

AMENDMENT TO H.R. 5300
OFFERED BY MR. MILLS OF FLORIDA

At the appropriate place, insert the following:

1 **SEC. ____ . INSPECTOR GENERAL.**

2 (a) **ESTABLISHMENT.**—There shall be in the Depart-
3 ment an Inspector General who shall be appointed by the
4 President, by and with the advice and consent of the Sen-
5 ate, without regard to political affiliation, and who shall
6 be responsible to the Secretary of State for matters per-
7 taining to inspecting and auditing the administration of
8 activities and operations of the Department and the For-
9 eign Service, in accordance with subsection (d), and such
10 other related duties as the Secretary of State may from
11 time to time designate, subject to subsection (c).

12 (b) **REMOVAL.**—The Inspector General may be re-
13 moved from office by the President, subject to the require-
14 ments established in the Inspector General Act, 5 U.S.C.
15 403(b), as amended by sections 5202(a)(1), 5203(a), and
16 5204(a) of Public Law 117-263.

17 (c) **LIMITATIONS.**—Neither the Secretary of State
18 nor any other officer of the Department may prevent or
19 prohibit the Inspector General from initiating, carrying
20 out, or completing any audit or investigation, or from

1 issuing any subpoena during the course of any audit or
2 investigation.

3 (d) PERIODIC COMPREHENSIVE INSPECTION RE-
4 QUIRED.—The Inspector General shall continue to regu-
5 larly inspect and audit the administration of activities and
6 operations of each Foreign Service post, foreign assistance
7 program, bureau, and office of the Department.

8 **SEC. ____ . RESPONSIBILITIES OF THE INSPECTOR GEN-**
9 **ERAL.**

10 (a) RESPONSIBILITIES.—In addition to the respon-
11 sibilities described under the preceding section, the Inspec-
12 tor General shall maintain continuous observation and co-
13 ordination of all matters pertaining to audits and inves-
14 tigations, including with respect to the following:

15 (1) The Inspector General shall have the same
16 authority in carrying out the provisions of this sec-
17 tion as is granted under section 406 of title 5,
18 United States Code, to each Inspector General of an
19 establishment (as defined in section 401 of title 5)
20 for carrying out the provisions of chapter 4 of title
21 5, and the responsibilities of other officers of the
22 Government to the Inspector General shall be the
23 same as the responsibilities of the head of an agency
24 or establishment under section 406(c) and (d) of
25 title 5.

1 (2) At the request of the Inspector General, em-
2 ployees of the Department may be assigned as em-
3 ployees of the Inspector General. The individuals so
4 assigned and individuals appointed pursuant to
5 paragraph (1) shall be responsible solely to the In-
6 specter General, and the Inspector General or his or
7 her designee shall prepare the performance evalua-
8 tion reports for such individuals.

9 (3) The Inspector General shall ensure that
10 only officials from the Office of the Inspector Gen-
11 eral may participate in formal interviews or other
12 formal meetings with the individual who is the sub-
13 ject of an investigation, other than an intelligence-
14 related or sensitive undercover investigation, or ex-
15 cept in those situations when the Inspector General
16 has a reasonable basis to believe that such notice
17 would cause tampering with witnesses, destroying
18 evidence, or endangering the lives of individuals, un-
19 less that individual receives prior adequate notice re-
20 garding participation by officials of any other agen-
21 cy, including the Department of Justice, in such
22 interviews or meetings.

23 (b) REVIEW OF ACTIVITIES AND OPERATIONS OF
24 CHIEFS OF MISSION.—Under the general supervision of
25 the Secretary of State, the Inspector General may review

1 activities and operations performed under the direction,
2 coordination, and supervision of chiefs of mission for the
3 purpose of ascertaining their consonance with the foreign
4 policy of the United States and their consistency with the
5 responsibilities of the Secretary of State and the chief of
6 mission.

7 (c) POLICIES AND PROCEDURES GOVERNING INSPEC-
8 TION, INVESTIGATION, AND AUDIT ACTIVITIES.—

9 (1) [____].—The Inspector General shall de-
10 velop and implement policies and procedures for the
11 inspection and audit activities carried out under this
12 section. These policies and procedures shall be con-
13 sistent with the general policies and guidelines of the
14 Government for inspection and audit activities and
15 shall comply with the standards established by the
16 Comptroller General of the United States for audits
17 of Government agencies, organizations, programs,
18 activities, and functions.

19 (2) [____].—In carrying out the duties and
20 responsibilities established under this section, the In-
21 spector General shall give particular regard to the
22 activities of the Comptroller General of the United
23 States with a view toward ensuring effective coordi-
24 nation and cooperation.

1 (3) [_____]—In carrying out the duties and
2 responsibilities established under this section, the In-
3 spector General shall report expeditiously to the At-
4 torney General whenever the Inspector General has
5 reasonable grounds to believe there has been a viola-
6 tion of Federal criminal law.

7 (4) [_____]—The Inspector General shall de-
8 velop and provide to employees—

9 (A) information detailing their rights to
10 counsel; and

11 (B) guidelines describing in general terms
12 the policies and procedures of the Office of In-
13 spector General with respect to individuals
14 under investigation other than matters exempt
15 from disclosure under other provisions of law.

16 (d) INVESTIGATIONS.—

17 (1) CONDUCT OF INVESTIGATIONS.—In con-
18 ducting investigations of potential violations of Fed-
19 eral criminal law or Federal regulations, the Inspec-
20 tor General shall—

21 (A) abide by professional standards appli-
22 cable to Federal law enforcement agencies; and

23 (B) make every reasonable effort to permit
24 each subject of an investigation an opportunity
25 to provide exculpatory information.

1 (2) FINAL REPORTS OF INVESTIGATIONS.—In
2 order to ensure that final reports of investigations
3 are thorough and accurate, the Inspector General
4 shall—

5 (A) make every reasonable effort to ensure
6 that any person named in a final report of in-
7 vestigation has been afforded an opportunity to
8 refute any allegation of wrongdoing or assertion
9 with respect to a material fact made regarding
10 that person's actions; and

11 (B) include in every final report of inves-
12 tigation any exculpatory information, as well as
13 any inculpatory information, that has been dis-
14 covered in the course of the investigation.

15 (3) RECEPTION AND INVESTIGATION OF COM-
16 PLAINTS OR INFORMATION.—

17 (A) .—The Inspector General
18 may receive and investigate complaints or infor-
19 mation from a Department employee concerning
20 the possible existence of an activity constituting
21 a violation of laws or regulations, constituting
22 mismanagement, gross waste of funds, or abuse
23 of authority, or constituting a substantial and
24 specific danger to public health or safety.

1 (B) [____].—The Inspector General
2 shall not, after receipt of a complaint or infor-
3 mation from a Department employee, disclose
4 the identity of such individual without the con-
5 sent of such individual, unless the Inspector
6 General determines such disclosure is unavoid-
7 able during the course of the investigation.

8 (C) [____].—The Inspector General
9 shall ensure that the head of a bureau, post, or
10 other office of the Department of State (in this
11 paragraph referred to as a “Department enti-
12 ty”) submits a report of any allegation of—

13 (i) waste, fraud, abuse, sexual exploi-
14 tation, or human trafficking, in a Depart-
15 ment program or operation;

16 (ii) criminal or serious misconduct on
17 the part of a Department employee at the
18 FS–1, GS–15, or GM–15 level or higher;

19 (iii) criminal misconduct on the part
20 of a Department employee; and

21 (iv) serious, noncriminal misconduct
22 on the part of any Department employee
23 who is authorized to carry a weapon, make
24 arrests, or conduct searches, such as con-
25 duct that, if proved, would constitute per-

1 jury or material dishonesty, warrant sus-
2 pension as discipline for a first offense, or
3 result in loss of law enforcement authority.

4 (4) DEADLINE.—The Inspector General shall
5 ensure that the heads Department entities submit a
6 report of an allegation described in this subsection
7 not later than 5 business days after the date on
8 which the head of such Department entity is made
9 aware of such allegation. No Department entity shall
10 initiate its own investigation into an allegation de-
11 scribed in this subsection that has been referred to
12 the Office of the Inspector General, without prior
13 notification to and approval from the Office of the
14 Inspector General.

15 (5) COMPLAINT SUBMISSION.—The respective
16 head of a bureau, post, or other office of the Depart-
17 ment of State shall then submit to the Inspector
18 General the complaint and their own assessment of
19 the complaint, along with a plan to address and dis-
20 miss the relevant complaint, within 45 days of re-
21 ceipt.

22 (e) REPORTS BY INSPECTOR GENERAL AND SEC-
23 RETARY OF STATE.—

24 (1) IN GENERAL.—The Inspector General shall
25 keep the Secretary of State fully and currently in-

1 formed, by means of the reports required by 5
2 U.S.C. 405(b), and otherwise, concerning fraud and
3 other serious problems, abuses, and deficiencies re-
4 lating to the administration of activities and oper-
5 ations administered or financed by the Department
6 of State.

7 (2) **【_____】**.—In addition to the reports re-
8 quired in 5 U.S.C. 405(b), such reports shall include
9 a notification in the classified portion, if necessary,
10 detailing any instance in a case that was closed dur-
11 ing the period covered by the report when the In-
12 spector General decided not to afford an individual
13 the opportunity to refute any allegation and the ra-
14 tionale for denying such individual that opportunity.

15 (3) **【_____】**.—The Inspector General shall
16 comply with 5 U.S.C. 405(c) to ensure that reports
17 are submitted to the appropriate Congressional com-
18 mittees and made publicly available upon request.

19 (f) **RULE OF CONSTRUCTION.**—Nothing in sub-
20 sections (a) through (f) shall be construed to authorize
21 the public disclosure by any individual of any information
22 which is—

23 (1) specifically prohibited from disclosure by
24 any other provision of law; or

1 (2) specifically required by Executive order to
2 be kept secret in the interest of national defense or
3 the conduct of foreign affairs.

4 (g) APPROPRIATE CONGRESSIONAL COMMITTEES
5 DEFINED.—In this section the term “appropriate congressional
6 committees” means—

7 (1) the Committee on Appropriations of the
8 Senate;

9 (2) the Committee on Homeland Security and
10 Government Affairs of the Senate;

11 (3) the Committee on Foreign Relations of the
12 Senate;

13 (4) the Committee on Appropriations of the
14 House of Representatives;

15 (5) the Committee on Oversight and Government Reform of the House; and

17 (6) the Committee on Foreign Affairs of the
18 House of Representatives.

19 **SEC. ____ . OFFICE OF THE INSPECTOR GENERAL.**

20 (a) ESTABLISHMENT OF THE OFFICE OF INSPECTOR
21 GENERAL.—The Secretary of State shall establish an Office of the Inspector General (hereinafter referred to as
22 “the Office”), which shall perform such functions related
23 to conducting inspections, investigations, and audits, as
24 the Secretary may prescribe.
25

1 (b) INSPECTOR GENERAL.—The Inspector General
2 shall be the head of the Office.

3 (c) RESPONSIBILITIES.—Notwithstanding any other
4 provision of law, the Office shall be responsible for inspec-
5 tions, investigations, audits, reports, systematic reviews
6 and evaluations, and other independent oversight func-
7 tions of any authority, duty, or function performed by the
8 Department of State consistent with the Inspector General
9 Act of 1978, as amended (5 U.S.C. 401 et seq.) and the
10 Foreign Service Act of 1980, as amended (22 U.S.C. 3929
11 et seq.).

12 (d) HIRING AUTHORITY.—In order to ensure com-
13 prehensive oversight of additional authorities, programs,
14 duties, activities, and functions of the Department of
15 State, the Office of the Inspector General is granted Di-
16 rect Hiring authority through September 1, 2026, to fill
17 open vacancies consistent with the Inspector General Act,
18 5 U.S.C. 406(a)(7) and the appropriations provided in this
19 Act.

