

117TH CONGRESS
2D SESSION

H. R. 5633

IN THE SENATE OF THE UNITED STATES

APRIL 6, 2022

Received; read twice and referred to the Committee on Homeland Security and
Governmental Affairs

AN ACT

To amend the Homeland Security Act of 2002 to enhance transparency regarding reports conducted by the Inspector General of the Department of Homeland Security, and for other purposes.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Department of Home-
3 land Security Inspector General Transparency Act”.

4 **SEC. 2. OFFICE OF INSPECTOR GENERAL OF THE DEPART-**
5 **MENT OF HOMELAND SECURITY.**

6 (a) IN GENERAL.—Subtitle B of title VIII of the
7 Homeland Security Act of 2002 is amended by inserting
8 before section 812 the following new section:

9 **“SEC. 811. OFFICE OF INSPECTOR GENERAL.**

10 **“(a) PUBLICATION OF REPORTS.—**

11 **“(1) IN GENERAL.—**Beginning not later than
12 30 days after the date of the enactment of this sec-
13 tion, the Inspector General of the Department shall
14 submit to the appropriate congressional committees
15 any report finalized on and after such date that sub-
16 stantiates—

17 **“(A)** a violation of paragraph (8) or (9) of
18 section 2302(b) of title 5, United States Code,
19 section 1034 of title 10, United States Code, or
20 Presidential Personnel Directive-19; or

21 **“(B)** an allegation of misconduct, waste,
22 fraud, abuse, or violation of policy within the
23 Department involving a member of the Senior
24 Executive Service or politically appointed offi-
25 cial of the Department.

26 **“(2) PUBLIC AVAILABILITY.—**

1 “(A) IN GENERAL.—Concurrent with the
2 submission to the appropriate congressional
3 committees of reports pursuant to paragraph
4 (1), the Inspector General shall, consistent with
5 privacy, civil rights, and civil liberties protec-
6 tions, publish on a publicly available website of
7 the Inspector General each such report.

8 “(B) EXCEPTION.—The requirement pur-
9 suant to subparagraph (A) to publish reports
10 does not apply if section (5)(e)(1) of the Inspec-
11 tor General Act of 1978 applies to any such re-
12 port.

13 “(3) REQUIREMENT.—

14 “(A) IN GENERAL.—The Inspector General
15 of the Department may not redact any portion
16 of a report submitted pursuant to paragraph
17 (1).

18 “(B) EXCEPTION.—The requirement under
19 subparagraph (A) shall not apply with respect
20 to the name or any other identifying informa-
21 tion, including any contextual details not rel-
22 evant to the audit, inspection, or evaluation at
23 issue that may be used by other employees or
24 officers of the Department to determine the
25 identity of a whistleblower complainant, of a

1 whistleblower complainant who does not consent
2 to the inclusion of such in a report of the In-
3 specter General.

4 “(b) SEMIANNUAL REPORTING.—Beginning with the
5 first semiannual report transmitted to the appropriate
6 committees or subcommittees of the Congress pursuant to
7 section 5(b) of the Inspector General Act of 1978 that
8 is transmitted after the date of the enactment of this sec-
9 tion, each such report shall be accompanied by a list of
10 ongoing audits, inspections, and evaluations of the De-
11 partment, together with a narrative description relating
12 to each such audit, inspection, or evaluation that identifies
13 the scope of such audit, inspection, or evaluation, as the
14 case may be, as well as the subject office, component, or
15 directorate of the Department. For each such ongoing
16 audit, inspection, or evaluation such narrative description
17 shall include the following:

18 “(1) Information relating to the source of each
19 such audit, inspection, or evaluation.

20 “(2) Information regarding whether each such
21 audit, inspection, or evaluation is being conducted
22 independently, jointly, concurrently, or in some other
23 manner.

24 “(3) In the event each such audit, inspection, or
25 evaluation was initiated due to a referral, the date

1 on which the Inspector General notified the origi-
2 nator of a referral of the Inspector General's inten-
3 tion to carry out such audit, inspection, or evalua-
4 tion.

5 “(4) Information relating to the dates on
6 which—

7 “(A) each such audit, inspection, or eval-
8 uation was initiated;

9 “(B) a draft report relating to each such
10 audit, inspection, or evaluation is scheduled to
11 be submitted to the Secretary for review; and

12 “(C) a final report relating to each such
13 audit, inspection, or evaluation is scheduled to
14 be submitted to the appropriate congressional
15 committees and published on the website of the
16 Inspector General in accordance with para-
17 graphs (1) and (2), respectively, of subsection
18 (a).

19 “(5) An explanation for—

20 “(A) any significant changes to the nar-
21 rative description of each such audit, inspection,
22 or evaluation, including the identification of the
23 subject office, component, or directorate of the
24 Department; or

1 “(B) a delay of more than 30 days in the
2 scheduled date for submitting to the Secretary
3 a draft report for review or publishing on the
4 website of the Inspector General of the Depart-
5 ment the final report relating to each such
6 audit, inspection, or evaluation.

7 “(6) Data regarding tips and complaints made
8 to the Inspector General Hotline of the Department
9 or otherwise referred to the Department, including—

10 “(A) the number and type of tips and com-
11 plaints regarding fraud, waste, abuse, corrup-
12 tion, financial crimes, civil rights and civil lib-
13 erty abuse, or other complaints regarding crimi-
14 nal or non-criminal activity associated with
15 fraud, waste, or abuse;

16 “(B) actions taken by the Department to
17 address or resolve each substantiated tip or
18 complaint;

19 “(C) the total amount of time it took the
20 Department to so address or resolve each such
21 substantiated tip or complaint;

22 “(D) the total number of tips and com-
23 plaints that are substantiated compared with
24 the number of tips and complaints that are un-
25 substantiated; and

1 “(E) the percentage of audits, inspections,
2 and evaluations that are initiated as a result of
3 tips and complaints made to the Inspector Gen-
4 eral Hotline.

5 “(c) NOTIFICATION TO CONGRESS.—The Inspector
6 General of the Department shall notify the Committee on
7 Homeland Security of the House of Representatives and
8 the Committee on Homeland Security and Governmental
9 Affairs of the Senate if the head of an office or component
10 of the Department does not provide in a timely manner
11 to the Inspector General information or assistance that
12 is requested by the Inspector General to conduct an audit,
13 inspection, or evaluation.

14 “(d) DEFINITION.—In this section, the term ‘appro-
15 priate congressional committees’ means the Committee on
16 Homeland Security of the House of Representatives, the
17 Committee on Homeland Security and Governmental Af-
18 fairs of the Senate, and any committee of the House of
19 Representatives or the Senate, respectively, having legisla-
20 tive or oversight jurisdiction under the Rules of the House
21 of Representatives or the Senate, respectively, over the
22 matter concerned.”.

23 “(b) CLERICAL AMENDMENT.—The table of contents
24 in section 1(b) of the Homeland Security Act of 2002 is

1 amended by amending the item relating to section 811 to
2 read as follows:

“Sec. 811. Office of Inspector General.”.

3 (c) REPORTS.—

4 (1) INSPECTOR GENERAL OF DHS.—Not later
5 than one year after the date of the enactment of this
6 Act, the Inspector General of the Department of
7 Homeland Security shall submit to the Committee
8 on Homeland Security of the House of Representa-
9 tives, the Committee on Homeland Security and
10 Governmental Affairs of the Senate, and the Comp-
11 troller General of the United States a report on the
12 policies, procedures, and internal controls established
13 that ensure compliance with the Quality Standards
14 for Federal Offices of Inspector General from the
15 Council of Inspectors General on Integrity and Effi-
16 ciency.

17 (2) COMPTROLLER GENERAL.—Not later than
18 one year after receipt of the report required under
19 paragraph (1), the Comptroller General of the
20 United States shall submit to the Committee on
21 Homeland Security of the House of Representatives
22 and the Committee on Homeland Security and Gov-

Attest: **CHERYL L. JOHNSON,**
Clerk.