AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

117TH CONGRESS
1ST SESSION

H. R. 2662

AN ACT

To amend the Inspector General Act of 1978, and for other purposes.

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

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the ''IG
3 Independence and Empowerment Act''.

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

Sec. 1. Short title; table of contents.

TITLE I—INSPECTOR GENERAL INDEPENDENCE

Sec. 101. Short title.
Sec. 102. Amendment.
Sec. 103. Removal or transfer requirements.

TITLE II—CONGRESSIONAL NOTIFICATION OF CHANGE IN STATUS OF INSPECTOR GENERAL

Sec. 201. Short title.
Sec. 202. Change in status of Inspector General offices.
Sec. 203. Presidential explanation of failure to nominate an Inspector General.

TITLE III—VACANCY OF INSPECTOR GENERAL POSITIONS

Sec. 301. Vacancy of Inspector General positions.

TITLE IV—COUNCIL OF INSPECTORS GENERAL ON INTEGRITY AND EFFICIENCY TRANSPARENCY

Sec. 401. Short title.
Sec. 402. Additional information to be included in requests and reports to Congress.
Sec. 403. Availability of information to members of Congress regarding certain allegations of wrongdoing closed without referral.
Sec. 404. Semiannual report.
Sec. 405. Additional reports; rules of construction.
Sec. 406. Membership of Integrity Committee.
Sec. 407. Requirement to refer allegations of wrongdoing against Inspector General to Integrity Committee.
Sec. 408. Requirement to report final disposition to Congress.

TITLE V—ADDITIONAL AUTHORITY PROVISIONS FOR INSPECTORS GENERAL

Sec. 501. Short title.
Sec. 502. Additional authority provisions for Inspectors General.

TITLE VI—INVESTIGATIONS OF DEPARTMENT OF JUSTICE PERSONNEL

Sec. 601. Short title.
Sec. 602. Investigations of Department of Justice personnel.

TITLE VII—OFFICE OF INSPECTOR GENERAL WHISTLEBLOWER COMPLAINTS

Sec. 701. Short title.
Sec. 702. Office of Inspector General whistleblower complaints.

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

Sec. 801. Notice of ongoing investigations when there is a change in status of Inspector General.

TITLE IX—COUNCIL OF THE INSPECTORS GENERAL ON INTEGRITY AND EFFICIENCY APPROPRIATION

Sec. 901. CIGIE appropriation.

TITLE X—NOTICE OF REFUSAL TO PROVIDE INSPECTORS GENERAL ACCESS

Sec. 1001. Notice of refusal to provide information or assistance to Inspectors General.

TITLE XI—ENHANCEMENTS TO INSPECTOR GENERAL TRAINING

Sec. 1101. Short title.
Sec. 1102. Enhancements to Inspector General Training.

TITLE XII—EQUITABLE PAY FOR INSPECTORS GENERAL

Sec. 1201. Equitable pay for Inspectors General.

TITLE XIII—REPORT

Sec. 1301. GAO Review and Report.

TITLE XIV—BUDGETARY EFFECTS

Sec. 1401. Determination of budgetary effects.

TITLE XV—SEVERABILITY

Sec. 1501. Severability.

TITLE I—INSPECTOR GENERAL INDEPENDENCE

SEC. 101. SHORT TITLE.

This title may be cited as the ''Inspector General Independence Act''.

SEC. 102. AMENDMENT.

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

(1) in section 3(b)—

(A) by striking ''An Inspector General'' and inserting:

''(1) An Inspector General'';

(B) by inserting after ''by the President'' the following: ''in accordance with paragraph (2)''; and

(C) by inserting at the end the following new paragraph:

''(2) The President may remove an Inspector General only for any of the following grounds (and the documentation of any such ground shall be included in the communication required pursuant to paragraph (1)):

''(A) Documented permanent incapacity.

''(B) Documented neglect of duty.

''(C) Documented malfeasance.

''(D) Documented conviction of a felony or conduct involving moral turpitude.

''(E) Documented knowing violation of a law or regulation.

''(F) Documented gross mismanagement.

''(G) Documented gross waste of funds.

''(H) Documented abuse of authority.

''(I) Documented inefficiency.''; and

(2) in section 8G(e)(2), by adding at the end the following: ''An Inspector General may be removed only for any of the following grounds (and the documentation of any such ground shall be included in the communication required pursuant to this paragraph):

''(A) Documented permanent incapacity.

''(B) Documented neglect of duty.

''(C) Documented malfeasance.

''(D) Documented conviction of a felony or conduct involving moral turpitude.

''(E) Documented knowing violation of a law or regulation.

''(F) Documented gross mismanagement.

''(G) Documented gross waste of funds.

''(H) Documented abuse of authority.

''(I) Documented inefficiency.''.

SEC. 103. REMOVAL OR TRANSFER REQUIREMENTS.

(a) REASONS FOR REMOVAL OR TRANSFER.—Section 3(b) of the Inspector General Act of 1978 (5 U.S.C. App.), as amended by section 102, is further amended—

(1) in paragraph (1), by striking ''reasons'' and inserting ''substantive rationale, including detailed and case-specific reasons,''; and

(2) by inserting at the end the following new paragraph:

"(3) If there is an open or completed inquiry into an Inspector General that relates to the removal or transfer of the Inspector General under paragraph (1), the written communication required under that paragraph shall—

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

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

(b) REASONS FOR REMOVAL OR TRANSFER FOR DESIGNATED FEDERAL ENTITIES.—Section 8G(e) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in paragraph (2), by striking "reasons" and inserting "substantive rationale, including detailed and case-specific reasons,"; and

(2) by inserting at the end the following new paragraph:

"(3) If there is an open or completed inquiry into an Inspector General that relates to the removal or transfer of the Inspector General under paragraph (2), the written communication required under that paragraph shall—

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

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

TITLE II—CONGRESSIONAL NOTIFICATION OF CHANGE IN STATUS OF INSPECTOR GENERAL

SEC. 201. SHORT TITLE.

This title may be cited as the "Inspector General Protection Act".

SEC. 202. CHANGE IN STATUS OF INSPECTOR GENERAL OFFICES.

(a) CHANGE IN STATUS OF INSPECTOR GENERAL OF OFFICE.—Paragraph (1) of section 3(b) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) by inserting ", is placed on paid or unpaid non-duty status," after "is removed from office";

(2) by inserting ", change in status," after "any such removal"; and

(3) by inserting ", change in status," after "before the removal".

(b) CHANGE IN STATUS OF INSPECTOR GENERAL OF DESIGNATED FEDERAL ENTITY.—Section 8G(e)(2) of the

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

(1) by inserting ", is placed on paid or unpaid non-duty status," after "office";

(2) by inserting ", change in status," after "any such removal"; and

(3) by inserting ", change in status," after "before the removal".

(c) EXCEPTION TO REQUIREMENT TO SUBMIT COMMUNICATION RELATING TO CERTAIN CHANGES IN STATUS.—

(1) COMMUNICATION RELATING TO CHANGE IN STATUS OF INSPECTOR GENERAL OF OFFICE.—Section 3(b) of the Inspector General Act of 1978 (5 U.S.C. App.), as amended by section 102(1), is further amended—

(A) in paragraph (1), by striking "If" and inserting "Except as provided in paragraph (3), if"; and

(B) by adding at the end the following:

"(3) If an Inspector General is placed on paid or unpaid non-duty status, the President may submit the communication described in paragraph (1) to Congress later than 30 days before the Inspector General is placed on paid or unpaid non-duty status,

but in any case not later than the date on which the placement takes effect, if—

"(A) the President determines that a delay in placing the Inspector General on paid or unpaid non-duty status would—

"(i) pose a threat to the Inspector General or others;

"(ii) result in the destruction of evidence relevant to an investigation; or

"(iii) result in loss of or damage to Government property;

"(B) in the communication, the President includes—

"(i) a specification of which clause the President relied on to make the determination under subparagraph (A);

"(ii) the substantive rationale, including detailed and case-specific reasons, for such determination;

"(iii) if the President relied on an inquiry to make such determination, an identification of each entity that is conducting, or that conducted, such inquiry; and

"(iv) if an inquiry described in clause (iii) is completed, the findings of that inquiry.

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

"(A) determines that not placing the Inspector General on paid or unpaid non-duty status would—

"(i) pose a threat to the Inspector General or others;

"(ii) result in the destruction of evidence relevant to an investigation; or

"(iii) result in loss of or damage to Government property; and

"(B) on or before the date on which the placement takes effect, submits to the Committee in the House of Representatives and the Committee in the Senate that has jurisdiction over the Inspector General involved, the Committee on Oversight and Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs

of the Senate, a written communication that contains the following information—

"(i) a specification of which clause under subparagraph (A) the President relied on to make the determination under such subparagraph;

"(ii) the substantive rationale, including detailed and case-specific reasons, for such determination;

"(iii) if the President relied on an inquiry to make such determination, an identification of each entity that is conducting, or that conducted, such inquiry; and

"(iv) if an inquiry described in clause (iii) is completed, the findings of that inquiry.".

(2) COMMUNICATION RELATING TO CHANGE IN STATUS OF INSPECTOR GENERAL OF DESIGNATED FEDERAL ENTITY.—Section 8G(e) of the Inspector General Act Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(A) in paragraph (1), by striking "If" and inserting "Except as provided in paragraph (3), if"; and

(B) by adding at the end the following:

"(3) If an Inspector General is placed on paid or unpaid non-duty status, the head of a designated Federal entity may submit the communication described in paragraph (1) to Congress later than 30 days before the Inspector General is placed on paid or unpaid non-duty status, but in any case not later than the date on which the placement takes effect, if—

"(A) the head determines that a delay in placing the Inspector General on paid or unpaid non-duty status would—

"(i) pose a threat to the Inspector General or others;

"(ii) result in the destruction of evidence relevant to an investigation; or

"(iii) result in loss of or damage to Government property;

"(B) in the communication, the head includes—

"(i) a specification of which clause under subparagraph (A) the head relied on to make the determination under such subparagraph;

"(ii) the substantive rationale, including detailed and case-specific reasons, for such determination;

"(iii) if the head relied on an inquiry to make such determination, an identification of each entity that is conducting, or that conducted, such inquiry; and

"(iv) if an inquiry described in clause (iii) is completed, the findings of that inquiry.

"(4) The head may not place an Inspector General on paid or unpaid non-duty status during the 30-day period preceding the date on which the Inspector General is removed or transferred under paragraph (1) unless the head—

"(A) determines that not placing the Inspector General on paid or unpaid non-duty status would—

"(i) pose a threat to the Inspector General or others;

"(ii) result in the destruction of evidence relevant to an investigation; or

"(iii) result in loss of or damage to Government property; and

"(B) on or before the date on which the placement takes effect, submits to the Committee in the House of Representatives and the Committee in the Senate that has jurisdiction over the Inspector General involved, the Committee on Oversight and Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate, a written communication that contains the following information—

"(i) a specification of which clause under subparagraph (A) the head relied on to make the determination under such subparagraph;

"(ii) the substantive rationale, including detailed and case-specific reasons, for such determination;

"(iii) if the head relied on an inquiry to make such determination, an identification of each entity that is conducting, or that conducted, such inquiry; and

"(iv) if an inquiry described in clause (iii) is completed, the findings of that inquiry.".

(d) APPLICATION.—The amendments made by this section shall apply with respect to removals, transfers, and changes of status occurring on or after the date that is 30 days after the date of the enactment of this Act.

SEC. 203. PRESIDENTIAL EXPLANATION OF FAILURE TO NOMINATE AN INSPECTOR GENERAL.

(a) IN GENERAL.—Subchapter III of chapter 33 of title 5, United States Code, is amended by inserting after section 3349d the following new section:

"§ 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 date on which the vacancy occurred 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, to Congress in writing—

''(1) the reasons why the President has not yet made a formal nomination; and

''(2) a target date for making a formal nomination.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 33 of title 5, United States Code, is amended

by inserting after the item relating to section 3349d the following new item:

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

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to any vacancy first occurring on or after that date.

TITLE III—VACANCY OF INSPECTOR GENERAL POSITIONS

SEC. 301. VACANCY OF INSPECTOR GENERAL POSITIONS.

(a) IN GENERAL.—Section 3345 of title 5, United States Code, is amended by adding at the end the following:

"(d)(1) Notwithstanding subsection (a), if an Inspector General position that requires appointment by the President by and with the advice and consent of the Senate to be filled is vacant, the first assistant of such position shall perform the functions and duties of the Inspector General temporarily in an acting capacity subject to the time limitations of section 3346.

"(2) Notwithstanding subsection (a), if for purposes of carrying out paragraph (1) of this subsection, by reason of absence, disability, or vacancy, the first assistant to the position of Inspector General is not available to perform the functions and duties of the Inspector General, an acting Inspector General shall be appointed by the President

from among individuals serving in an office of any Inspector General, provided that—

"(A) during the 365-day period preceding the date of death, resignation, or beginning of inability to serve of the applicable Inspector General, the individual served in a position in an office of any Inspector General for not less than 90 days; and

"(B) the rate of pay for the position of such individual is equal to or greater than the minimum rate of pay payable for a position at GS–15 of the General Schedule.".

(b) APPLICATION.—The amendment made by subsection (a) shall apply to any vacancy first occurring with respect to an Inspector General position on or after the date of enactment of this Act.

TITLE IV—COUNCIL OF INSPECTORS GENERAL ON INTEGRITY AND EFFICIENCY TRANSPARENCY

SEC. 401. SHORT TITLE.

This title may be cited as the "Integrity Committee Transparency Act of 2021".

SEC. 402. ADDITIONAL INFORMATION TO BE INCLUDED IN REQUESTS AND REPORTS TO CONGRESS.

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

(1) in paragraph (5)(B)(ii), by striking the period at the end and inserting ", 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."; and

(2) in paragraph (8)(A)(ii), by inserting "or corrective action" after "disciplinary action".

SEC. 403. AVAILABILITY OF INFORMATION TO MEMBERS OF CONGRESS REGARDING CERTAIN ALLEGATIONS OF WRONGDOING CLOSED WITHOUT REFERRAL.

Section 11(d)(5)(B) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by adding at the end the following:

"(iii) AVAILABILITY OF INFORMATION TO MEMBERS OF CONGRESS.—

"(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 such allegation, 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 Member of the Committee on Oversight and Reform of the House of Representatives;

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

"(cc) a member of the House of Representatives who has the support of any seven members of the Committee on Oversight and Reform of the House of Representatives; or

"(dd) a member of the Senate who has the support of any five members of the Committee on Homeland Security and Governmental Affairs of the Senate.

"(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.".

SEC. 404. SEMIANNUAL REPORT.

Section 11(d)(9) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended to read as follows:

"(9) SEMIANNUAL REPORT.—On or before May 31, 2022, and every six months thereafter, the Council shall submit to Congress and the President a report on the activities of the Integrity Committee during the immediately preceding six-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 under 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 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, a general description of the status of such investigations, and a summary of the findings of investigations completed.

"(D) 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.

"(E) The number and category or type of pending investigations.

"(F) 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.

"(G) The nature and number of allegations to the Integrity Committee closed without referral, including the justification for why each allegation was closed without referral.

"(H) 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.".

SEC. 405. ADDITIONAL REPORTS; RULES OF CONSTRUCTION.

Section 11(d) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by adding at the end the following:

"(14) ADDITIONAL REPORTS.—

"(A) REPORT TO INSPECTOR GENERAL.—The Chairperson of the Integrity Committee shall submit a report 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. The report shall be sent to the Inspector General who leads the Office of Inspector General at which the serious

or flagrant problems, abuses, or deficiencies were alleged.

"(B) REPORT TO CONGRESS.—The Inspector General of the Office identified by the Integrity Committee shall submit any such report to the House Committee on Oversight and Reform and the Senate Committee on Homeland Security and Governmental Affairs within seven calendar days from the time the Inspector General receives the report together with a report by the Inspector General at the Office identified by the Integrity Committee containing any comments such Inspector General deems appropriate.

"(15) RULE OF CONSTRUCTION.—

"(A) PUBLIC DISCLOSURE OF INFORMATION.—Except as provided in subparagraph (B), nothing in this subsection shall be construed to authorize the public disclosure of information which is—

"(i) prohibited from disclosure by any other provision of law;

"(ii) required by Executive order to be protected from disclosure in the interest of

national defense or national security or in the conduct of foreign affairs; or

"(iii) a part of an ongoing criminal investigation.

"(B) PROVISION OF REPORT TO REQUESTING MEMBERS OF CONGRESS.—Subject to any other provision of law that would otherwise prohibit disclosure of such information, the information described in subparagraph (A) may be provided to any Member of Congress upon request of the Member.

"(16) PROHIBITED DISCLOSURES.—The Integrity Committee may not provide or otherwise disclose to Congress or the public any information that reveals the personally identifiable information of an individual who alleges wrongdoing to the Integrity Committee under this subsection unless the Integrity Committee first obtains the consent of the individual.".

SEC. 406. MEMBERSHIP OF INTEGRITY COMMITTEE.

Section 11(d)(2) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in subparagraph (A), by adding at the end the following:

"(iv) The individual appointed under subparagraph (C)."; and

(2) by adding at the end the following:

"(C) APPOINTMENT OF FORMER INSPECTOR GENERAL TO COMMITTEE.—

"(i) APPOINTMENT.—The Chairperson of the Council shall appoint an individual who prior to the date of such appointment served as an Inspector General (as that position is described in section 3(a) and section 8G(a)(6)), and who has upheld the highest standards of integrity and professionalism while serving and since leaving service as an Inspector General, as determined by the Chairperson, to serve as a member of the Committee unless no such individual is available or willing to serve as a member of the Committee at the time of the appointment.

"(ii) INITIAL TERM.—The individual appointed under clause (i) shall serve at the pleasure of the Chairperson of the Council for a 2-year term.

"(iii) ADDITIONAL TERM.—The Chairperson of the Council may reappoint the

individual appointed under clause (i) to serve at the pleasure of the Chairperson of the Council for an additional term not to exceed 2 years.

"(iv) COMPENSATION.—

"(I) SPECIAL GOVERNMENT EMPLOYEE DESIGNATION.—The individual appointed under clause (i) shall be considered a special government employee pursuant to section 202(a) of title 18, United States Code.

"(II) COMPENSATION AND TRAVEL EXPENSES.—An individual appointed under clause (i) may not receive compensation at a rate in excess of the rate of basic pay for level IV of the executive schedule under section 5315 of title 5, United States Code, and any such individual, while engaged in the performance of their duties away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of such title for persons

employed intermittently in the Government service.

"(III) ACCEPTANCE OF VOLUNTEER SERVICES.—The Chairperson of the Council may accept volunteer services from the individual appointed under this subparagraph without regard to section 1342 of title 31, United States Code.

"(IV) PROVISIONS RELATING TO REEMPLOYMENT.—

"(aa) The Chairperson of the Council may reemploy annuitants.

"(bb) The employment of annuitants under this paragraph shall be subject to the provisions of section 9902(g) of title 5, United States Code, as if the Council was the Department of Defense.".

SEC. 407. REQUIREMENT TO REFER ALLEGATIONS OF WRONGDOING AGAINST INSPECTOR GENERAL TO INTEGRITY COMMITTEE.

(a) REQUIREMENT.—Section 11(d)(4) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in subparagraph (A), in the heading, by striking ''REQUIREMENT'' and inserting ''ALLEGATIONS AGAINST STAFF MEMBERS'';

(2) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively; and

(3) by inserting after subparagraph (A) the following:

''(B) ALLEGATIONS AGAINST INSPECTORS GENERAL.—An Inspector General shall refer to the Integrity Committee any allegation of wrongdoing against that Inspector General.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 11(d)(1) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking ''(4)(C)'' and inserting ''(4)(D)''.

SEC. 408. REQUIREMENT TO REPORT FINAL DISPOSITION TO CONGRESS.

Section 11(d)(8) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in subparagraph (A)(iii), by inserting ''contemporaneously with the submission of the report under clause (ii),'' before ''submit''; and

(2) in subparagraph (B), by inserting '', the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Reform of the House of Representatives, and other congressional committees of jurisdiction,'' after ''Integrity Committee''.

TITLE V—ADDITIONAL AUTHORITY PROVISIONS FOR INSPECTORS GENERAL

SEC. 501. SHORT TITLE.

This title may be cited as the ''IG Subpoena Authority Act''.

SEC. 502. ADDITIONAL AUTHORITY PROVISIONS FOR INSPECTORS GENERAL.

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

(1) by inserting after section 6 the following new section:

''SEC. 6A. ADDITIONAL AUTHORITY.

''(a) TESTIMONIAL SUBPOENA AUTHORITY.—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 in the case of an Inspector General or Special Inspector General not established under this Act, the provisions of the authorizing statute), is authorized to require by subpoena the attendance and testimony of witnesses as necessary in the performance of the functions assigned to the Inspector General by this Act (or in the case of an Inspector General or Special Inspector General not established under this Act, the functions assigned by the authorizing statute), which in the case of contumacy or refusal to obey, such subpoena shall be enforceable by order of any appropriate United States district court. An Inspector General may not require by subpoena the attendance and testimony of any Federal employee or employee of a designated Federal entity, but may use other authorized procedures.

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

"(c) PANEL REVIEW BEFORE ISSUANCE.—

"(1) APPROVAL REQUIRED.—

"(A) REQUEST FOR APPROVAL BY SUBPOENA PANEL.—Before the issuance of a subpoena described in subsection (a), an Inspector General shall submit a request for approval to issue a subpoena to a panel (in this section, referred to as the 'Subpoena Panel'), which shall be comprised of three Inspectors General of the Council of the Inspectors General on Integrity and Efficiency, who shall be designated by the Inspector General serving as Chairperson of the Council.

"(B) PROTECTION FROM DISCLOSURE.—The information contained in the 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. Any request for disclosure of such information 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 not later than 10 calendar days after the submission of such request.

"(B) ADDITIONAL INFORMATION FOR PANEL.—If the Subpoena Panel determines that additional information is necessary to approve or deny a request submitted by an Inspector General under paragraph (1)(A), the Subpoena Panel shall request such information from the Inspector General and shall approve or deny the request submitted by the Inspector General under paragraph (1)(A) not later than 20 calendar days after the submission of the request under such paragraph.

"(3) DENIAL BY PANEL.—If a majority of the Subpoena Panel denies the approval of a subpoena, that subpoena may not be issued.

"(d) NOTICE TO ATTORNEY GENERAL.—

"(1) IN GENERAL.—If the Subpoena Panel approves a subpoena under subsection (c), the Inspector General shall notify the Attorney General that the Inspector General intends to issue the subpoena.

"(2) DENIAL FOR INTERFERENCE WITH AN ONGOING INVESTIGATION.—Not later than 10 calendar days after the date on which the Attorney General is notified pursuant to paragraph (1), the Attorney General may object to the issuance of the subpoena

because the subpoena will interfere with an ongoing investigation and the subpoena may not be issued.

"(3) ISSUANCE OF SUBPOENA APPROVED.—If the Attorney General declines to object or fails to object to the issuance of the subpoena during the 10-day period described in paragraph (2), the Inspector General may issue the subpoena.

"(e) GUIDELINES.—The Chairperson of the Council of the Inspectors General on Integrity and Efficiency, in consultation with the Attorney General, shall prescribe guidelines to carry out this section.

"(f) INSPECTOR GENERAL DEFINED.—For purposes of this section, the term 'Inspector General' includes each Inspector General established under this Act and each Inspector General or Special Inspector General not established under this Act.

"(g) 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.";

(2) in section 5(a)—

(A) in paragraph (21)(B), by striking "; and" and inserting a semicolon;

(B) in paragraph (22), by striking the period at the end and inserting "; and"; and

(C) by inserting at the end the following new paragraph:

"(23) a description of the use of subpoenas for the attendance and testimony of witnesses authorized under section 6A."; and

(3) in section 8G(g)(1), by inserting "6A," before "and 7".

TITLE VI—INVESTIGATIONS OF DEPARTMENT OF JUSTICE PERSONNEL

SEC. 601. SHORT TITLE.

This title may be cited as the "Inspector General Access Act".

SEC. 602. INVESTIGATIONS OF DEPARTMENT OF JUSTICE PERSONNEL.

Section 8E of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in subsection (b)—

(A) in paragraph (2), by striking "and paragraph (3)";

(B) by striking paragraph (3);

(C) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively; and

(D) in paragraph (4), as redesignated, by striking ''paragraph (4)'' and inserting ''paragraph (3)''; and

(2) in subsection (d), by striking '', except with respect to allegations described in subsection (b)(3),''.

TITLE VII—OFFICE OF INSPECTOR GENERAL WHISTLEBLOWER COMPLAINTS

SEC. 701. SHORT TITLE.

This title may be cited as the ''Enhanced Whistleblower Engagement Act''.

SEC. 702. OFFICE OF INSPECTOR GENERAL WHISTLEBLOWER COMPLAINTS.

(a) WHISTLEBLOWER PROTECTION COORDINATOR.—Section 3(d)(1)(C) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in clause (i), in the matter preceding subclause (I), by inserting '', including employees of that Office of Inspector General'' after ''employees''; and

(2) in clause (iii), by inserting ''(including the Integrity Committee of that Council)'' after ''and Efficiency''.

(b) COUNCIL OF THE INSPECTORS GENERAL ON INTEGRITY AND EFFICIENCY.—Section 11(c)(5)(B) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking ", allegations of reprisal," and inserting the following: "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)".

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

SEC. 801. NOTICE OF ONGOING INVESTIGATIONS WHEN THERE IS A CHANGE IN STATUS OF INSPECTOR GENERAL.

(a) CHANGE IN STATUS OF INSPECTOR GENERAL OF OFFICE.—Section 3 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by inserting at the end the following:

"(h) 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 acting Inspector General shall submit to the Committee on Oversight and Reform of the House of Representatives and the Committee on Homeland Secu-

rity and Governmental Affairs of the Senate, a list of all audits and investigations being conducted, supervised, coordinated by the Office at the time the Inspector General was removed, placed on paid or unpaid non-duty status, or transferred.''.

(b) CHANGE IN STATUS OF INSPECTOR GENERAL OF DESIGNATED FEDERAL ENTITY.—Section 8G(e) of the Inspector General Act of 1978 (5 U.S.C. App.), as amended by section 202(c)(2), is further amended by inserting at the end the following:

''(5) 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 designated Federal entity, the acting Inspector General shall submit to the Committee on Oversight and Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate, a list of all audits and investigations being conducted, supervised, coordinated by the Office at the time the Inspector General was removed, placed on paid or unpaid non-duty status, or transferred.''.

TITLE IX—COUNCIL OF THE INSPECTORS GENERAL ON INTEGRITY AND EFFICIENCY APPROPRIATION

SEC. 901. CIGIE APPROPRIATION.

(a) AVAILABILITY OF APPROPRIATED FUNDS.—Section 11(c)(3) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by adding at the end the following:

"(D) AUTHORIZATION OF APPROPRIATIONS.—In addition to any funds available in the Inspectors General Council Fund established under subparagraph (B), there are authorized to be appropriated such sums as may be necessary, to remain available until expended, to carry out the functions and duties of the Council under this subsection.".

(b) REMOVING COUNCIL FUNDING FROM INDIVIDUAL INSPECTOR GENERAL BUDGET REQUESTS.—Section 6(g) of the Inspector General Act of 1978 is amended—

(1) in paragraph (1), by striking ", and any resources necessary to support the Council of the Inspectors General on Integrity and Efficiency. Resources necessary to support the Council of the In-

spectors General on Integrity and Efficiency shall be specifically identified and justified in the budget request''; and

(2) in paragraph (2)—

(A) in subparagraph (B), by adding ''and'' after the semicolon;

(B) by striking subparagraph (C); and

(C) by redesignating subparagraph (D) as subparagraph (C).

(c) EFFECTIVE DATE.—The amendments made by subsection (b) shall take effect on the date that is 30 days after the date of receipt by the Council of the Inspectors General on Integrity and Efficiency of an appropriation for the Council to carry out the functions and duties of the Council under section 11 of the Inspector General Act (5 U.S.C. App. 11), as amended under this section.

TITLE X—NOTICE OF REFUSAL TO PROVIDE INSPECTORS GENERAL ACCESS

SEC. 1001. NOTICE OF REFUSAL TO PROVIDE INFORMATION OR ASSISTANCE TO INSPECTORS GENERAL.

Section 6(c) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by adding at the end the following:

"(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 is being unreasonably refused or not provided by the head of the establishment involved or the head of the Federal agency involved, as applicable, to—

"(A) the Committee in the House of Representatives and the Committee in the Senate that has jurisdiction over the establishment involved or the Federal agency involved, as applicable;

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

"(C) the Committee on Homeland Security and Governmental Affairs of the Senate.".

TITLE XI—ENHANCEMENTS TO INSPECTOR GENERAL TRAINING

SEC. 1101. SHORT TITLE.

This title may be cited as the "Inspector General Training Enhancement Act".

SEC. 1102. ENHANCEMENTS TO INSPECTOR GENERAL TRAINING.

Section 11(c)(1)(E) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by inserting "and estab-

lish minimum standards and best practices for training to ensure all Inspectors General receive training to carry out the duties, responsibilities, and authorities under this Act, on emerging areas of the law of relevance to Inspectors General and the work of their offices as identified by the Council, and on the use of and process for the suspension or debarment of persons for eligibility for Federal contracts'' after ''Inspector General''.

TITLE XII—EQUITABLE PAY FOR INSPECTORS GENERAL

SEC. 1201. EQUITABLE PAY FOR INSPECTORS GENERAL.

Section 3(e) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by inserting after ''3 percent'' the following: ''or the rate of pay that is equal to the highest rate of basic pay of any other employee of the Office of such Inspector General, whichever is higher''.

TITLE XIII—REPORT

SEC. 1301. GAO REVIEW AND REPORT.

Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall—

(1) conduct a review that evaluates the effectiveness of the processes of the Integrity Committee of the Council of the Inspectors General on Integrity and Efficiency, and the processes of Offices of In-

spector General, respectively, for ensuring that Inspectors General—

(A) are held accountable through the investigation of allegations of wrongdoing, including allegations of misconduct, abuse of authority, or other malfeasance, that are made against such Inspectors General; and

(B) meet relevant standards for integrity and independence;

(2) identify recommendations with respect to—

(A) enhancing accountability for Inspectors General; and

(B) ensuring that Inspectors General meet relevant standards for integrity and independence; and

(3) issue a report—

(A) on the results of the review required by paragraph (1); and

(B) that contains any recommendations identified under paragraph (2).

TITLE XIV—BUDGETARY EFFECTS

SEC. 1401. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010,

shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

TITLE XV—SEVERABILITY

SEC. 1501. SEVERABILITY.

If any provision of this Act (or the application of that provision to particular persons or circumstances) is held invalid or found to be unconstitutional the remainder of this Act (or the application of that provision to other persons or circumstances) shall not be affected.

Passed the House of Representatives June 29, 2021.

Attest:

Clerk.

117TH CONGRESS
1ST SESSION

H. R. 2662

AN ACT

To amend the Inspector General Act of 1978, and for other purposes.