

[Roll No. 622]

AYES—360

Abraham Duckworth Lamborn
 Adams Duffy Lance
 Aguilar Duncan (SC) Langevin
 Amodei Duncan (TN) Larsen (WA)
 Ashford Edwards Larson (CT)
 Babin Ellison Latta
 Barletta Ellmers (NC) Lawrence
 Barr Emmer (MN) Levin
 Barton Engel Lewis
 Bass Esty Lipinski
 Beatty Farenthold LoBiondo
 Becerra Fitzpatrick Loeb sack
 Benishek Fleischmann Long
 Bera Fleming Loudermilk
 Beyer Flores Love
 Bilirakis Fortenberry Lowey
 Bishop (GA) Foster Lucas
 Bishop (MI) Foxx Luetkemeyer
 Bishop (UT) Frankel (FL) Lujan Grisham
 Black Frelinghuysen (NM)
 Blackburn Fudge Lujan, Ben Ray
 Blum Gabbard (NM)
 Bost Garamendi Lummis
 Boustany Garrett Lynch
 Boyle, Brendan Gibbs MacArthur
 F. Gibson Maloney
 Brady (PA) Gohmert Carolyn
 Brady (TX) Goodlatte Maloney, Sean
 Brat Gosar Marchant
 Bridenstine Gowdy Matsui
 Brooks (IN) Graham McCarthy
 Brown (FL) Granger McCaul
 Brownley (CA) Graves (GA) McClintock
 Buchanan Graves (LA) McHenry
 Buck Graves (MO) McKinley
 Bucshon Grayson McMorris
 Burgess Green, Al Rodgers
 Bustos Griffith McSally
 Butterfield Grothman Meadows
 Byrne Guinta Meehan
 Calvert Guthrie Meeks
 Cárdenas Gutiérrez Meng
 Carney Hanabusa Messer
 Carson (IN) Hanna Mica
 Carter (GA) Hardy Miller (FL)
 Carter (TX) Harper Miller (MI)
 Castor (FL) Harris Moolenaar
 Castro (TX) Hartzler Mooney (WV)
 Chabot Hastings Moulton
 Chaffetz Heck (NV) Mullin
 Chu, Judy Heck (WA) Mulvaney
 Clarke (NY) Hensarling Murphy (FL)
 Clawson (FL) Herrera Beutler Murphy (PA)
 Clay Hice, Jody B. Nadler
 Cleaver Higgins Napolitano
 Coffman Hill Neal
 Cohen Himes Newhouse
 Cole Hinojosa Noem
 Collins (GA) Holding Nolan
 Collins (NY) Hoyer Norcross
 Comer Hudson Nugent
 Comstock Huizenga (MI) Nunes
 Conaway Hultgren O'Rourke
 Connolly Hunter Palazzo
 Conyers Hurd (TX) Pascrell
 Cook Hurt (VA) Paulsen
 Cooper Israel Payne
 Costa Issa Pearce
 Costello (PA) Jackson Lee Perlmutter
 Courtney Jeffries Perry
 Cramer Jenkins (KS) Peters
 Crawford Jenkins (WV) Peterson
 Crenshaw Johnson (GA) Pingree
 Crowley Johnson (OH) Pittenger
 Cuellar Johnson, E. B. Pitts
 Culberson Johnson, Sam Poliquin
 Cummings Jolly Pompeo
 Curbelo (FL) Joyce Price (NC)
 Davidson Kaptur Rangel
 Davis (CA) Katko Ratcliffe
 Davis, Danny Keating Reed
 Davis, Rodney Kelly (IL) Reichert
 Delaney Kelly (MS) Renacci
 DeLauro Kelly (PA) Rice (NY)
 Denham Kennedy Rice (SC)
 Dent Kildee Richmond
 DeSantis Kind Rigell
 DesJarlais King (IA) Roe (TN)
 Deutch King (NY) Rogers (KY)
 Diaz-Balart Kinzinger (IL) Rohrabacher
 Dingell Kline Rokita
 Doggett Knight Rooney (FL)
 Dold Kuster Ros-Lehtinen
 Donovan Labrador Roskam
 Doyle, Michael LaHood Ross
 F. LaMalfa Rothfus

Rouzer
 Roybal-Allard
 Royce
 Ruiz
 Ruppersberger
 Russell
 Ryan (OH)
 Sánchez, Linda T.
 Sanford
 Scalise
 Levin
 Schakowsky
 Schiff
 Esty
 Schweikert
 Scott, Austin
 Scott, David
 Serrano
 Sessions
 Sherman
 Shimkus
 Shuster
 Simpson
 Sinema
 Sires
 Slaughter
 Smith (MO)
 Smith (NE)

NOES—61

Aderholt
 Allen
 Amash
 Blumenauer
 Bonamici
 Jordan
 Kilmer
 Lee
 Capps
 Lieu, Ted
 Lofgren
 Lowenthal
 Cicilline
 Clark (MA)
 DeFazio
 DeGette
 DeBene
 DeSaulnier
 Eshoo
 Farr
 Franks (AZ)
 Gallego
 Grijalva
 Honda

NOT VOTING—12

Clyburn
 Evans
 Fincher
 Forbes
 Green, Gene
 Kirkpatrick
 Olson
 Poe (TX)

□ 1419

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. GENE GREEN of Texas. Mr. Speaker, I was unavoidably detained. Had I been present, I would have voted "yea" on rollcall No. 620, "nay" on rollcall No. 621, and "yea" on rollcall No. 622.

THE JOURNAL

The SPEAKER pro tempore. The unfinished business is the question on agreeing to the Speaker's approval of the Journal, which the Chair will put de novo.

The question is on the Speaker's approval of the Journal.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Brian Pate, one of his secretaries.

Walorski
 Walters, Mimi
 Walz
 Wasserman
 Schultz
 Waters, Maxine
 Watson Coleman
 Weber (TX)
 Webster (FL)
 Welch
 Wenstrup
 Westerman
 Williams
 Wilson (FL)
 Wilson (SC)
 Wittman
 Womack
 Woodall
 Yarmuth
 Yoder
 Yoho
 Young (AK)
 Young (IA)
 Young (IN)
 Zeldin
 Zinke

DIRECTING THE SECRETARY OF THE SENATE TO MAKE A CORRECTION IN THE ENROLLMENT OF THE BILL S. 612

Mr. SHUSTER. Mr. Speaker, I send to the desk a concurrent resolution and ask unanimous consent for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore (Mr. CLAWSON of Florida). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The text of the concurrent resolution is as follows:

H. CON. RES. 183

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill S. 612, the Secretary of the Senate shall make the following correction: Amend the long title so as to read: "An Act to provide for improvements to the rivers and harbors of the United States, to provide for the conservation and development of water and related resources, and for other purposes."

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

INSPECTOR GENERAL EMPOWERMENT ACT OF 2016

Mr. CHAFFETZ. Mr. Speaker, I ask unanimous consent that the Committee on Oversight and Government Reform be discharged from further consideration of the bill (H.R. 6450) to amend the Inspector General Act of 1978 to strengthen the independence of the Inspectors General, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

The text of the bill is as follows:

H.R. 6450

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Inspector General Empowerment Act of 2016".

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Additional authority provisions for Inspectors General.
- Sec. 3. Additional responsibilities of the Council of the Inspectors General on Integrity and Efficiency.
- Sec. 4. Reports and additional information.
- Sec. 5. Full and prompt access to all documents.
- Sec. 6. Access to information for certain Inspectors General.
- Sec. 7. Technical and conforming amendments.
- Sec. 8. No additional funds authorized.

SEC. 2. ADDITIONAL AUTHORITY PROVISIONS FOR INSPECTORS GENERAL.

Section 6 of the Inspector General Act of 1978 (5 U.S.C. App.), as amended by section 5

of this Act, is amended by adding at the end the following:

“(j)(1) In this subsection, the terms ‘agency’, ‘matching program’, ‘record’, and ‘system of records’ have the meanings given those terms in section 552a(a) of title 5, United States Code.

“(2) For purposes of section 552a of title 5, United States Code, or any other provision of law, a computerized comparison of two or more automated Federal systems of records, or a computerized comparison of a Federal system of records with other records or non-Federal records, performed by an Inspector General or by an agency in coordination with an Inspector General in conducting an audit, investigation, inspection, evaluation, or other review authorized under this Act shall not be considered a matching program.

“(3) Nothing in this subsection shall be construed to impede the exercise by an Inspector General of any matching program authority established under any other provision of law.

“(k) Subchapter I of chapter 35 of title 44, United States Code, shall not apply to the collection of information during the conduct of an audit, investigation, inspection, evaluation, or other review conducted by the Council of the Inspectors General on Integrity and Efficiency or any Office of Inspector General, including any Office of Special Inspector General.”.

SEC. 3. ADDITIONAL RESPONSIBILITIES OF THE COUNCIL OF THE INSPECTORS GENERAL ON INTEGRITY AND EFFICIENCY.

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

(1) in subsection (b)(3)(B), by amending clause (viii) to read as follows:

“(viii) prepare and transmit an annual report on behalf of the Council on the activities of the Council to—

“(I) the President;

“(II) the appropriate 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.”;

(2) in subsection (c)(1)—

(A) in subparagraph (G), by striking “and” at the end;

(B) by redesignating subparagraph (H) as subparagraph (I); and

(C) by inserting after subparagraph (G) the following:

“(H) except for matters coordinated among Inspectors General under section 3033 of title 50, United States Code, receive, review, and mediate any disputes submitted in writing to the Council by an Office of Inspector General regarding an audit, investigation, inspection, evaluation, or project that involves the jurisdiction of more than one Office of Inspector General; and”;

(3) in subsection (d)—

(A) in paragraph (2)—

(i) by striking subparagraph (C);

(ii) by redesignating subparagraphs (A), (B), and (D) as clauses (i), (ii), and (iii), respectively, and adjusting the margins accordingly;

(iii) in the matter preceding clause (i), as so redesignated, by striking “The Integrity” and inserting the following:

“(A) IN GENERAL.—The Integrity”;

(iv) in clause (i), as so redesignated, by striking “, who” and all that follows through “the Committee”;

(v) in clause (iii), as so redesignated, by inserting “or the designee of the Director” before the period at the end; and

(vi) by adding at the end the following:

“(B) CHAIRPERSON.—

“(i) IN GENERAL.—The Integrity Committee shall elect one of the Inspectors General referred to in subparagraph (A)(ii) to act as Chairperson of the Integrity Committee.

“(ii) TERM.—The term of office of the Chairperson of the Integrity Committee shall be 2 years.”;

(B) by amending paragraph (5) to read as follows:

“(5) REVIEW OF ALLEGATIONS.—

“(A) IN GENERAL.—Not later than 7 days after the date on which the Integrity Committee receives an allegation of wrongdoing against an Inspector General or against a staff member of an Office of Inspector General described under paragraph (4)(C), the allegation of wrongdoing shall be reviewed and referred to the Department of Justice or the Office of Special Counsel for investigation, or to the Integrity Committee for review, as appropriate, by—

“(i) a representative of the Department of Justice, as designated by the Attorney General;

“(ii) a representative of the Office of Special Counsel, as designated by the Special Counsel; and

“(iii) a representative of the Integrity Committee, as designated by the Chairperson of the Integrity Committee.

“(B) REFERRAL TO THE CHAIRPERSON.—

“(i) IN GENERAL.—Except as provided in clause (ii), not later than 30 days after the date on which an allegation of wrongdoing is referred to the Integrity Committee under subparagraph (A), the Integrity Committee shall determine whether to refer the allegation of wrongdoing to the Chairperson of the Integrity Committee to initiate an investigation.

“(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.”;

(C) in paragraph (6)—

(i) in subparagraph (A), by striking “paragraph (5)(C)” and inserting “paragraph (5)(B)”;

(ii) in subparagraph (B)(i), by striking “may provide resources” and inserting “shall provide assistance”;

(D) in paragraph (7)—

(i) in subparagraph (B)—

(I) in clause (i)—

(aa) in subclause (III), by striking “and” at the end;

(bb) in subclause (IV), by striking the period at the end and inserting a semicolon; and

(cc) by adding at the end the following:

“(V) except as provided in clause (ii), ensuring, to the extent possible, that investigations are conducted by Offices of Inspector General of similar size;

“(VI) creating a process for rotation of Inspectors General assigned to investigate allegations through the Integrity Committee; and

“(VII) creating procedures to avoid conflicts of interest for Integrity Committee investigations.”;

(II) by redesignating clause (ii) as clause (iii); and

(III) by inserting after clause (i) the following:

“(ii) EXCEPTION.—The requirement under clause (i)(V) shall not apply to any Office of Inspector General with less than 50 employees who are authorized to conduct audits or investigations.”;

(ii) by striking subparagraph (C); and

(iii) by inserting after subparagraph (B) the following:

“(C) COMPLETION OF INVESTIGATION.—If an allegation of wrongdoing is referred to the Chairperson of the Integrity Committee under paragraph (5)(B), the Chairperson of the Integrity Committee—

“(i) shall complete the investigation not later than 150 days after the date on which the Integrity Committee made the referral; and

“(ii) if the investigation cannot be completed within the 150-day period described in clause (i), shall—

“(I) promptly notify the congressional committees described in paragraph (8)(A)(iii); and

“(II) brief the congressional committees described in paragraph (8)(A)(iii) every 30 days regarding the status of the investigation and the general reasons for delay until the investigation is complete.

“(D) CONCURRENT INVESTIGATION.—If an allegation of wrongdoing against an Inspector General or a staff member of an Office of Inspector General described under paragraph (4)(C) is referred to the Department of Justice or the Office of Special Counsel under paragraph (5)(A), the Chairperson of the Integrity Committee may conduct any related investigation referred to the Chairperson under paragraph (5)(B) concurrently with the Department of Justice or the Office of Special Counsel, as applicable.

“(E) REPORTS.—

“(i) INTEGRITY COMMITTEE INVESTIGATIONS.—For each investigation of an allegation of wrongdoing referred to the Chairperson of the Integrity Committee under paragraph (5)(B), the Chairperson of the Integrity Committee shall submit to members of the Integrity Committee and to the Chairperson of the Council a report containing the results of the investigation.

“(ii) OTHER INVESTIGATIONS.—For each allegation of wrongdoing referred to the Department of Justice or the Office of Special Counsel under paragraph (5)(A), the Attorney General or the Special Counsel, as applicable, shall submit to the Integrity Committee a report containing the results of the investigation.

“(iii) AVAILABILITY TO CONGRESS.—

“(I) IN GENERAL.—The congressional committees described in paragraph (8)(A)(iii) shall have access to any report authored by the Integrity Committee.

“(II) MEMBERS OF CONGRESS.—Subject to any other provision of law that would otherwise prohibit disclosure of such information, the Integrity Committee may provide any report authored by the Integrity Committee to any Member of Congress.”;

(E) by striking paragraph (8)(A)(iii) and inserting the following:

“(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; and

“(iv) following the submission of the report under clause (iii) and upon request by any Member of Congress, submit the report, with the recommendations of the Integrity Committee, to that Member.”;

(F) in paragraph (9)(B), by striking “other agencies” and inserting “the Department of Justice or the Office of Special Counsel”;

(G) in paragraph (10), by striking “any of the following” and all that follows through the period at the end and inserting “any Member of Congress.”; and

(H) by adding at the end the following:

“(12) ALLEGATIONS OF WRONGDOING AGAINST SPECIAL COUNSEL OR DEPUTY SPECIAL COUNSEL.—

“(A) SPECIAL COUNSEL DEFINED.—In this paragraph, the term ‘Special Counsel’ means the Special Counsel appointed under section 1211(b) of title 5, United States Code.

“(B) AUTHORITY OF INTEGRITY COMMITTEE.—

“(i) IN GENERAL.—An allegation of wrongdoing against the Special Counsel or the Deputy Special Counsel may be received, reviewed, and referred for investigation to the same extent and in the same manner as in the case of an allegation against an Inspector General or against a staff member of an Office of Inspector General described under paragraph (4)(C), subject to the requirement that the representative designated by the Special Counsel under paragraph (5)(A)(ii) shall recuse himself or herself from the consideration of any allegation brought under this paragraph.

“(ii) COORDINATION WITH EXISTING PROVISIONS OF LAW.—This paragraph shall not eliminate access to the Merit Systems Protection Board for review under section 7701 of title 5, United States Code. To the extent that an allegation brought under this paragraph involves section 2302(b)(8) of such title, a failure to obtain corrective action within 120 days after the date on which the allegation is received by the Integrity Committee shall, for purposes of section 1221 of such title, be considered to satisfy section 1214(a)(3)(B) of such title.

“(C) REGULATIONS.—The Integrity Committee may prescribe any rules or regulations necessary to carry out this paragraph, subject to such consultation or other requirements as may otherwise apply.

“(13) COMMITTEE RECORDS.—The Chairperson of the Council shall maintain the records of the Integrity Committee.”.

SEC. 4. REPORTS AND ADDITIONAL INFORMATION.

(a) REPORT ON VACANCIES IN THE OFFICES OF INSPECTOR GENERAL.—The Comptroller General of the United States shall—

(1) conduct a study of prolonged vacancies in the Offices of Inspector General during which a temporary appointee has served as the head of the office that includes—

(A) the number and duration of Inspector General vacancies;

(B) an examination of the extent to which the number and duration of such vacancies has changed over time;

(C) an evaluation of the impact such vacancies have had on the ability of the relevant Office of Inspector General to effectively carry out statutory requirements; and

(D) recommendations to minimize the duration of such vacancies;

(2) not later than 9 months after the date of enactment of this Act, present a briefing on the findings of the study conducted under paragraph (1) to—

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

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

(3) not later than 15 months after the date of enactment of this Act, submit a report on the findings of the study conducted under paragraph (1) to the committees described in paragraph (2).

(b) REPORT ON ISSUES INVOLVING MULTIPLE OFFICES OF INSPECTOR GENERAL.—The Council of the Inspectors General on Integrity and Efficiency shall—

(1) conduct an analysis of critical issues that involve the jurisdiction of more than one individual Federal agency or entity to identify—

(A) each such issue that could be better addressed through greater coordination among,

and cooperation between, individual Offices of Inspector General;

(B) the best practices that can be employed by the Offices of Inspector General to increase coordination and cooperation on each issue identified; and

(C) any recommended statutory changes that would facilitate coordination and cooperation among the Offices of Inspector General on critical issues; and

(2) not later than 1 year after the date of enactment of this Act, submit a report on the findings of the analysis described in paragraph (1) to—

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

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

(c) ADDITIONAL INFORMATION.—Section 5 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in subsection (a)—

(A) in paragraph (10)—

(i) by striking “period for which” and inserting “period—

“(A) for which”; and

(ii) by adding at the end the following:

“(B) for which no establishment comment was returned within 60 days of providing the report to the establishment; and

“(C) for which there are any outstanding unimplemented recommendations, including the aggregate potential cost savings of those recommendations.”;

(B) in paragraph (15), by striking “and” at the end;

(C) in paragraph (16), by striking the period at the end and inserting a semicolon; and

(D) by adding at the end the following:

“(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 information during the reporting period that resulted from any prior referral to prosecuting authorities;

“(18) a description of the metrics used for developing the data for the statistical tables under paragraph (17);

“(19) a report on each investigation conducted by the Office involving a senior Government employee where allegations of misconduct were substantiated, including 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;

“(20) a detailed description of any instance of whistleblower retaliation, including information about the official found to have engaged in retaliation and what, if any, consequences the establishment imposed to hold that official accountable;

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

“(22) detailed descriptions of the particular circumstances of each—

“(A) inspection, evaluation, and audit conducted by the Office that is closed and was not disclosed to the public; and

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

(2) in subsection (e), by adding at the end the following:

“(4) Subject to any other provision of law that would otherwise prohibit disclosure of such information, the information described in paragraph (1) may be provided to any Member of Congress upon request.

“(5) An Office may not provide to Congress or the public any information that reveals the personally identifiable information of a whistleblower under this section unless the Office first obtains the consent of the whistleblower.”; and

(3) in subsection (f)—

(A) in paragraph (5), by striking “and” at the end;

(B) in paragraph (6), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(7) the term ‘senior Government employee’ means—

“(A) an officer or employee in the executive branch (including a special Government employee as defined in section 202 of title 18, United States Code) who occupies a position classified at or above GS-15 of the General Schedule or, in the case of positions not under the General Schedule, for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule; and

“(B) any commissioned officer in the Armed Forces in pay grades O-6 and above.”.

(d) DUTY TO SUBMIT AND MAKE AVAILABLE TO THE PUBLIC CERTAIN RECOMMENDATIONS.—Section 4 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by adding at the end the following:

“(e)(1) In carrying out the duties and responsibilities established under this Act, whenever an Inspector General issues a recommendation for corrective action to the agency, the Inspector General—

“(A) shall submit the document making a recommendation for corrective action to—

“(i) the head of the establishment;

“(ii) the congressional committees of jurisdiction; and

“(iii) if the recommendation for corrective action was initiated upon request by an individual or entity other than the Inspector General, that individual or entity;

“(B) may submit the document making a recommendation for corrective action to any Member of Congress upon request; and

“(C) not later than 3 days after the recommendation for corrective action is submitted in final form to the head of the establishment, post the document making a recommendation for corrective action on the website of the Office of Inspector General.

“(2) Nothing in this subsection shall be construed as authorizing an Inspector General to publicly disclose information otherwise prohibited from disclosure by law.”.

(e) POSTING OF REPORTS ON WEBSITES OF OFFICES OF INSPECTORS GENERAL.—Section 8M(b) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in paragraph (1)(A), by striking “is made publicly available” and inserting “is submitted in final form to the head of the Federal agency or the head of the designated Federal entity, as applicable”; and

(2) by adding at the end the following:

“(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed as authorizing an Inspector General to publicly disclose information otherwise prohibited from disclosure by law.”.

SEC. 5. FULL AND PROMPT ACCESS TO ALL DOCUMENTS.

Section 6 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in subsection (a), by striking paragraph (1) and inserting the following:

“(1)(A) to have timely access to all records, reports, audits, reviews, documents, papers, recommendations, or other materials available to the applicable establishment which relate to the programs and operations with respect to which that Inspector General has responsibilities under this Act;

“(B) to have access under subparagraph (A) notwithstanding any other provision of law, except pursuant to any provision of law enacted by Congress that expressly—

“(i) refers to the Inspector General; and

“(ii) limits the right of access of the Inspector General; and

“(C) except as provided in subsection (i), with regard to Federal grand jury materials protected from disclosure pursuant to rule 6(e) of the Federal Rules of Criminal Procedure, to have timely access to such information if the Attorney General grants the request in accordance with subsection (h);”;

(2) by redesignating subsections (b) through (f) as subsections (c) through (g), respectively;

(3) by inserting after subsection (a) the following:

“(b) Nothing in this section shall be construed as authorizing an Inspector General to publicly disclose information otherwise prohibited from disclosure by law.”; and

(4) by inserting after subsection (g), as redesignated, the following:

“(h)(1) If the Inspector General of an establishment submits a request to the head of the establishment for Federal grand jury materials pursuant to subsection (a)(1), the head of the establishment shall immediately notify the Attorney General of such request.

“(2) Not later than 15 days after the date on which a request is submitted to the Attorney General under paragraph (1), the Attorney General shall determine whether to grant or deny the request for Federal grand jury materials and shall immediately notify the head of the establishment of such determination. The Attorney General shall grant the request unless the Attorney General determines that granting access to the Federal grand jury materials would be likely to—

“(A) interfere with an ongoing criminal investigation or prosecution;

“(B) interfere with an undercover operation;

“(C) result in disclosure of the identity of a confidential source, including a protected witness;

“(D) pose a serious threat to national security; or

“(E) result in significant impairment of the trade or economic interests of the United States.

“(3)(A) The head of the establishment shall inform the Inspector General of the establishment of the determination made by the Attorney General with respect to the request for Federal grand jury materials.

“(B) The Inspector General of the establishment described under subparagraph (A) may submit comments on the determination submitted pursuant to such subparagraph to the committees listed under paragraph (4) that the Inspector General considers appropriate.

“(4) Not later than 30 days after notifying the head of an establishment of a denial pursuant to paragraph (2), the Attorney General shall submit a statement that the request

for Federal grand jury materials by the Inspector General was denied and the reason for the denial to each of the following:

“(A) The Committee on Homeland Security and Governmental Affairs, the Committee on the Judiciary, and the Select Committee on Intelligence of the Senate.

“(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.

“(1) Subsections (a)(1)(C) and (h) shall not apply to requests from the Inspector General of the Department of Justice.”.

SEC. 6. ACCESS TO INFORMATION FOR CERTAIN INSPECTORS GENERAL.

The Inspector General Act of 1978 (5 U.S.C. App.), as amended by this Act, is amended—

(1) in section 8(b)(2)—

(A) by inserting “from accessing information described in paragraph (1),” after “completing any audit or investigation.”; and

(B) by inserting “, access such information,” after “complete such audit or investigation”;

(2) in section 8D(a)(2)—

(A) by inserting “from accessing information described in paragraph (1),” after “completing any audit or investigation.”; and

(B) by inserting “, access such information,” after “complete such audit or investigation”;

(3) in section 8E(a)(2)—

(A) by inserting “from accessing information described in paragraph (1),” after “completing any audit or investigation.”; and

(B) by inserting “, access such information,” after “complete such audit or investigation”;

(4) in section 8G(d)(2)(A), by inserting “, or from accessing information available to an element of the intelligence community specified in subparagraph (D),” after “investigation”;

(5) in section 8I(a)(2)—

(A) by inserting “from accessing information described in paragraph (1),” after “completing any audit or investigation.”; and

(B) by inserting “, access such information,” after “complete such audit or investigation”;

(6) in section 8J, by striking “or 8H” and inserting “8H, or 8N”;

(7) by inserting after section 8M the following:

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

“(a) The Secretary of Energy may prohibit the Inspector General of the Department of Energy from accessing Restricted Data and nuclear safeguards information protected from disclosure under chapter 12 of the Atomic Energy Act of 1954 (42 U.S.C. 2161 et seq.) and intelligence or counterintelligence, as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003), if the Secretary of Energy determines that the prohibition is necessary to protect the national security or prevent the significant impairment to the national security interests of the United States.

“(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 a statement concerning such exercise.”.

SEC. 7. TECHNICAL AND CONFORMING AMENDMENTS.

(a) REPEALS.—

(1) INSPECTOR GENERAL ACT OF 2008.—Section 7(b) of the Inspector General Reform Act of 2008 (Public Law 110–409; 122 Stat. 4312; 5 U.S.C. 1211 note) is repealed.

(2) FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2009.—Section 744 of the Financial Services and General Government Appropriations Act, 2009 (division D of Public Law 111–8; 123 Stat. 693) is repealed.

(b) AGENCY APPLICABILITY.—

(1) AMENDMENTS.—The Inspector General Act of 1978 (5 U.S.C. App.), as amended by this Act, is further amended—

(A) in section 8M—

(i) in subsection (a)(1)—

(I) by striking “Each agency” and inserting “Each Federal agency and designated Federal entity”; and

(II) by striking “that agency” each place that term appears and inserting “that Federal agency or designated Federal entity”;

(ii) in subsection (b)—

(I) in paragraph (1), by striking “agency” and inserting “Federal agency and designated Federal entity”; and

(II) in paragraph (2), by striking “agency” each place that term appears and inserting “Federal agency and designated Federal entity”; and

(iii) by adding at the end the following:

“(c) DEFINITIONS.—In this section, the terms ‘designated Federal entity’ and ‘head of the designated Federal entity’ have the meanings given those terms in section 8G(a).”; and

(B) in section 11(c)(3)(A)(ii), by striking “department, agency, or entity of the executive branch” and inserting “Federal agency or designated Federal entity (as defined in section 8G(a))”.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on the date that is 180 days after the date of enactment of this Act.

(c) REQUIREMENTS FOR INSPECTORS GENERAL WEBSITES.—Section 8M(b)(1) of the Inspector General Act of 1978 (5 U.S.C. App.), as amended by this Act, is further amended—

(1) in subparagraph (A), by striking “report or audit (or portion of any report or audit)” and inserting “audit report, inspection report, or evaluation report (or portion of any such report)”;

(2) by striking “report or audit (or portion of that report or audit)” each place that term appears and inserting “report (or portion of that report)”.

(d) CORRECTIONS.—

(1) EXECUTIVE ORDER NUMBER.—Section 7(c)(2) of the Inspector General Reform Act of 2008 (Public Law 110–409; 122 Stat. 4313; 31 U.S.C. 501 note) is amended by striking “12933” and inserting “12993”.

(2) PUNCTUATION AND CROSS-REFERENCES.—The Inspector General Act of 1978 (5 U.S.C. App.), as amended by this Act, is further amended—

(A) in section 4(b)(2)—

(i) by striking “8F(a)(2)” each place that term appears and inserting “8G(a)(2)”; and

(ii) by striking “8F(a)(1)” and inserting “8G(a)(1)”; and

(B) in section 5(a)(5), by striking “section 6(b)(2)” and inserting “section 6(c)(2)”; and

(C) in section 5(a)(13), by striking “05(b)” and inserting “804(b)”; and

(D) in section 6(a)(4), by striking “information, as well as any tangible thing” and inserting “information, as well as any tangible thing”;

(E) in section 8A(d), by striking “section 6(c)” and inserting “section 6(d)”; and

(F) in section 8G(g)(3), by striking “8C” and inserting “8D”; and

(G) in section 11(d)(8)(A), in the matter preceding clause (i), by striking “paragraph (7)(C)” and inserting “paragraph (7)(E)”.

(3) SPELLING.—The Inspector General Act of 1978 (5 U.S.C. App.), as amended by this Act, is further amended—

(A) in section 3(a), by striking “subpena” and inserting “subpoena”;

(B) in section 6(a)(4), by striking “subpenas” and inserting “subpoenas”;

(C) in section 8D(a)—

(i) in paragraph (1), by striking “subpenas” and inserting “subpoenas”; and

(ii) in paragraph (2), by striking “subpena” each place that term appears and inserting “subpoena”;

(D) in section 8E(a)—

(i) in paragraph (1), by striking “subpenas” and inserting “subpoenas”; and

(ii) in paragraph (2), by striking “subpena” each place that term appears and inserting “subpoena”; and

(E) in section 8G(d)(1), by striking “subpena” and inserting “subpoena”.

SEC. 8. NO ADDITIONAL FUNDS AUTHORIZED.

No additional funds are authorized to carry out the requirements of this Act or the amendments made by this Act. The requirements of this Act and the amendments made by this Act shall be carried out using amounts otherwise appropriated.

AMENDMENT OFFERED BY MR. CHAFFETZ

Mr. CHAFFETZ. Mr. Speaker, I have an amendment to the bill at the desk. The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Page 18, line 11, strike “information” and insert “informations”.

Page 33, line 19, strike “appropriated” and insert “authorized”.

Mr. CHAFFETZ (during the reading). Mr. Speaker, I ask unanimous consent to dispense with the reading of the amendment.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FEDERAL PROPERTY MANAGEMENT REFORM ACT OF 2016

Mr. CHAFFETZ. Mr. Speaker, I ask unanimous consent that the Committee on Oversight and Government Reform and the Committee on Transportation and Infrastructure be discharged from further consideration of the bill (H.R. 6451) to improve the Government-wide management of Federal property, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

The text of the bill is as follows:

H.R. 6451

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Federal Property Management Reform Act of 2016”.

SEC. 2. PURPOSE.

The purpose of this Act is to increase the efficiency and effectiveness of the Federal

Government in managing property of the Federal Government by—

(1) requiring the United States Postal Service to take appropriate measures to better manage and account for property;

(2) providing for increased collocation with Postal Service facilities and guidance on Postal Service leasing practices; and

(3) establishing a Federal Real Property Council to develop guidance on and ensure the implementation of strategies for better managing Federal property.

SEC. 3. PROPERTY MANAGEMENT.

(a) IN GENERAL.—Chapter 5 of subtitle I of title 40, United States Code, is amended by adding at the end the following:

“Subchapter VII—Property Management

“§ 621. Definitions

“In this subchapter:

“(1) ADMINISTRATOR.—The term ‘Administrator’ means the Administrator of General Services.

“(2) COUNCIL.—The term ‘Council’ means the Federal Real Property Council established by section 623(a).

“(3) DIRECTOR.—The term ‘Director’ means the Director of the Office of Management and Budget.

“(4) FEDERAL AGENCY.—The term ‘Federal agency’ means—

“(A) an executive department or independent establishment in the executive branch of the Government; or

“(B) a wholly owned Government corporation (other than the United States Postal Service).

“(5) FIELD OFFICE.—The term ‘field office’ means any office of a Federal agency that is not the headquarters office location for the Federal agency.

“(6) POSTAL PROPERTY.—The term ‘postal property’ means any property owned or leased by the United States Postal Service.

“(7) PUBLIC-PRIVATE PARTNERSHIP.—The term ‘public-private partnership’ means any partnership or working relationship between a Federal agency and a corporation, individual, or nonprofit organization for the purpose of financing, constructing, operating, managing, or maintaining 1 or more Federal real property assets.

“(8) UNDERUTILIZED PROPERTY.—The term ‘underutilized property’ means a portion or the entirety of any real property, including any improvements, that is used—

“(A) irregularly or intermittently by the accountable Federal agency for program purposes of the Federal agency; or

“(B) for program purposes that can be satisfied only with a portion of the property.

“§ 622. Collocation among United States Postal Service properties

“(a) IDENTIFICATION OF POSTAL PROPERTY.—Each year, the Postmaster General shall—

“(1) identify a list of postal properties with space available for use by Federal agencies; and

“(2) not later than September 30, submit the list to—

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

“(B) the Committee on Oversight and Government Reform of the House of Representatives.

“(b) VOLUNTARY IDENTIFICATION OF POSTAL PROPERTY.—Each year, the Postmaster General may submit the list under subsection (a) to the Council.

“(c) SUBMISSION OF LIST OF POSTAL PROPERTIES TO FEDERAL AGENCIES.—

“(1) IN GENERAL.—Not later than 30 days after the completion of a list under subsection (a), the Council shall provide the list to each Federal agency.

“(2) REVIEW BY FEDERAL AGENCIES.—Not later than 90 days after the receipt of the list

submitted under paragraph (1), each Federal agency shall—

“(A) review the list;

“(B) review properties under the control of the Federal agency; and

“(C) recommend collocations if appropriate.

“(d) TERMS OF COLLOCATION.—On approval of the recommendations under subsection (c) by the Postmaster General and the applicable agency head, the Federal agency or appropriate landholding entity may work with the Postmaster General to establish appropriate terms of a lease for each postal property.

“(e) RULE OF CONSTRUCTION.—Nothing in this section exceeds, modifies, or supplants any other Federal law relating to any competitive bidding process governing the leasing of postal property.

“§ 623. Establishment of a Federal Real Property Council

“(a) ESTABLISHMENT.—There is established a Federal Real Property Council.

“(b) PURPOSE.—The purpose of the Council shall be—

“(1) to develop guidance and ensure implementation of an efficient and effective real property management strategy;

“(2) to identify opportunities for the Federal Government to better manage property and assets of the Federal Government; and

“(3) to reduce the costs of managing property of the Federal Government, including operations, maintenance, and security associated with Federal property.

“(c) COMPOSITION.—

“(1) IN GENERAL.—The Council shall be composed exclusively of—

“(A) the senior real property officers of each Federal agency;

“(B) the Deputy Director for Management of the Office of Management and Budget;

“(C) the Controller of the Office of Management and Budget;

“(D) the Administrator; and

“(E) any other full-time or permanent part-time Federal officials or employees, as the Chairperson determines to be necessary.

“(2) CHAIRPERSON.—The Deputy Director for Management of the Office of Management and Budget shall serve as Chairperson of the Council.

“(3) EXECUTIVE DIRECTOR.—

“(A) IN GENERAL.—The Chairperson shall designate an Executive Director to assist in carrying out the duties of the Council.

“(B) QUALIFICATIONS.—The Executive Director shall—

“(i) be appointed from among individuals who have substantial experience in the areas of commercial real estate and development, real property management, and Federal operations and management; and

“(ii) hold no outside employment that may conflict with duties inherent to the position.

“(d) MEETINGS.—

“(1) IN GENERAL.—The Council shall meet subject to the call of the Chairperson.

“(2) MINIMUM.—The Council shall meet not fewer than 4 times each year.

“(e) DUTIES.—The Council, in consultation with the Director and the Administrator, shall—

“(1) not later than 1 year after the date of enactment of this subchapter, establish a real property management plan template, to be updated annually, which shall include performance measures, specific milestones, measurable savings, strategies, and Government-wide goals based on the goals established under section 524(a)(7) to reduce surplus property or to achieve better utilization of underutilized property, and evaluation criteria to determine the effectiveness of real property management that are designed—

“(A) to enable Congress and heads of Federal agencies to track progress in the