

109TH CONGRESS
1ST SESSION

H. R. 3805

To establish within the Office of the Inspector General of the Department of Homeland Security the Special Office of the Inspector General for Natural Disaster Response and Reconstruction.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 15, 2005

Mr. MEEK of Florida (for himself, Mr. RYAN of Ohio, and Mrs. MCCARTHY) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committees on Government Reform and Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To establish within the Office of the Inspector General of the Department of Homeland Security the Special Office of the Inspector General for Natural Disaster Response and Reconstruction.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SPECIAL OFFICE OF THE INSPECTOR GENERAL**
2 **FOR NATURAL DISASTER RESPONSE AND RE-**
3 **CONSTRUCTION.**

4 (a) PURPOSES.—The purposes of this section are as
5 follows:

6 (1) To ensure that funds, services, products,
7 and programs intended to meet the needs of victims
8 of Hurricane Katrina are effectively and efficiently
9 provided by maintaining direct, independent and ob-
10 jective conduct of related audits and investigations.

11 (2) To provide the Inspector General of the De-
12 partment of Homeland Security additional resources
13 capable of making recommendations and policies to
14 prevent and detect fraud and abuse, and ensure ef-
15 fective administration of programs and services re-
16 lated to the aftermath of Hurricane Katrina.

17 (b) DEFINITIONS.—In this section:

18 (1) AFFECTED AREA.—The term “affected
19 area” means any area determined in Presidential
20 Disaster Declaration 1603, 1604, or 1605, issued
21 August 29, 2005, to be adversely affected by a
22 major disaster.

23 (2) The term “Inspector General” means the
24 Inspector General of the Department of Homeland
25 Security.

1 (3) The term “Special Office” means the Spe-
2 cial Office of the Inspector General for Natural Dis-
3 aster Response and Reconstruction established by
4 this section.

5 (4) The term “Director” means the Director of
6 the Special Office.

7 (c) SPECIAL OFFICE OF THE INSPECTOR GENERAL
8 FOR NATURAL DISASTER RESPONSE AND RECONSTRUC-
9 TION.—There is hereby established within the Office of
10 the Inspector General of the Department of Homeland Se-
11 curity the Special Office of the Inspector General for Nat-
12 ural Disaster Response and Reconstruction.

13 (d) DIRECTOR OF THE SPECIAL OFFICE OF THE IN-
14 SPECTOR GENERAL.—

15 (1) IN GENERAL.—The Director of the Special
16 Office of the Inspector General shall be the head of
17 the Special Office and shall be appointed by the In-
18 spector General.

19 (2) BASIS FOR APPOINTMENT.—The appoint-
20 ment of the Director shall be made solely on the
21 basis of integrity, administrative expertise, and dem-
22 onstrated ability in accounting, auditing, financial
23 analysis, law, management analysis, public adminis-
24 tration, or investigations.

1 (3) DEADLINE FOR APPOINTMENT.—The ap-
2 pointment of a Director by the Inspector General
3 shall be made not later than 30 days after the date
4 of the enactment of this Act.

5 (4) BASIC PAY.—The annual rate of basic pay
6 of the Director shall be set by the Inspector General,
7 subject to the provisions of chapter 51 and sub-
8 chapter III of chapter 53 or title 5, United States
9 Code, governing classification and General Schedule
10 pay rates.

11 (e) SUPERVISION.—The Director shall report directly
12 to, and be under the direct authority and general super-
13 vision of, the Inspector General.

14 (f) DUTIES.—

15 (1) IN GENERAL.—It shall be the duty of the
16 Special Office to conduct, supervise, and coordinate
17 audits and investigations of the treatment, handling,
18 and expenditure of Federal funds by any organiza-
19 tion providing relief, assistance, or reconstruction re-
20 lated to Hurricane Katrina and of the programs, op-
21 erations, and contracts carried out utilizing such
22 funds, including—

23 (A) the oversight and accounting of the ob-
24 ligation and expenditure of such funds;

1 (B) the monitoring and review of recon-
2 struction activities funded by such funds;

3 (C) the monitoring and review of contracts
4 funded by such funds;

5 (D) the monitoring and review of the
6 transfer of such funds and associated informa-
7 tion between and among the affected States, de-
8 partments, agencies, and entities of the Federal
9 Government, and private and nongovernmental
10 entities; and

11 (E) the maintenance of records on the use
12 of such funds to facilitate future audits and in-
13 vestigations of the use of such funds.

14 (2) SYSTEMS, PROCEDURE, AND CONTROLS.—

15 The Director, in consultation with the Inspector
16 General, shall establish, maintain, and oversee such
17 systems, procedures, and controls as shall be consid-
18 ered appropriate by them to discharge the duty
19 under paragraph (1).

20 (g) PERSONNEL, FACILITIES, AND OTHER RE-
21 SOURCES.—

22 (1) ADDITIONAL EMPLOYEE.—The Inspector
23 General may select, appoint, and employ additional
24 employees above authorized levels as may be nec-
25 essary for carrying out the duties of the Special Of-

1 fice under this section, but no more than 40 addi-
2 tional full-time equivalent positions.

3 (2) FIELD OFFICE.—The Inspector General
4 may operate field offices in the affected areas as
5 may be necessary for the Special Office to carry out
6 the duties prescribed in subsection (f).

7 (h) REPORTS.—

8 (1) IN GENERAL.—Not later than 60 days after
9 the date of the enactment of this Act, or the end of
10 the first fiscal quarter beginning after the date of
11 the enactment of this Act, whichever is later, and
12 every fiscal quarter thereafter, the Inspector General
13 shall submit to the Congress a report summarizing
14 the activities and findings, if any, of the Special Of-
15 fice during the period after the last report issued/
16 preceding fiscal quarter? note that there will be no
17 “last report ” before the first report . Each report
18 shall include, for the period covered by such report,
19 a detailed statement of all obligations, expenditures,
20 and revenues associated with relief, reconstruction,
21 and rehabilitation activities in the areas affected by
22 Hurricane Katrina, including the following:

23 (A) Obligations and expenditures of appro-
24 priated funds.

1 (B) Revenues attributable to or consisting
2 of funds provided by foreign nations or inter-
3 national organizations, and any obligations or
4 expenditures of such revenues.

5 (C) Any contracts having a value of more
6 than \$2,000,000 entered into by any Federal
7 agency with any public or private entity, to—

8 (i) provide products, services, or tem-
9 porary or permanent housing to those per-
10 sons affected by Hurricane Katrina; and

11 (ii) build or rebuild physical infra-
12 structure in the affected areas.

13 (D) In the case of any contract described
14 in subparagraph (C)—

15 (i) the amount of the contract or
16 other agreement;

17 (ii) a brief discussion of the scope of
18 the contract or other agreement;

19 (iii) a discussion of how the con-
20 tracting agency identified, and solicited of-
21 fers from, potential contractors to perform
22 the contract, together with a list of the po-
23 tential contractors that were issued solici-
24 tations for the offers; and

1 (iv) the justification and approval doc-
2 uments on which was based the determina-
3 tion to use procedures other than proce-
4 dures that provide for full and open com-
5 petition.

6 (E) A discussion related to any administra-
7 tive delays in getting available services or prod-
8 ucts to the their intended recipients in a timely
9 manner.

10 (2) PROHIBITION ON DISCLOSURE OF INFORMA-
11 TION.—Nothing in this subsection shall be construed
12 to authorize the public disclosure of information that
13 is specifically prohibited from disclosure under law.

14 (i) TRANSPARENCY.—Not later than 60 days after
15 the date of the submittal to the Congress of a report under
16 subsection (h), the Secretary of Homeland Security shall
17 make copies of such report available to the public upon
18 request, and at a reasonable cost.

19 (j) FUNDING.—Of the funds appropriated for the De-
20 partment of Homeland Security in the Second Emergency
21 Supplemental Appropriations Act to Meet Immediate
22 Needs Arising From the Consequences of Hurricane
23 Katrina, 2005, \$15,000,000 shall be available to the Of-

- 1 fice of the Inspector General to carry out this section for
- 2 fiscal year 2006.

