

**AMENDMENT TO THE AMENDMENT IN THE  
NATURE OF A SUBSTITUTE TO H.R. 3106  
OFFERED BY MS. BROWNLEY OF CALIFORNIA**

Page 12, after line 23, insert the following:

1 **SEC. 5. SPECIAL INSPECTOR GENERAL OF DEPARTMENT**  
2 **OF VETERANS AFFAIRS FOR CONSTRUCTION.**

3 (a) ESTABLISHMENT.—

4 (1) IN GENERAL.—Chapter 3 of title 38, United  
5 States Code, is amended—

6 (A) by redesignating section 312A as sec-  
7 tion 312B; and

8 (B) by inserting after section 312 the fol-  
9 lowing new section 312A:

10 **“§ 312A. Special Inspector General for Construction**

11 “(a) OFFICE OF INSPECTOR GENERAL.—There is in  
12 the Department the Office of the Special Inspector Gen-  
13 eral for Construction.

14 “(b) APPOINTMENT OF INSPECTOR GENERAL; RE-  
15 MOVAL.—(1) The head of the Office of the Special Inspec-  
16 tor General for Construction is the Special Inspector Gen-  
17 eral for Construction (in this section referred to as the  
18 ‘Special Inspector General’), who shall be appointed by the

1 President, by and with the advice and consent of the Sen-  
2 ate.

3 “(2) The appointment of an individual as the Special  
4 Inspector General shall be made on the basis of integrity  
5 and demonstrated ability in accounting, auditing, financial  
6 analysis, law, management analysis, public administration,  
7 or investigations.

8 “(3) The Special Inspector General shall be remov-  
9 able from office in accordance with section 3(b) of the In-  
10 spector General Act of 1978 (5 U.S.C. App.).

11 “(4) For purposes of section 7324 of title 5, the Spe-  
12 cial Inspector General shall not be considered an employee  
13 who determines policies to be pursued by the United  
14 States in the nationwide administration of Federal law.

15 “(5) The annual rate of basic pay of the Special In-  
16 spector General shall be the annual rate of basic pay for  
17 an Inspector General under section 3(e) of the Inspector  
18 General Act of 1978 (5 U.S.C. App.).

19 “(c) DUTIES.—(1) It shall be the duty of the Special  
20 Inspector General to conduct, supervise, and coordinate  
21 audits and investigations of the planning, design, con-  
22 tracting, execution, and construction of facilities and in-  
23 frastructure of the Department, including major and  
24 minor construction projects.

1           “(2) The Special Inspector General shall establish,  
2 maintain, and oversee such systems, procedures, and con-  
3 trols as the Special Inspector General considers appro-  
4 priate to discharge the duties under paragraph (1).

5           “(3) In addition to the duties specified in paragraphs  
6 (1) and (2), the Inspector General shall also have the du-  
7 ties and responsibilities of inspectors general under the In-  
8 spector General Act of 1978 (5 U.S.C. App.).

9           “(d) COORDINATION OF EFFORTS.—In carrying out  
10 the duties, responsibilities, and authorities of the Special  
11 Inspector General under this section, the Special Inspector  
12 General shall coordinate and receive the cooperation of the  
13 Inspector General established by section 312 of this title.  
14 Nothing in this section prohibits the Inspector General  
15 from investigating matters relating to the major or minor  
16 construction programs or contracting or procurement ac-  
17 tivities of the Department.

18           “(e) PERSONNEL, FACILITIES, AND OTHER RE-  
19 SOURCES.—(1) The Special Inspector General may select,  
20 appoint, and employ such officers and employees as may  
21 be necessary for carrying out the duties of the Special In-  
22 spector General, subject to the provisions of title 5 gov-  
23 erning appointments in the competitive service, and the  
24 provisions of chapter 51 and subchapter III of chapter 53

1 of such title, relating to classification and General Sched-  
2 ule pay rates.

3 “(2) The Special Inspector General may obtain the  
4 services of experts and consultants, as authorized by sec-  
5 tion 3109 of title 5, at daily rates not to exceed the equiva-  
6 lent rate prescribed for grade GS-15 of the General  
7 Schedule by section 5332 of such title.

8 “(3) The Special Inspector General may enter into  
9 contracts and other arrangements for audits, studies,  
10 analyses, and other services with public agencies and with  
11 private persons, and make such payments as may be nec-  
12 essary to carry out the duties of the Inspector General.

13 “(4)(A) Upon request of the Special Inspector Gen-  
14 eral for information or assistance from any department,  
15 agency, or other entity of the Federal Government, the  
16 head of such entity shall, insofar as is practicable and not  
17 in contravention of any existing law, furnish such informa-  
18 tion or assistance to the Special Inspector General, or an  
19 authorized designee.

20 “(B) Whenever information or assistance requested  
21 by the Special Inspector General is, in the judgment of  
22 the Special Inspector General, unreasonably refused or not  
23 provided, the Special Inspector General shall report the  
24 circumstances to the committees on Veterans’ Affairs of  
25 the Senate and House of Representatives without delay.

1           “(f) REPORTS.—(1) Not later than 60 days after the  
2 confirmation of an individual as the Special Inspector  
3 General, and every calendar quarter thereafter, the Spe-  
4 cial Inspector General shall submit to the Committees on  
5 Veterans’ Affairs of the Senate and House of Representa-  
6 tives a report summarizing the activities of the Special In-  
7 spector General during the 120-day period ending on the  
8 date of such report.

9           “(2) In addition to the report required in paragraph  
10 (1), and the requirements contained in section 5 of the  
11 Inspector General Act of 1978 (5 U.S.C. App.), the Spe-  
12 cial Inspector General shall promptly provide to the Com-  
13 mittees on Veterans’ Affairs of the Senate and House of  
14 Representatives the findings of any investigation under-  
15 taken by the Special Inspector General, and shall notify  
16 the Committees promptly if the Special Inspector General  
17 identifies any serious or flagrant problem or deficiency re-  
18 lating to the administration or operation of any construc-  
19 tion program of the Department, if, during the course of  
20 any investigation, the Special Inspector General deter-  
21 mines that Congress should take immediate action.

22           “(3) Nothing in this subsection shall be construed to  
23 authorize the public disclosure of information that is—

24                   “(A) specifically prohibited from disclosure by  
25 any other provision of law;

1           “(B) specifically required by Executive Order to  
2           be protected from disclosure in the interest of na-  
3           tional defense or national security or in the conduct  
4           of foreign affairs; or

5           “(C) a part of an ongoing criminal investiga-  
6           tion.”.

7           (2) CLERICAL AMENDMENTS.—The table of sec-  
8           tions at the beginning of such chapter is amended  
9           by striking the item relating to section 312A and in-  
10          serting the following:

“312A. Special Inspector General for Construction.

“312B. Director of Construction and Facilities Management.”.

11          (b) CONFORMING AMENDMENT.—Section 312(a) of  
12          such title is amended by striking the period at the end  
13          and inserting the following: “with respect to functions of  
14          the Department not specified in section 312A(a). The In-  
15          spector General is separate from the Special Inspector  
16          General for Construction established by section 312A of  
17          this title and an individual may not serve concurrently as  
18          the Inspector General and the Special Inspector General  
19          for Construction.”.

