

117TH CONGRESS
1ST SESSION

H. R. 2662

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

IN THE HOUSE OF REPRESENTATIVES

APRIL 19, 2021

Mrs. CAROLYN B. MALONEY of New York (for herself, Mr. HOYER, Mr. CONNOLLY, Mr. LYNCH, Mr. GOMEZ, Ms. PORTER, and Mr. LIEU) introduced the following bill; which was referred to the Committee on Oversight and Reform, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Inspector General Act of 1978, 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,*

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

4 (a) SHORT TITLE.—This Act may be cited as the “IG
5 Independence and Empowerment Act”.

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

Sec. 1. Short title; table of contents.

TITLE I—INSPECTOR GENERAL INDEPENDENCE

- Sec. 101. Short title.
- Sec. 102. Amendment.

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—BUDGETARY EFFECTS

Sec. 1101. Determination of budgetary effects.

1 **TITLE I—INSPECTOR GENERAL**
2 **INDEPENDENCE**

3 **SEC. 101. SHORT TITLE.**

4 This title may be cited as the “Inspector General
5 Independence Act”.

6 **SEC. 102. AMENDMENT.**

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

9 (1) in section 3(b)—

10 (A) by striking “An Inspector General”
11 and inserting:

12 “(1) An Inspector General”;

13 (B) by inserting after “by the President”
14 the following: “in accordance with paragraph
15 (2)”; and

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

18 “(2) The President may remove an Inspector
19 General only for any of the following grounds (and
20 the documentation of any such ground shall be in-

1 cluded in the communication required pursuant to
2 paragraph (1)):

3 “(A) Documented permanent incapacity.

4 “(B) Documented neglect of duty.

5 “(C) Documented malfeasance.

6 “(D) Documented conviction of a felony or
7 conduct involving moral turpitude.

8 “(E) Documented knowing violation of a
9 law or regulation.

10 “(F) Documented gross mismanagement.

11 “(G) Documented gross waste of funds.

12 “(H) Documented abuse of authority.

13 “(I) Documented inefficiency.”; and

14 (2) in section 8G(e)(2), by adding at the end
15 the following: “An Inspector General may be re-
16 moved only for any of the following grounds (and
17 the documentation of any such ground shall be in-
18 cluded in the communication required pursuant to
19 this paragraph):

20 “(A) Documented permanent incapacity.

21 “(B) Documented neglect of duty.

22 “(C) Documented malfeasance.

23 “(D) Documented conviction of a felony or
24 conduct involving moral turpitude.

1 “(E) Documented knowing violation of a
2 law or regulation.

3 “(F) Documented gross mismanagement.

4 “(G) Documented gross waste of funds.

5 “(H) Documented abuse of authority.

6 “(I) Documented inefficiency.”.

7 **TITLE II—CONGRESSIONAL NO-**
8 **TIFICATION OF CHANGE IN**
9 **STATUS OF INSPECTOR GEN-**
10 **ERAL**

11 **SEC. 201. SHORT TITLE.**

12 This title may be cited as the “Inspector General Pro-
13 tection Act”.

14 **SEC. 202. CHANGE IN STATUS OF INSPECTOR GENERAL OF-**
15 **ICES.**

16 (a) CHANGE IN STATUS OF INSPECTOR GENERAL OF
17 OFFICES.—Section 3(b) of the Inspector General Act of
18 1978 (5 U.S.C. App.) is amended—

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

21 (2) by inserting “, change in status,” after
22 “any such removal”; and

23 (3) by inserting “, change in status,” after “be-
24 fore the removal”.

1 (b) CHANGE IN STATUS OF INSPECTOR GENERAL OF
2 DESIGNATED FEDERAL ENTITIES.—Section 8G(e)(2) of
3 the Inspector General Act of 1978 (5 U.S.C. App.) is
4 amended—

5 (1) by inserting “, is placed on paid or unpaid
6 non-duty status,” after “office”;

7 (2) by inserting “, change in status,” after
8 “any such removal”; and

9 (3) by inserting “, change in status,” after “be-
10 fore the removal”.

11 (c) EFFECTIVE DATE.—The amendments made by
12 this section shall take effect 30 days after the date of the
13 enactment of this Act.

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

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

19 **“§ 3349e. Presidential explanation of failure to nomi-**
20 **nate an Inspector General**

21 “If the President fails to make a formal nomination
22 for a vacant Inspector General position that requires a for-
23 mal nomination by the President to be filled within the
24 period beginning on the date on which the vacancy oc-
25 curred and ending on the day that is 210 days after that

1 date, the President shall communicate, within 30 days
2 after the end of such period, to Congress in writing—

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

5 “(2) a target date for making a formal nomina-
6 tion.”.

7 (b) CLERICAL AMENDMENT.—The table of sections
8 for chapter 33 of title 5, United States Code, is amended
9 by inserting after the item relating to 3349d the following
10 new item:

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

11 (c) EFFECTIVE DATE.—The amendment made by
12 subsection (a) shall take effect on the date of the enact-
13 ment of this Act and shall apply to any vacancy first oc-
14 ccurring on or after that date.

15 **TITLE III—VACANCY OF INSPEC-** 16 **TOR GENERAL POSITIONS**

17 **SEC. 301. VACANCY OF INSPECTOR GENERAL POSITIONS.**

18 (a) IN GENERAL.—Section 3345 of title 5, United
19 States Code, is amended by adding at the end the fol-
20 lowing:

21 “(d)(1) Notwithstanding subsection (a), if an Inspec-
22 tor General position that requires appointment by the
23 President by and with the advice and consent of the Sen-
24 ate to be filled is vacant, the first assistant of such posi-
25 tion shall perform the functions and duties of the Inspec-

1 tor General temporarily in an acting capacity subject to
2 the time limitations of section 3346.

3 “(2) Notwithstanding subsection (a), if for purposes
4 of carrying out paragraph (1) of this subsection, by reason
5 of absence, disability, or vacancy, the first assistant to the
6 position of Inspector General is not available to perform
7 the functions and duties of the Inspector General, an act-
8 ing Inspector General shall be appointed by the President
9 from among individuals serving in an office of any Inspec-
10 tor General, provided that—

11 “(A) during the 365-day period preceding the
12 date of death, resignation, or beginning of inability
13 to serve of the applicable Inspector General, the in-
14 dividual served in a position in an office of any In-
15 spector General for not less than 90 days; and

16 “(B) the rate of pay for the position of such in-
17 dividual is equal to or greater than the minimum
18 rate of pay payable for a position at GS-15 of the
19 General Schedule.”.

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

1 **TITLE IV—COUNCIL OF INSPEC-**
2 **TORS GENERAL ON INTEG-**
3 **RITY AND EFFICIENCY**
4 **TRANSPARENCY**

5 **SEC. 401. SHORT TITLE.**

6 This title may be cited as the “Integrity Committee
7 Transparency Act of 2021”.

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

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

12 (1) in paragraph (5)(B)(ii), by striking the pe-
13 riod at the end and inserting “, the length of time
14 the Integrity Committee has been evaluating the al-
15 legation of wrongdoing, and a description of any pre-
16 vious written notice provided under this clause with
17 respect to the allegation of wrongdoing, including
18 the description provided for why additional time was
19 needed.”; and

20 (2) in paragraph (8)(A)(ii), by inserting “or
21 corrective action” after “disciplinary action”.

1 **SEC. 403. AVAILABILITY OF INFORMATION TO MEMBERS OF**
2 **CONGRESS REGARDING CERTAIN ALLEGA-**
3 **TIONS OF WRONGDOING CLOSED WITHOUT**
4 **REFERRAL.**

5 (a) AVAILABILITY OF INFORMATION TO MEMBERS OF
6 CONGRESS.—Section 11(d)(5)(B) of the Inspector Gen-
7 eral Act of 1978 (5 U.S.C. App.) is amended by adding
8 at the end the following:

9 “(iii) AVAILABILITY OF INFORMATION
10 TO MEMBERS OF CONGRESS.—

11 “(I) IN GENERAL.—With respect
12 to an allegation of wrongdoing made
13 by a member of Congress that is
14 closed by the Integrity Committee
15 without referral to the Chairperson of
16 the Integrity Committee to initiate an
17 investigation, the Chairperson of the
18 Integrity Committee shall, not later
19 than 60 days after closing such alle-
20 gation, provide a written description
21 of the nature of the allegation of
22 wrongdoing and how the Integrity
23 Committee evaluated the allegation of
24 wrongdoing to—

25 “(aa) the Chair and Rank-
26 ing Member of the Committee on

1 Oversight and Reform of the
2 House of Representatives;

3 “(bb) the Chair and Rank-
4 ing Member of the Committee on
5 Homeland Security and Govern-
6 mental Affairs of the Senate;

7 “(cc) a member of the
8 House of Representatives who
9 has the support of any seven
10 members of the Committee on
11 Oversight and Reform of the
12 House of Representatives; or

13 “(dd) a member of the Sen-
14 ate who has the support of any
15 five members of the Committee
16 on Homeland Security and Gov-
17 ernmental Affairs of the Senate.

18 “(II) REQUIREMENT TO FOR-
19 WARD.—The Chairperson of the In-
20 tegrity Committee shall forward any
21 written description or update provided
22 under this clause to the members of
23 the Integrity Committee and to the
24 Chairperson of the Council.”.

1 **SEC. 404. SEMIANNUAL REPORT.**

2 Section 11(d)(9) of the Inspector General Act of
3 1978 (5 U.S.C. App.) is amended to read as follows:

4 “(9) SEMIANNUAL REPORT.—On or before May
5 31, 2022, and every six months thereafter, the
6 Council shall submit to Congress and the President
7 a report on the activities of the Integrity Committee
8 during the immediately preceding six-month periods
9 ending March 31 and September 30, which shall in-
10 clude the following with respect to allegations of
11 wrongdoing that are made against Inspectors Gen-
12 eral and staff members of the various Offices of In-
13 spector General described under paragraph (4)(C):

14 “(A) An overview and analysis of the alle-
15 gations of wrongdoing disposed of by the Integ-
16 rity Committee, including—

17 “(i) analysis of the positions held by
18 individuals against whom allegations were
19 made, including the duties affiliated with
20 such positions;

21 “(ii) analysis of the categories or
22 types of the allegations of wrongdoing; and

23 “(iii) a summary of disposition of all
24 the allegations.

25 “(B) The number of allegations referred to
26 the Department of Justice or the Office of Spe-

1 cial Counsel, including the number of allega-
2 tions referred for criminal investigation.

3 “(C) The number of allegations referred to
4 the Chairperson of the Integrity Committee for
5 investigation, a general description of the status
6 of such investigations, and a summary of the
7 findings of investigations completed.

8 “(D) An overview and analysis of allega-
9 tions of wrongdoing received by the Integrity
10 Committee during any previous reporting pe-
11 riod, but remained pending during some part of
12 the six months covered by the report, includ-
13 ing—

14 “(i) analysis of the positions held by
15 individuals against whom allegations were
16 made, including the duties affiliated with
17 such positions;

18 “(ii) analysis of the categories or
19 types of the allegations of wrongdoing; and

20 “(iii) a summary of disposition of all
21 the allegations.

22 “(E) The number and category or type of
23 pending investigations.

24 “(F) For each allegation received—

1 “(i) the date on which the investiga-
2 tion was opened;

3 “(ii) the date on which the allegation
4 was disposed of, as applicable; and

5 “(iii) the case number associated with
6 the allegation.

7 “(G) The nature and number of allegations
8 to the Integrity Committee closed without refer-
9 ral, including the justification for why each alle-
10 gation was closed without referral.

11 “(H) A brief description of any difficulty
12 encountered by the Integrity Committee when
13 receiving, evaluating, investigating, or referring
14 for investigation an allegation received by the
15 Integrity Committee, including a brief descrip-
16 tion of—

17 “(i) any attempt to prevent or hinder
18 an investigation; or

19 “(ii) concerns about the integrity or
20 operations at an Office of Inspector Gen-
21 eral.”.

1 **SEC. 405. ADDITIONAL REPORTS; RULES OF CONSTRUC-**
2 **TION.**

3 Section 11(d) of the Inspector General Act of 1978
4 (5 U.S.C. App.) is amended by adding at the end the fol-
5 lowing:

6 “(14) ADDITIONAL REPORTS.—

7 “(A) REPORT TO INSPECTOR GENERAL.—

8 The Chairperson of the Integrity Committee
9 shall submit a report immediately whenever the
10 Chairperson of the Integrity Committee be-
11 comes aware of particularly serious or flagrant
12 problems, abuses, or deficiencies relating to the
13 administration of programs and operations of
14 such Office of Inspector General. The report
15 shall be sent to the Inspector General who leads
16 the Office of Inspector General at which the se-
17 rious or flagrant problems, abuses, or defi-
18 ciencies were alleged.

19 “(B) REPORT TO CONGRESS.—The Inspec-
20 tor General of the Office identified by the In-
21 tegrity Committee shall submit any such report
22 to the House Committee on Oversight and Re-
23 form and the Senate Committee on Homeland
24 Security and Governmental Affairs within seven
25 calendar days from the time the agency head
26 receives the report together with a report by the

1 Inspector General at the Office identified by the
2 Integrity Committee containing any comments
3 such Inspector General deems appropriate.

4 “(15) RULE OF CONSTRUCTION.—

5 “(A) PUBLIC DISCLOSURE OF INFORMA-
6 TION.—Except as provided in subparagraph
7 (B), nothing in this subsection shall be con-
8 strued to authorize the public disclosure of in-
9 formation which is—

10 “(i) prohibited from disclosure by any
11 other provision of law;

12 “(ii) required by Executive order to be
13 protected from disclosure in the interest of
14 national defense or national security or in
15 the conduct of foreign affairs; or

16 “(iii) a part of an ongoing criminal in-
17 vestigation.

18 “(B) PROVISION OF REPORT TO REQUEST-
19 ING MEMBERS OF CONGRESS.—Subject to any
20 other provision of law that would otherwise pro-
21 hibit disclosure of such information, the infor-
22 mation described in subparagraph (A) may be
23 provided to any Member of Congress upon re-
24 quest of the Member.

1 “(16) PROHIBITED DISCLOSURES.—The Integ-
 2 rity Committee may not provide or otherwise disclose
 3 to Congress or the public any information that re-
 4 veals the personally identifiable information of an in-
 5 dividual who alleges wrongdoing to the Integrity
 6 Committee under this subsection unless the Integrity
 7 Committee first obtains the consent of the indi-
 8 vidual.”.

9 **SEC. 406. MEMBERSHIP OF INTEGRITY COMMITTEE.**

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

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

14 “(iv) The individual appointed under
 15 subparagraph (C).”; and

16 (2) by adding at the end the following:

17 “(C) APPOINTMENT OF FORMER INSPEC-
 18 TOR GENERAL TO COMMITTEE.—

19 “(i) APPOINTMENT.—The Chair-
 20 person of the Council shall appoint an indi-
 21 vidual who prior to the date of such ap-
 22 pointment served as an Inspector General
 23 (as that position is described in section
 24 3(a) and section 8G(a)(6)), and who has
 25 upheld the highest standards of integrity

1 and professionalism while serving and since
2 leaving service as an Inspector General, as
3 determined by the Chairperson, to serve as
4 a member of the Committee unless no such
5 individual is available or willing to serve as
6 a member of the Committee at the time of
7 the appointment.

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

12 “(iii) ADDITIONAL TERM.—The Chair-
13 person of the Council may reappoint the
14 individual appointed under clause (i) to
15 serve at the pleasure of the Chairperson of
16 the Council for an additional term not to
17 exceed 2 years.

18 “(iv) COMPENSATION.—

19 “(I) SPECIAL GOVERNMENT EM-
20 PLOYEE DESIGNATION.—The indi-
21 vidual appointed under clause (i) shall
22 be considered a special government
23 employee pursuant to section 202(a)
24 of title 18, United States Code.

1 “(II) COMPENSATION AND TRAV-
2 EL EXPENSES.—An individual ap-
3 pointed under clause (i) may not re-
4 ceive compensation at a rate in excess
5 of the rate of basic pay for level IV of
6 the executive schedule under section
7 5315 of title 5, United States Code,
8 and any such individual, while en-
9 gaged in the performance of their du-
10 ties away from their homes or regular
11 places of business, may be allowed
12 travel expenses, including per diem in
13 lieu of subsistence, as authorized by
14 section 5703 of such title for persons
15 employed intermittently in the Gov-
16 ernment service.

17 “(III) ACCEPTANCE OF VOLUN-
18 TEER SERVICES.—The Chairperson of
19 the Council may accept volunteer serv-
20 ices from the individual appointed
21 under this subparagraph without re-
22 gard to section 1342 of title 31,
23 United States Code.

24 “(IV) PROVISIONS RELATING TO
25 REEMPLOYMENT.—

1 “(aa) The Chairperson of
2 the Council may reemploy annu-
3 itants.

4 “(bb) The employment of
5 annuitants under this paragraph
6 shall be subject to the provisions
7 of section 9902(g) of title 5,
8 United States Code, as if the
9 Council was the Department of
10 Defense.”.

11 **SEC. 407. REQUIREMENT TO REFER ALLEGATIONS OF**
12 **WRONGDOING AGAINST INSPECTOR GEN-**
13 **ERAL TO INTEGRITY COMMITTEE.**

14 (a) REQUIREMENT.—Section 11(d)(4) of the Inspec-
15 tor General Act of 1978 (5 U.S.C. App.) is amended—

16 (1) in subparagraph (A), in the heading, by
17 striking “REQUIREMENT” and inserting “ALLEGA-
18 TIONS AGAINST STAFF MEMBERS”;

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

21 (3) by inserting after subparagraph (A) the fol-
22 lowing:

23 “(B) ALLEGATIONS AGAINST INSPECTORS
24 GENERAL.—An Inspector General shall refer to

1 the Integrity Committee any allegation of
2 wrongdoing against that Inspector General.”.

3 (b) TECHNICAL AND CONFORMING AMENDMENT.—
4 Section 11(d)(1) of the Inspector General Act of 1978 (5
5 U.S.C. App.) is amended by striking “(4)(C)” and insert-
6 ing “(4)(D)”.

7 **SEC. 408. REQUIREMENT TO REPORT FINAL DISPOSITION**
8 **TO CONGRESS.**

9 Section 11(d)(8)(B) of the Inspector General Act of
10 1978 (5 U.S.C. App.) is amended by inserting “, the Com-
11 mittee on Homeland Security and Governmental Affairs
12 of the Senate, the Committee on Oversight and Reform
13 of the House of Representatives, and other congressional
14 committees of jurisdiction,” after “Integrity Committee”.

15 **TITLE V—ADDITIONAL AUTHOR-**
16 **ITY PROVISIONS FOR INSPEC-**
17 **TORS GENERAL**

18 **SEC. 501. SHORT TITLE.**

19 This title may be cited as the “IG Subpoena Author-
20 ity Act”.

21 **SEC. 502. ADDITIONAL AUTHORITY PROVISIONS FOR IN-**
22 **SPECTORS GENERAL.**

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

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

3 **“SEC. 6A. ADDITIONAL AUTHORITY.**

4 “(a) TESTIMONIAL SUBPOENA AUTHORITY.—In ad-
5 dition to the authority otherwise provided by this Act and
6 in accordance with the requirements of this section, each
7 Inspector General, in carrying out the provisions of this
8 Act (or in the case of an Inspector General or Special In-
9 specter General not established under this Act, the provi-
10 sions of the authorizing statute), is authorized to require
11 by subpoena the attendance and testimony of witnesses
12 as necessary in the performance of the functions assigned
13 to the Inspector General by this Act (or in the case of
14 an Inspector General or Special Inspector General not es-
15 tablished under this Act, the functions assigned by the au-
16 thorizing statute), which in the case of contumacy or re-
17 fusal to obey, such subpoena shall be enforceable by order
18 of any appropriate United States district court. An Inspec-
19 tor General may not require by subpoena the attendance
20 and testimony of any current Federal employees, but may
21 use other authorized procedures.

22 “(b) NONDELEGATION.—The authority to issue a
23 subpoena under subsection (a) may not be delegated.

24 “(c) PANEL REVIEW BEFORE ISSUANCE.—

25 “(1) APPROVAL REQUIRED.—

1 “(A) REQUEST FOR APPROVAL BY SUB-
2 POENA PANEL.—Before the issuance of a sub-
3 poena described in subsection (a), an Inspector
4 General shall submit a request for approval to
5 issue a subpoena to a panel (in this section, re-
6 ferred to as the ‘Subpoena Panel’), which shall
7 be comprised of three Inspectors General of the
8 Council of the Inspectors General on Integrity
9 and Efficiency, who shall be designated by the
10 Inspector General serving as Chairperson of the
11 Council.

12 “(B) PROTECTION FROM DISCLOSURE.—
13 The information contained in the request sub-
14 mitted by an Inspector General under subpara-
15 graph (A) and the identification of a witness
16 shall be protected from disclosure to the extent
17 permitted by law. Any request for disclosure of
18 such information shall be submitted to the In-
19 specter General requesting the subpoena.

20 “(2) TIME TO RESPOND.—

21 “(A) IN GENERAL.—Except as provided in
22 subparagraph (B), the Subpoena Panel shall
23 approve or deny a request for approval to issue
24 a subpoena not later than 10 days after the
25 submission of such request.

1 “(B) ADDITIONAL INFORMATION FOR
2 PANEL.—If the Subpoena Panel determines
3 that additional information is necessary to ap-
4 prove or deny such request, the Subpoena Panel
5 shall request such information and shall ap-
6 prove or deny such request not later than 20
7 days after the submission of such request.

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

11 “(d) NOTICE TO ATTORNEY GENERAL.—

12 “(1) IN GENERAL.—If the Subpoena Panel ap-
13 proves a subpoena under subsection (c), the Inspec-
14 tor General shall notify the Attorney General that
15 the Inspector General intends to issue the subpoena.

16 “(2) DENIAL FOR INTERFERENCE WITH AN ON-
17 GOING INVESTIGATION.—Not later than 10 days
18 after the date on which the Attorney General is noti-
19 fied pursuant to paragraph (1), the Attorney Gen-
20 eral may object to the issuance of the subpoena be-
21 cause the subpoena will interfere with an ongoing in-
22 vestigation and the subpoena may not be issued.

23 “(3) ISSUANCE OF SUBPOENA APPROVED.—If
24 the Attorney General does not object to the issuance
25 of the subpoena during the 10-day period described

1 in paragraph (2), the Inspector General may issue
2 the subpoena.

3 “(e) REGULATIONS.—The Chairperson of the Council
4 of the Inspectors General on Integrity and Efficiency, in
5 consultation with the Attorney General, shall prescribe
6 regulations to carry out the purposes of this section.

7 “(f) INSPECTOR GENERAL DEFINED.—For purposes
8 of this section, the term ‘Inspector General’ includes each
9 Inspector General established under this Act and each In-
10 spector General or Special Inspector General not estab-
11 lished under this Act.

12 “(g) APPLICABILITY.—The provisions of this section
13 shall not affect the exercise of authority by an Inspector
14 General of testimonial subpoena authority established
15 under another provision of law.”;

16 (2) in section 5(a)—

17 (A) in paragraph (21)(B), by striking “;
18 and” and inserting a semicolon;

19 (B) in paragraph (22), by striking the pe-
20 riod at the end and inserting “; and”; and

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

23 “(23) a description of the use of subpoenas for
24 the attendance and testimony of certain witnesses
25 authorized under section 6A.”; and

1 (3) in section 8G(g)(1), by inserting “6A,” be-
2 fore “and 7”.

3 **TITLE VI—INVESTIGATIONS OF**
4 **DEPARTMENT OF JUSTICE**
5 **PERSONNEL**

6 **SEC. 601. SHORT TITLE.**

7 This title may be cited as the “Inspector General Ac-
8 cess Act”.

9 **SEC. 602. INVESTIGATIONS OF DEPARTMENT OF JUSTICE**
10 **PERSONNEL.**

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

13 (1) in subsection (b)—

14 (A) in paragraph (2), by striking “and
15 paragraph (3)”;

16 (B) by striking paragraph (3);

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

19 (D) in paragraph (4), as redesignated, by
20 striking “paragraph (4)” and inserting “para-
21 graph (3)”;

22 (2) in subsection (d), by striking “, except with
23 respect to allegations described in subsection
24 (b)(3),”.

1 **TITLE VII—OFFICE OF INSPEC-**
2 **TOR GENERAL WHISTLE-**
3 **BLOWER COMPLAINTS**

4 **SEC. 701. SHORT TITLE.**

5 This title may be cited as the “Enhanced Whistle-
6 blower Engagement Act”.

7 **SEC. 702. OFFICE OF INSPECTOR GENERAL WHISTLE-**
8 **BLOWER COMPLAINTS.**

9 (a) WHISTLEBLOWER PROTECTION COORDINATOR.—
10 Section 3(d)(1)(C) of the Inspector General Act of 1978
11 (5 U.S.C. App.) is amended—

12 (1) in clause (i), in the matter preceding sub-
13 clause (I), by inserting “, including employees of
14 that Office of Inspector General” after “employees”;
15 and

16 (2) in clause (iii), by inserting “(including the
17 Integrity Committee of that Council)” after “and
18 Efficiency”.

19 (b) COUNCIL OF THE INSPECTORS GENERAL ON IN-
20 TEGRITY AND EFFICIENCY.—Section 11(c)(5)(B) of the
21 Inspector General Act of 1978 (5 U.S.C. App.) is amended
22 by striking “, allegations of reprisal,” and inserting the
23 following: “and allegations of reprisal (including the timely
24 and appropriate handling and consideration of protected

1 disclosures and allegations of reprisal that are internal to
2 an Office of Inspector General)”.
3

4 **TITLE VIII—NOTICE OF ONGO-**
5 **ING INVESTIGATIONS WHEN**
6 **THERE IS A CHANGE IN STA-**
7 **TUS OF INSPECTOR GENERAL**

8 **SEC. 801. NOTICE OF ONGOING INVESTIGATIONS WHEN**
9 **THERE IS A CHANGE IN STATUS OF INSPEC-**
10 **TOR GENERAL.**

11 Section 3 of the Inspector General Act of 1978 (5
12 U.S.C. App.) is amended by inserting at the end the fol-
13 lowing:

14 “(f) Not later than 15 days after an Inspector Gen-
15 eral is removed, placed on paid or unpaid non-duty status,
16 or transferred to another position or location within an
17 establishment, the acting Inspector General shall submit
18 to the Council of the Inspectors General on Integrity and
19 Efficiency, the Committee on Oversight and Reform of the
20 House of Representatives, and the Committee on Home-
21 land Security and Governmental Affairs of the Senate, a
22 list of all audits and investigations being conducted, super-
23 vised, coordinated by the Office at the time the Inspector
24 General was removed, placed on paid or unpaid non-duty
status, or transferred.”.

1 **TITLE IX—COUNCIL OF THE IN-**
2 **SPECTORS GENERAL ON IN-**
3 **TEGRITY AND EFFICIENCY**
4 **APPROPRIATION**

5 **SEC. 901. CIGIE APPROPRIATION.**

6 (a) AVAILABILITY OF APPROPRIATED FUNDS.—Sec-
7 tion 11(c)(3) of the Inspector General Act of 1978 (5
8 U.S.C. App.) is amended by adding at the end the fol-
9 lowing:

10 “(D) AUTHORIZATION OF APPROPRIA-
11 TIONS.—In addition to any funds available in
12 the Inspectors General Council Fund estab-
13 lished under subparagraph (B), there are au-
14 thorized to be appropriated such sums as may
15 be necessary, to remain available until ex-
16 pended, to carry out the functions and duties of
17 the Council under this subsection.”.

18 (b) REMOVING COUNCIL FUNDING FROM INDI-
19 VIDUAL INSPECTOR GENERAL BUDGET REQUESTS.—Sec-
20 tion 6(g) of the Inspector General Act of 1978 is amend-
21 ed—

22 (1) in paragraph (1), by striking “, and any re-
23 sources necessary to support the Council of the In-
24 spectors General on Integrity and Efficiency. Re-
25 sources necessary to support the Council of the In-

1 spectors General on Integrity and Efficiency shall be
 2 specifically identified and justified in the budget re-
 3 quest”; and

4 (2) in paragraph (2)—

5 (A) in subparagraph (B), by adding “and”
 6 after the semicolon;

7 (B) by striking subparagraph (C); and

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

10 (c) EFFECTIVE DATE.—The amendments made by
 11 subsection (b) shall take effect on the date that is 30 days
 12 after the date of receipt by the Council of the Inspectors
 13 General on Integrity and Efficiency of an appropriation
 14 for the Council to carry out the functions and duties of
 15 the Council under section 11 of the Inspector General Act
 16 (5 U.S.C. App. 11), as amended under this section.

17 **TITLE X—NOTICE OF REFUSAL**
 18 **TO PROVIDE INSPECTORS**
 19 **GENERAL ACCESS**

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

22 Section 6(c) of the Inspector General Act of 1978 (5
 23 U.S.C. App.) is amended by adding at the end the fol-
 24 lowing:

1 “(3) If the information or assistance that is the sub-
2 ject of a report under paragraph (2) is not provided to
3 the Inspector General by the date that is 30 days after
4 the report is made, the Inspector General shall submit a
5 notice that the information or assistance requested is
6 being unreasonably refused or not provided by the head
7 of the establishment to—

8 “(A) the Committee in the House of Represent-
9 atives and the Committee in the Senate that has ju-
10 risdiction over the establishment;

11 “(B) the Committee on Oversight and Reform
12 of the House of Representatives; and

13 “(C) the Committee on Homeland Security and
14 Governmental Affairs of the Senate.”.

15 **TITLE XI—BUDGETARY EFFECTS**

16 **SEC. 1101. DETERMINATION OF BUDGETARY EFFECTS.**

17 The budgetary effects of this Act, for the purpose of
18 complying with the Statutory Pay-As-You-Go Act of 2010,
19 shall be determined by reference to the latest statement
20 titled “Budgetary Effects of PAYGO Legislation” for this
21 Act, submitted for printing in the Congressional Record
22 by the Chairman of the House Budget Committee, pro-
23 vided that such statement has been submitted prior to the
24 vote on passage.

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