allegation of wrongdoing, provide a written description of the nature of the allegation of wrongdoing and how the Integrity Committee evaluated the allegation of wrongdoing to—

(aa) the Chair and Ranking Minority Member of the Committee on Homeland Security and Governmental Affairs of the Senate; and

(bb) the Chair and Ranking Minority Member of the Committee on Oversight and Reform of the House of Representatives.

(II) REQUIREMENT TO FORWARD.—The Chairperson of the Integrity Committee shall forward any written description or update provided under this clause to the members of the Integrity Committee and to the Chairperson of the Council.

(6) * * *

(7) * * *

(A) * * *

(B) * * *

(i) * * *

(V) except as provided in clause (ii), ensuring, to the extent possible, that investigations are conducted by Offices of Inspector General of similar size, and that an investigation of an Office of Inspector General of an establishment is conducted by another Office of Inspector General of an establishment;

(8) * * *

(A) * * *

(i) * * *

(ii) forward the report, with the recommendations of the Integrity Committee, including those on disciplinary action or corrective action, within 30 days (to the maximum extent practicable) after the completion of the investigation, to the Executive Chairperson of the Council and to the President (in the case of a report relating to an Inspector General of an establishment or any employee of that Inspector General) or the head of a designated Federal entity (in the case of a report relating to an Inspector General of such an entity or any employee of that Inspector General) for resolution; and

(iii) submit the report, with the recommendations of the Integrity Committee, [to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and other congressional committees of jurisdiction] to the appropriate congressional committees; and

(iv) * * *

(B) DISPOSITION.—The Executive Chairperson of the Council shall report to the Integrity Committee and the appropriate congressional committees the final disposition of the matter, including what action was taken by the President or agency head.

(9) [ANNUAL REPORT.—The Council shall submit to Congress and the President by December 31 of each year a report on the activities of the Integrity Committee during the preceding fiscal year, which shall include the following:

(A) The number of allegations received.

(B) The number of allegations referred to the Department of Justice or the Office of Special Counsel, including the number of allegations referred for criminal investigation.

(C) The number of allegations referred to the Chairperson of the Integrity Committee for investigation.

(D) The number of allegations closed without referral.

(E) The date each allegation was received and the date each allegation was finally disposed of.

(F) In the case of allegations referred to the Chairperson of the Integrity Committee, a summary of the status of the investigation of the allegations and, in the case of investigations completed during the preceding fiscal year, a summary of the findings of the investigations.

(G) Other matters that the Council considers appropriate.]

SEMIANNUAL REPORT.—On or before May 31, 2022, and every 6 months thereafter, the Council shall submit to Congress and the President a report on the activities of the Integrity Committee during the immediately preceding 6-month periods ending March 31 and September 30, which shall include the following with respect to allegations of wrongdoing that are made against Inspectors General and staff members of the various Offices of Inspector General described in paragraph (4)(C):

- (A) An overview and analysis of the allegations of wrongdoing disposed of by the Integrity Committee, including—
- (i) analysis of the positions held by individuals against whom allegations were made, including the duties affiliated with such positions;
 - (ii) analysis of the categories or types of the allegations of wrongdoing; and
 - (iii) a summary of disposition of all the allegations.
- (B) The number of allegations received by the Integrity Committee.
- (C) The number of allegations referred to the Department of Justice or the Office of Special Counsel, including the number of allegations referred for criminal investigation.
- (D) The number of allegations referred to the Chairperson of the Integrity Committee for investigation, a general description of the status of such investigations, and a summary of the findings of investigations completed.
- (E) An overview and analysis of allegations of wrongdoing received by the Integrity Committee during any previous reporting period, but remained pending during some part of the six months covered by the report, including—
- (i) analysis of the positions held by individuals against whom allegations were made, including the duties affiliated with such positions;
 - (ii) analysis of the categories or types of the allegations of wrongdoing; and
 - (iii) a summary of disposition of all the allegations.
- (F) The number and category or type of pending investigations.
- (G) For each allegation received—
- (i) the date on which the investigation was opened;
 - (ii) the date on which the allegation was disposed of, as applicable; and
 - (iii) the case number associated with the allegation.
- (H) The nature and number of allegations to the Integrity Committee closed without referral, including the justification for why each allegation was closed without referral.
- (I) A brief description of any difficulty encountered by the Integrity Committee when receiving, evaluating, investigating, or referring for investigation an allegation received by the Integrity Committee, including a brief description of—
- (i) any attempt to prevent or hinder an investigation; or
 - (ii) concerns about the integrity or operations at an Office of Inspector General.
- (J) Other matters that the Council considers appropriate.

* * * * *

SEC. 12. DEFINITIONS

- (1) * * *
 (2) * * *

(3) except as otherwise expressly provided, the term “Inspector General” means the Inspector General of an establishment;

(4) the term “Office” means the Office of Inspector General of an establishment; **[and]**

(5) the term “Federal agency” means an agency as defined in section 552(f) of title 5 (including an establishment as defined in paragraph (2)), United States Code, but shall not be construed to include the Government Accountability Office**[.]**; *and*

(6) *the term “appropriate congressional committees” means—*

(A) the Committee on Homeland Security and Governmental Affairs of the Senate;

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

(C) any other relevant congressional committee or subcommittee of jurisdiction.

