

109TH CONGRESS
1ST SESSION

S. 1738

To expand the responsibilities of the Special Inspector General for Iraq Reconstruction to provide independent and objective audits and investigations relating to the Federal programs for Hurricane Katrina recovery.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 21, 2005

Ms. COLLINS (for herself, Mr. LIEBERMAN, Mr. SUNUNU, Mr. DURBIN, Mr. PRYOR, Mrs. CLINTON, and Mr. CARPER) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To expand the responsibilities of the Special Inspector General for Iraq Reconstruction to provide independent and objective audits and investigations relating to the Federal programs for Hurricane Katrina recovery.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Special Inspector Gen-
5 eral for Relief and Reconstruction Act of 2005”.

1 **SEC. 2. SPECIAL INSPECTOR GENERAL FOR RELIEF AND**
2 **RECONSTRUCTION.**

3 (a) REDESIGNATION.—(1) Section 3001 of the Emer-
4 gency Supplemental Appropriations Act for Defense and
5 for the Reconstruction of Iraq and Afghanistan, 2004
6 (Public Law 108–106; 117 Stat. 1234; 5 U.S.C. App. 3
7 section 8G note) is amended—

8 (A) in subsection (b), by striking “Office of the
9 Special Inspector General for Iraq Reconstruction”
10 and inserting “Office of the Special Inspector Gen-
11 eral for Relief and Reconstruction”; and

12 (B) in subsection (c)(1), by striking all after
13 “The head of the Office of the Special Inspector
14 General” and inserting “for Relief and Reconstruc-
15 tion is the Special Inspector General for Relief and
16 Reconstruction (in this section referred to as the ‘In-
17 spector General’). If a vacancy occurs after the serv-
18 ice of the individual as provided under subsection (b)
19 of the Special Inspector General for Relief and Re-
20 construction Act of 2005, the Inspector General
21 shall be appointed by the Director of the Office of
22 Management and Budget.”.

23 (2)(A) The heading of such section is amended to
24 read as follows:

1 **“SEC. 3001. SPECIAL INSPECTOR GENERAL FOR RELIEF**
2 **AND RECONSTRUCTION.”.**

3 (B) The heading of title III of such Act is amended
4 to read as follows:

5 **“TITLE III—SPECIAL INSPECTOR**
6 **GENERAL FOR RELIEF AND**
7 **RECONSTRUCTION”.**

8 (b) CONTINUATION IN OFFICE.—The individual serv-
9 ing as the Special Inspector General for Iraq Reconstruc-
10 tion as of the date of the enactment of this Act may con-
11 tinue to serve as the Special Inspector General for Relief
12 and Reconstruction (with all additional duties and respon-
13 sibilities as provided under this Act) after that date with-
14 out reappointment under paragraph (1) of section 3001(c)
15 of the Emergency Supplemental Appropriations Act for
16 Defense and for the Reconstruction of Iraq and Afghani-
17 stan, 2004, but remaining subject to removal as specified
18 in paragraph (4) of that section.

19 (c) PURPOSES.—Subsection (a) of such section is
20 amended—

21 (1) in paragraph (1), by inserting “and for
22 Hurricane Katrina recovery activities” after “Iraq
23 Relief and Reconstruction Fund”;

24 (2) in paragraph (3), by striking “the Secretary
25 of State and the Secretary of Defense” and inserting
26 “the Secretary of State, the Secretary of Homeland

1 Security, the Secretary of Defense, and the heads of
 2 other Federal agencies, as appropriate,”.

3 (d) RESPONSIBILITIES OF ASSISTANT INSPECTOR
 4 GENERAL FOR AUDITING.—Subsection (d) of such section
 5 is amended to read as follows:

6 “(d) ASSISTANT INSPECTORS GENERAL.—(1) The
 7 Inspector General shall, in accordance with applicable laws
 8 and regulations governing the civil service—

9 “(A) appoint 1 or more Assistant Inspectors
 10 General for Auditing who shall have the responsi-
 11 bility for supervising the performance of auditing ac-
 12 tivities relating to—

13 “(i) programs and operations supported by
 14 the Iraq Relief and Reconstruction Fund; and

15 “(ii) programs and operations relating to
 16 Hurricane Katrina recovery activities; and

17 “(B) appoint 1 or more Assistant Inspectors
 18 General for Investigations who shall have the re-
 19 sponsibility for supervising the performance of inves-
 20 tigative activities relating to such programs and op-
 21 erations.”.

22 (e) SUPERVISION.—Such section is further amend-
 23 ed—

24 (1) in subsection (e)—

1 (A) in paragraph (1), by striking “the Sec-
2 retary of State and the Secretary of Defense”
3 and inserting “the Director of the Office of
4 Management and Budget, the Secretary of
5 State, and the Secretary of Defense”; and

6 (B) in paragraph (2)—

7 (i) by striking “Department of De-
8 fense, the Department of State, or the
9 United States Agency for International
10 Development” and inserting “Federal Gov-
11 ernment”; and

12 (ii) by inserting “and Hurricane
13 Katrina recovery activities” after “Iraq
14 Relief and Reconstruction Fund”;

15 (2) in subsection (f)—

16 (A) in paragraph (1)—

17 (i) by inserting “(A)” after “(1)”;

18 (ii) by redesignating subparagraphs
19 (A) through (E) as clauses (i) through (v),
20 respectively; and

21 (iii) by adding at the end the fol-
22 lowing:

23 “(B) It shall be the duty of the Inspector
24 General to conduct and coordinate audits and
25 investigations of the treatment, handling, and

1 expenditure of amounts appropriated or other-
2 wise made available for Hurricane Katrina re-
3 covery by the Federal Government, and of the
4 programs, operations, and contracts carried out
5 utilizing such funds, including—

6 “(i) the oversight and accounting of
7 the obligation and expenditure of such
8 funds;

9 “(ii) the monitoring and review of re-
10 construction activities funded by such
11 funds;

12 “(iii) the monitoring and review of
13 contracts funded by such funds;

14 “(iv) the monitoring and review of the
15 transfer of such funds and associated in-
16 formation between and among depart-
17 ments, agencies, and entities of the United
18 States, State and local governments, and
19 private and nongovernmental entities;

20 “(v) the maintenance of records on
21 the use of such funds to facilitate future
22 audits and investigations of the use of such
23 funds; and

24 “(vi) the monitoring of Federal grants
25 and benefit programs.”; and

1 (B) in paragraph (4)—

2 (i) by inserting “(A)” after “(4)”;

3 (ii) by striking all after “cooperation
4 of” and inserting “the inspectors general
5 and auditing entities of all other Federal
6 departments and agencies, and State and
7 local government entities.”; and

8 (iii) by adding at the end the fol-
9 lowing:

10 “(B)(i) The Inspector General shall en-
11 sure, to the greatest extent possible, that the
12 activities of the Inspector General do not dupli-
13 cate audits and investigations of inspectors gen-
14 eral and other auditors of Federal departments
15 and agencies, and State and local government
16 entities.

17 “(ii) The Inspector General shall notify the
18 inspector general of the relevant agency or de-
19 partment before initiating an audit or investiga-
20 tion relating to Hurricane Katrina activities.

21 “(iii) Nothing in this section shall be con-
22 strued to limit the statutory authority of inspec-
23 tors general to conduct audits or investigations
24 relating to Hurricane Katrina activities.”;

1 (3) in subsection (h)(4)(B), by striking “Sec-
2 retary of State or Secretary of Defense” and insert-
3 ing “Director of the Office of Management and
4 Budget and heads of relevant agencies”; and

5 (4) in subsection (h)(5)—

6 (A) by inserting “(A)” after “(5)”;

7 (B) by inserting “for activities relating to
8 Iraq” after “operation of such offices”; and

9 (C) by adding at the end the following:

10 “(B) The Secretary of Homeland Security
11 shall provide the Inspector General with appro-
12 priate and adequate office space, together with
13 such equipment, office supplies, and commu-
14 nications facilities and services as may be nec-
15 essary for the operations of such offices for ac-
16 tivities relating to Hurricane Katrina, and shall
17 provide necessary maintenance services for such
18 offices and equipment and facilities located
19 therein.”.

20 (f) REPORTS RELATING TO THE IRAQI RELIEF AND
21 RECONSTRUCTION.—Subsection (i) of such section is
22 amended by adding at the end the following:

23 “(7)(A) The Inspector General shall also submit
24 each report under this subsection to the Secretary of
25 State and the Secretary of Defense.

1 “(B)(i) Not later than 30 days after receipt of
2 a report under subparagraph (A), the Secretary of
3 State and the Secretary of Defense may submit to
4 the appropriate committees of Congress any com-
5 ments on the matters covered by the report as the
6 Secretary of State or the Secretary of Defense, as
7 the case may be, considers appropriate.

8 “(ii) A report under this subparagraph may in-
9 clude a classified annex if the Secretary of State or
10 the Secretary of Defense, as the case may be, con-
11 siders it necessary.”.

12 (g) REPORTS RELATING TO HURRICANE KATRINA
13 RELIEF AND RECONSTRUCTION.—Subsection (j) of such
14 section is amended to read as follows:

15 “(j) REPORTS RELATING TO HURRICANE KATRINA
16 RELIEF AND RECONSTRUCTION.—(1)(A) At the end of
17 each calendar quarter, beginning with the first full quarter
18 after the date of enactment of the Special Inspector Gen-
19 eral for Relief and Reconstruction Act of 2005, the Inspec-
20 tor General shall submit to the appropriate committees of
21 Congress a report summarizing for the period of that
22 quarter the activities of the Inspector General and of the
23 Hurricane Katrina recovery activities of the Federal Gov-
24 ernment. Each report shall include, for the period covered
25 by such report, a detailed statement of all obligations, ex-

1 penditures, and revenues associated with recovery activi-
2 ties for Hurricane Katrina, including the following:

3 “(i) Obligations and expenditures of appro-
4 priated funds.

5 “(ii) Accounting of the costs incurred to date
6 for Hurricane Katrina recovery, together with the
7 estimate of the Federal Government’s costs to com-
8 plete each project and each program.

9 “(iii) Operating expenses of any Federal de-
10 partments, agencies, or entities receiving appro-
11 priated funds for Hurricane Katrina recovery activi-
12 ties.

13 “(iv) In the case of any contract described in
14 paragraph (2)—

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

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

19 “(III) a discussion of how the contracting
20 department or agency identified, and solicited
21 offers from, potential contractors to perform
22 the contract, together with a list of the poten-
23 tial contractors that were issued solicitations
24 for the offers; and

1 “(IV) the justification and approval docu-
2 ments on which was based the determination to
3 use procedures other than procedures that pro-
4 vide for full and open competition.

5 “(B) The first quarterly report required to be sub-
6 mitted under subparagraph (A) shall also summarize ac-
7 tivities for Hurricane Katrina recovery undertaken before
8 that quarter.

9 “(2) A contract described in this paragraph is any
10 major contract or other agreement that is entered into by
11 any department or agency of the United States Govern-
12 ment that involves the use of amounts appropriated or
13 otherwise made available for Hurricane Katrina recovery
14 with any public or private sector entity.

15 “(3) Not later than 45 days after the date of enact-
16 ment of the Special Inspector General for Relief and Re-
17 construction Act of 2005, the Inspector General shall sub-
18 mit to the appropriate committees of Congress an interim
19 report on the status of Hurricane Katrina recovery activi-
20 ties of the Federal Government. The interim report shall
21 include the following:

22 “(A) The operational activities of the Office of
23 the Special Inspector General for Relief and Recon-
24 struction.

1 “(B) The status of auditors and investigators
2 deployed to the Gulf of Mexico region of the United
3 States.

4 “(C) A strategic plan for oversight, including
5 audits of no bid contracts.

6 “(D) Vulnerabilities identified and immediate
7 actions to address such vulnerabilities.

8 “(E) Measures taken to coordinate interagency
9 oversight elements.

10 “(4) Not later than March 31, 2006, and semiannu-
11 ally thereafter, the Inspector General shall submit to the
12 appropriate committees of Congress a report meeting the
13 requirements of section 5 of the Inspector General Act of
14 1978 (5 U.S.C. App.).

15 “(5) The Inspector General shall publish each report
16 under this subsection on an accessible Federal Govern-
17 ment Internet Web site.

18 “(6) Nothing in this subsection shall be construed to
19 authorize the public disclosure of information that is—

20 “(A) specifically prohibited from disclosure by
21 any other provision of law;

22 “(B) specifically required by Executive order to
23 be protected from disclosure in the interest of na-
24 tional defense or national security or in the conduct
25 of foreign affairs; or

1 “(C) a part of an ongoing criminal investiga-
2 tion.

3 “(7)(A) The Inspector General shall also submit each
4 report under this subsection to the Director of the Office
5 of Management and Budget, Secretary of Defense, or
6 heads of other appropriate agencies.

7 “(B) Not later than 30 days after receipt of a report
8 under paragraph (1), the Director of the Office of Man-
9 agement and Budget and the heads of other appropriate
10 agencies may submit to the appropriate committees of
11 Congress any comments on the matters covered by the re-
12 port as the Director of the Office of Management and
13 Budget and heads of relevant agencies consider appro-
14 priate.

15 “(8) The Inspector General shall respond to any rea-
16 sonable summons to appear and testify before any duly
17 constituted committee of Congress.”.

18 (h) TRANSPARENCY.—Subsection (k) of such section
19 is amended—

20 (1) in paragraph (1), by striking “subsection
21 (i), the Secretary of State and the Secretary of De-
22 fense shall jointly” and inserting “subsection (i) or
23 (j), the Director of the Office of Management and
24 Budget and the heads of the relevant departments
25 shall”; and

1 (2) in paragraph (2), by striking “subsection
2 (j)(2) of comments on a report under subsection (i),
3 the Secretary of State and the Secretary of Defense
4 shall jointly” and inserting “subsection (i)(7)(B) or
5 (j)(7)(B) of comments on a report under subsection
6 (i) or (j), the Director of the Office of Management
7 and Budget and the heads of relevant departments
8 shall”.

9 (i) WAIVER.—Subsection (l) of such section is
10 amended—

11 (1) in paragraph (1), by inserting “or para-
12 graph (1) or (3) of subsection (j)” after “subsection
13 (i)”; and

14 (2) in paragraph (2), by inserting “or para-
15 graph (1) or (3) of subsection (j)” after “subsection
16 (i)”.

17 (j) APPROPRIATE COMMITTEES OF CONGRESS.—
18 Subsection (m) of such section is amended—

19 (1) in paragraph (1), by striking “and Foreign
20 Relations” and inserting “Foreign Relations, and
21 Homeland Security and Governmental Affairs”; and

22 (2) in paragraph (2), by striking “and Inter-
23 national Relations” and inserting “International Re-
24 lations, and Homeland Security”.

1 (k) FUNDING.—Subsection (n) of such section is
2 amended by adding at the end the following:

3 “(3) There are authorized to be appropriated to
4 the Office of the Special Inspector General for Relief
5 and Reconstruction to carry out the responsibilities
6 of the Special Inspector General relating to Hurri-
7 cane Katrina recovery \$80,000,000 for fiscal year
8 2006.”.

9 (l) TERMINATION.—Subsection (o) of such section is
10 amended to read as follows:

11 “(o) TERMINATION.—(1)(A) The responsibilities of
12 the Office of the Special Inspector General for Relief and
13 Reconstruction with respect to the Iraq Relief and Recon-
14 struction Fund shall terminate on the date that is 10
15 months after the date, as determined by the Secretary of
16 State and Secretary of Defense, on which 80 percent of
17 the amounts appropriated or otherwise made available to
18 the Iraq Relief and Reconstruction Fund by chapter 2 of
19 title II of this Act have been obligated.

20 “(B) The responsibilities of the Office of the Special
21 Inspector General for Relief and Reconstruction with re-
22 spect to Hurricane Katrina recovery activities shall termi-
23 nate 2 years after the date of enactment of the Special
24 Inspector General for Relief and Reconstruction Act of
25 2005.

1 “(2) The Office of the Special Inspector General for
2 Relief and Reconstruction shall terminate on the later date
3 occurring under subparagraph (A) or (B) of paragraph
4 (1).”.

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