

# EXPLANATION OF H.R. , TO AMEND CHAPTERS 4, 10, AND 131 OF TITLE 5, UNITED STATES CODE, AS NECESSARY TO KEEP THOSE CHAPTERS CURRENT AND TO CORRECT RELATED TECHNICAL ERRORS

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## BACKGROUND

Public Law 117–286 (136 Stat. 4196) enacted into positive law a restatement of the Inspector General Act of 1978, a restatement of the Federal Advisory Committee Act, and a restatement of the Ethics in Government Act of 1978 as new chapters 4, 10, and 131, respectively, of title 5, United States Code. Introduced in the House of Representatives as H.R. 5961 on November 12, 2021, during the 1<sup>st</sup> Session of the 117<sup>th</sup> Congress, the bill, which became Public Law 117–286, was enacted in the 2d Session of the 117<sup>th</sup> Congress on December 27, 2022. Between the introduction date and the enactment date, amendments to the Inspector General Act of 1978, the Federal Advisory Committee Act, and the Ethics in Government Act of 1978 were enacted. While those amendments are deemed to amend the corresponding restated provisions in chapters 4, 10, and 131, of title 5, United States Code, as provided in section 5 of Public Law 117–286 (136 Stat. 4360) (“If a law enacted after [October 19, 2021,] amends or repeals a source provision, that law is deemed to amend or repeal, as the case may be, the corresponding restated provision. If a law enacted after that date is otherwise inconsistent with a restated provision or a provision of this Act, that law supersedes the restated provision or provision of this Act to the extent of the inconsistency.”), amendments directly amending those chapters are necessary to keep the chapters current.

H.R. was prepared by the Office of the Law Revision Counsel of the House of Representatives as part of its responsibility under section 205(c) of House Resolution No. 988, 93d Congress, as enacted into law by Public Law 93–554 (2 U.S.C. 285b), to prepare and submit periodically to the Committee on the Judiciary proposed bills to maintain titles of the United States Code that have been enacted into positive law.

## SECTION-BY-SECTION EXPLANATION

### SECTION 1—TABLE OF CONTENTS

Section 1 of the bill provides a table of contents for the Act.

### SECTION 2—PURPOSE; EFFECT ON EXISTING LAW

#### SECTION 2(a)

Section 2(a) of the bill provides that the purpose is to amend chapters 4, 10, and 131 of title 5, United States Code, as necessary to keep those chapters current by incorporating laws enacted after October 19, 2021, that are deemed to amend or repeal provisions of those chapters pursuant to section 5 of Public Law 117–286 (136 Stat. 4360), and to correct related technical errors.

#### SECTION 2(b)

Section 2(b) of the bill provides that the amendments do not change the meaning or effect of the existing law. The amendments only incorporate laws as described section 2(a) of the bill to reflect existing law in chapters 4, 10, and 131 of title 5, United States Code, and correct related technical errors.

#### SECTION 3—AMENDMENTS TO CHAPTERS 4, 10, AND 131 OF TITLE 5, UNITED STATES CODE

Section 3 of the bill amends chapters 4, 10, and 131 of title 5, United States Code, to incorporate amendments to the Inspector General Act of 1978, the Federal Advisory Committee Act, and the Ethics in Government Act of 1978, which were formerly classified to the appendix to title 5 (5 U.S.C. App), and which were restated as chapters 4, 10, and 131 of title 5, United States Code, upon enactment of Public Law 117–286 (136 Stat. 4196). Under section 5 of that Public Law (136 Stat. 4360), an amendment to any provision of those Acts after the cutoff date (October 19, 2021) is deemed to amend the corresponding restated provision (i.e., corresponding provision in chapter 4, 10, or 131 of title 5, United States Code). To reflect amendments that are deemed to amend provisions of chapters 4, 10, and 131 of title 5, United States Code, in the text of those chapters, section 3 of the bill makes direct amendments to the text of those chapters. In addition, section 3 of the bill corrects related technical errors.

In the amendments made by section 3 of the bill, technical changes to the organization and wording (including the modification or addition of headings) are sometimes made for consistency with the organization and wording of chapters 4, 10, and 131 of title 5, United States Code. Those changes do not change the meaning or effect of existing law.

The following explanatory notes provide information on amendments in section 3 of the bill to show that nothing in those amendments changes the meaning or effect of existing law, and that the amendments are made only to incorporate amendments that are deemed to amend chapters 4, 10, and 131 of title 5, United States Code, and to correct related technical errors.

#### SECTION 3(a)(1)

Section 3(a)(1)(A) of the bill amends section 401 of title 5, United States Code, to incorporate the amendments made by section 5272(10) of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 (Public Law 117–263, 136 Stat. 3241) to section 12 of the Inspector General Act of 1978 (formerly 5 U.S.C. App.). That section 5272(10) amendment added a definition for “appropriate congressional committees”, which includes “the Committee on Oversight and Reform of the House of Representatives” as one of its definitions; in the amendment made by section 3(a)(1)(A) of the bill, the name of that Committee is updated to “Committee on Oversight and Accountability of the House of Representatives” on authority of rule X(1)(n) of the Rules of the House

of Representatives, adopted by House Resolution No. 5 (118th Congress, January 9, 2023).

Section 3(a)(1)(B) of the bill amends section 401(5) of title 5, United States Code, to incorporate the amendments made by section 5202(b) of the Securing Inspector General Independence Act of 2022 (Public Law 117–263, division E, title LII, subtitle A, 136 Stat. 3227) to section 12(3) of the Inspector General Act of 1978 (formerly 5 U.S.C. App.).

#### SECTION 3(a)(2)

Section 3(a)(2)(A) of the bill amends section 403(b) of title 5, United States Code, generally to incorporate the amendments made by section 5202(a)(1) of the Securing Inspector General Independence Act of 2022 (Public Law 117–263, division E, title LII, subtitle A, 136 Stat. 3222) to section 3(b) of the Inspector General Act of 1978 (formerly 5 U.S.C. App.).

Section 3(a)(2)(B) of the bill amends section 403(d)(1)(C) of title 5, United States Code, to incorporate the amendments made by section 5204(a) of the Securing Inspector General Independence Act of 2022 (Public Law 117–263, division E, title LII, subtitle A, 136 Stat. 3233) to section 3(d)(1)(C) of the Inspector General Act of 1978 (formerly 5 U.S.C. App.).

Section 3(a)(2)(C) of the bill amends section 403 of title 5, United States Code, to incorporate the amendment made by section 5203(a) of the Securing Inspector General Independence Act of 2022 (Public Law 117–263, division E, title LII, subtitle A, 136 Stat. 3227) to section 3 of the Inspector General Act of 1978 (formerly 5 U.S.C. App.).

#### SECTION 3(a)(3)

##### SECTION 3(a)(3)(A)

Section 3(a)(3)(A) of the bill amends section 404(a)(2) of title 5, United States Code, to incorporate the amendment made by section 5273(1) of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 (Public Law 117–263, 136 Stat. 3241) to section 4(a)(2) of the Inspector General Act of 1978 (formerly 5 U.S.C. App.).

##### SECTION 3(a)(3)(B)

Section 3(a)(3)(B) of the bill amends section 404(b)(1)(C) of title 5, United States Code, by striking “paragraph (1)” and inserting “subparagraph (A)”.

A revision note for section 404 of title 5, United States Code, is set out below.

#### SECTION 404—DUTIES AND RESPONSIBILITIES

In subsection (b)(1)(C), the reference to “subparagraph (A)” is substituted for the reference to “paragraph (1)” because that subparagraph (A) is a restatement of subparagraph (A) of section 4(b)(1) of the Inspector General Act of 1978 (formerly 5 U.S.C. App.), which subparagraph (A) was formerly paragraph (1) of section 4(b) of the Inspector General Act of 1978 (formerly 5 U.S.C. App.), until its redesignation as subparagraph (A) of section (4)(b)(1) of that Act by paragraphs (1) and (2) of section 109 of the Inspector General Act Amendments of 1988 (Public Law 100–504, 102 Stat. 2529).

#### SECTION 3(a)(4)

Section 3(a)(4) of the bill amends section 405 of title 5, United States Code, generally to incorporate amendments to section 5 of the Inspector General Act of 1978 (formerly 5 U.S.C. App.). The notes below describe the changes made to particular provisions of section 405 because of the incorporation of amendments which are specifically identified in each note.

Paragraphs (1) through (6) of section 405(b) of title 5, United States Code, as they appear in the general amendment by section 3(a)(4) of the bill, reflect the amendments made by section 5273(2)(A)(i) of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 (Public Law 117–263, 136 Stat. 3241) to section 5(a) of the Inspector General Act of 1978 (formerly 5 U.S.C. App.). Those section 5273(2)(A)(i) amendments struck former paragraphs (1) through (12) of that section 5(a) and inserted new paragraphs (1) through (6); those amendments are reflected in paragraphs (1) through (6) of subsection of that section 405(b), as amended generally by section 3(a)(4) of the bill.

Paragraphs (7) through (16) of section 405(b) of title 5, United States Code, as they appear in the general amendment by section 3(a)(4) of the bill, reflect the amendment made by section 5273(2)(A)(ii) of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 (Public Law 117–263, 136 Stat. 3242) to section 5(a) of the Inspector General Act of 1978 (formerly 5 U.S.C. App.). That section 5273(2)(A)(ii) amendment redesignated former paragraphs (13) through (22) of that section 5(a) as paragraphs (7) through (16); that amendment is reflected in paragraphs (7) through (16) of section 405(b), as amended generally by section 3(a)(4) of the bill.

Paragraph (13) of section 405(b) of title 5, United States Code, as it appears in the general amendment by section 3(a)(4) of the bill, reflects the general amendment made by section 5273(2)(A)(iii) of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 (Public Law 117–263, 136 Stat. 3242) to paragraph (13) (as redesignated by section 5273(2)(A)(ii) of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 (Public Law 117–263, 136 Stat. 3242)) of section 5(a) of the Inspector General Act of 1978 (formerly 5 U.S.C. App.).

Paragraph (15) of section 405(b) of title 5, United States Code, as it appears in the general amendment by section 3(a)(4) of the bill, reflects the general amendment made by section 5273(2)(A)(iv) of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 (Public Law 117–263, 136 Stat. 3242) to paragraph (15) (as redesignated by section 5273(2)(A)(ii) of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 (Public Law 117–263, 136 Stat. 3242)) of section 5(a) of the Inspector General Act of 1978 (formerly 5 U.S.C. App.).

Subsection (c) (matter before paragraph (1)) of section 405 of title 5, United States Code, as it appears in the general amendment by section 3(a)(4) of the bill, reflects the amendment made by section 5272(1)(A) of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 (Public Law 117–263, 136 Stat. 3239) to section 5(b) (matter before paragraph (1)) of the Inspector General Act of 1978 (formerly 5 U.S.C. App.). That section 5272(1)(A) amendment struck “committees or subcommittees of the Congress” and inserted “congressional committees” in the matter before paragraph (1) of that section 5(b); that amendment is reflected in the matter before paragraph (1) of subsection (c) of that section 405, as amended generally by section 3(a)(4) of the bill.

Paragraph (2) of section 405(c) of title 5, United States Code, as it appears in the general amendment by section 3(a)(4) of the bill, reflects the amendments made by section 5273(2)(B)(i) of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 (Public Law 117–263, 136 Stat. 3242) to section 5(b) of the Inspector General Act of 1978 (formerly 5 U.S.C. App.). That section 5273(2)(B)(i) amendment struck paragraphs (2) and (3) of that section 5(b) and inserted a new paragraph (2); those amendments are reflected in paragraph (2) of that section 405(c), as amended generally by section 3(a)(4) of the bill.

Paragraph (3) of section 405(c) of title 5, United States Code, as it appears in the general amendment by section 3(a)(4) of the bill, reflects the amendment made by section 5273(2)(B)(ii) of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 (Public Law 117–263, 136 Stat. 3243) to section 5(b) of the Inspector General Act of 1978 (formerly 5 U.S.C. App.). That section 5273(2)(B)(ii) amendment redesignated paragraph (4) of that section 5(b) as paragraph (3); that amendment is reflected in the general amendment made by section 3(a)(4) of the bill to section 405(c) of title 5, United States Code, by the redesignation of paragraph (4) of that section 405(c) as paragraph (3).

Paragraph (3) of section 405(c) of title 5, United States Code, as it appears in the general amendment by section 3(a)(4) of the bill, reflects the amendment made by section 5273(2)(B)(iii) of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 (Public Law 117–263, 136 Stat. 3243) to paragraph (3) (as redesignated by section 5273(2)(B)(ii) of that Act) of section 5(b) of the Inspector General Act of 1978 (formerly 5 U.S.C. App.). That section 5273(2)(B)(iii) amendment struck “subsection (a)(20)(A)” and inserted “subsection (a)(14)(A)” in paragraph (3) of that section 5(b); that amendment is reflected in the reference to “subsection (b)(14)(A)” in paragraph (3) of that section 405(c), as amended generally by section 3(a)(4) of the bill.

Paragraph (4) of section 405(c) of title 5, United States Code, as it appears in the general amendment by section 3(a)(4) of the bill, reflects the amendment made by section 5273(2)(B)(iv) of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 (Public Law 117–263, 136 Stat. 3243) to section 5(b) of the Inspector General Act of 1978 (formerly 5 U.S.C. App.). That section 5273(2)(B)(iv) amendment struck paragraph (5) of that section 5(b) and inserted a new paragraph (4); that amendment is reflected in paragraph (4) of that section 405(c), as amended generally by section 3(a)(4) of the bill.

Subsection (e) of section 405 of title 5, United States Code, as it appears in the general amendment by section 3(a)(4) of the bill, reflects the amendment made by section 5272(1)(B) of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 (Public Law 117–263, 136 Stat. 3239) to section 5(d) of the Inspector General Act of 1978 (formerly 5 U.S.C. App.). That section 5272(1)(B) amendment struck “committees or subcommittees of Congress” and inserted “congressional committees” in that section 5(d); that amendment is reflected in subsection (e) of that section 405, as amended generally by section 3(a)(4) of the bill.

Subsections (f) and (h) of section 405 of title 5, United States Code, as they appear in the general amendment by section 3(a)(4) of the bill, reflect the amendments made by section 5235 of the Integrity Committee Transparency Act of 2022 (Pub. L. 117-263, div. E, title LII, subtitle C, 136 Stat. 3236) to section 5 of the Inspector General Act of 1978 (formerly 5 U.S.C. App.). Those section

5235 amendments redesignated subsections (e) and (f) of that section 5 as subsections (g) and (h), respectively, and inserted a new subsection (e) after subsection (d) of that section 5; those amendments are reflected in the general amendment made by section 3(a)(4) of the bill to section 405 of title 5, United States Code, by the redesignation of subsection (f) of that section 405 as subsection (h) and by the insertion of a new subsection (f) after subsection (e) of that section 405.

Subsection (g) of section 405 of title 5, United States Code, as it appears in the general amendment by section 3(a)(4) of the bill, reflects the amendment made by section 5241 of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 (Public Law 117–263, 136 Stat. 3237) to section 5 of the Inspector General Act of 1978 (formerly 5 U.S.C. App.). That section 5241 amendment inserted a new subsection (f) after subsection (e) (as added by section 5235 of the Integrity Committee Transparency Act of 2022 (Public Law 117-263, div. E, title LII, subtitle C, 136 Stat. 3236), which is incorrectly cited in the amendment as “section 5625”) of that section 5; that amendment is reflected in the general amendment made by section 3(a)(4) of the bill to section 405 of title 5, United States Code, by the insertion of a new subsection (g) after the new subsection (f) (the insertion of which is described in the previous explanatory note) of that section 405.

Subsection (h)(6) of section 405 of title 5, United States Code, as it appears in the general amendment by section 3(a)(4) of the bill, reflects the amendment made by section 5274(a) of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 (Public Law 117–263, 136 Stat. 3244) to section 5(g) of the Inspector General Act of 1978 (formerly 5 U.S.C. App.), as redesignated by section 5235 of the Integrity Committee Transparency Act of 2022 (Public Law 117-263, div. E, title LII, subtitle C, 136 Stat. 3236), which is incorrectly cited in the section 5274(a) amendment as “section 5625”. That section 5274(a) amendment added at the end of that section 5(g) a new paragraph (6); that amendment is reflected in the general amendment made by section 3(a)(4) of the bill to section 405(h) of title 5, United States Code, by the addition of a new paragraph (6) at the end of that section 405(h).

Subsection (i) of section 405 of title 5, United States Code, as it appears in the general amendment by section 3(a)(4) of the bill, reflects the amendment made by section 5273(2)(D) of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 (Public Law 117–263, 136 Stat. 3244) to section 5 of the Inspector General Act of 1978 (formerly 5 U.S.C. App.). That section 5273(2)(D) amendment inserted a new subsection (h) after subsection (g) (as redesignated by section 5273(2)(C) of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 (Public Law 117–263, 136 Stat. 3244)) of that section 5; that amendment is reflected in the general amendment made by section 3(a)(4) of the bill to section 405 of title 5, United States Code, by the insertion of a new subsection (i) after subsection (h) (as redesignated in the general amendment) of that section 405.

#### SECTION 3(a)(5)

Section 3(a)(5)(A) of the bill amends section 406(c) of title 5, United States Code, to incorporate the amendment made by section 5261 of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 (Public Law 117–263, 136 Stat. 3238) to section 6(c) of the Inspector General Act of 1978 (formerly 5 U.S.C. App.).

Subparagraphs (B) and (D) of section 3(a)(5) of the bill amend subsections (f)(3) and (j)(2), respectively, of section 406 of title 5, United States Code, to correct technical errors.

Section 3(a)(5)(C) of the bill amends section 406(h)(4) of title 5, United States Code, generally to incorporate the amendments made by section 5272(2) of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 (Public Law 117–263, 136 Stat. 3239) to section 6(h)(4) of the Inspector General Act of 1978 (formerly 5 U.S.C. App.). In the general amendment, the amendment made by subparagraph (A) of that section 5272(2), which struck the word “Government” in subparagraph (B) of that section 6(h)(4), could not be incorporated because that word does not appear in section 406(h)(4)(B) of title 5, United States Code. Also, the committee name of the Committee on Oversight and Reform of the House of Representatives is updated to “Committee on Oversight and Accountability” on authority of rule X(1)(n) of the Rules of the House of Representatives, adopted by House Resolution No. 5 (118th Congress, January 9, 2023).

#### SECTION 3(a)(6)

Section 3(a)(6)(A) of the bill amends section 408(b)(3) of title 5, United States Code, generally to incorporate the amendment made by section 5272(3)(A)(i) of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 (Public Law 117–263, 136 Stat. 3239) to section 8(b)(3) of the Inspector General Act of 1978 (formerly 5 U.S.C. App.).

Section 3(a)(6)(B) of the bill amends section 408(b)(4) of title 5, United States Code, to incorporate the amendment made by section 5272(3)(A)(ii) of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 (Public Law 117–263, 136 Stat. 3239) to section 8(b)(4) of the Inspector General Act of 1978 (formerly 5 U.S.C. App.).

Section 3(a)(6)(C) of the bill amends section 408(f)(1) (matter before subparagraph (A)) of title 5, United States Code, generally to incorporate the amendment made by section 5272(3)(B)(i) of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 (Public Law 117–263, 136 Stat. 3239) to section 8(f)(1) of the Inspector General Act of 1978 (formerly 5 U.S.C. App.).

Section 3(a)(6)(D) of the bill amends section 408(f)(2) of title 5, United States Code, to incorporate the amendment made by section 5272(3)(B)(ii) of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 (Public Law 117–263, 136 Stat. 3240) to section 8(f)(2) of the Inspector General Act of 1978 (formerly 5 U.S.C. App.).

#### SECTION 3(a)(7)

Section 3(a)(7)(A) of the bill amends section 412(a)(3) of title 5, United States Code, generally to incorporate the amendment made by section 5272(4)(A) of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 (Public Law 117–263, 136 Stat. 3240) to section 8D(a)(3) of the Inspector General Act of 1978 (formerly 5 U.S.C. App.).

Section 3(a)(7)(B) of the bill amends section 412(g)(1) of title 5, United States Code, generally to incorporate the amendment made by section 5272(4)(B)(i) of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023

(Public Law 117–263, 136 Stat. 3240) to section 8D(g)(1) of the Inspector General Act of 1978 (formerly 5 U.S.C. App.).

Section 3(a)(7)(C) of the bill amends section 412(g)(2) of title 5, United States Code, to incorporate the amendment made by section 5272(4)(B)(ii) of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 (Public Law 117–263, 136 Stat. 3240) to section 8D(g)(2) of the Inspector General Act of 1978 (formerly 5 U.S.C. App.).

Section 3(a)(7)(D)(i) of the bill amends section 412(j) (matter before paragraph (1)) of title 5, United States Code, by striking “section 403(d)(1)(B)(i) of this title (or, effective November 27, 2017, section 403(d)(2)(B)(i) of this title)” and inserting “section 403(d)(1)(A) of this title” because of the repeal of section 117(c) of the Whistleblower Protection Enhancement Act of 2012 (Public Law 112–199, 126 Stat. 1475) by section 2(d) of the Whistleblower Protection Coordinated Act (Public Law 115–192, 132 Stat. 1503).

Section 3(a)(7)(D)(ii) of the bill amends section 412(j) (matter before paragraph (1)) of title 5, United States Code, by striking “section 403(d)(1)(B)(ii) of this title (or, effective November 27, 2017, section 403(d)(2)(B)(ii) of this title)” and inserting “section 403(d)(1)(B) of this title” because of the repeal of section 117(c) of the Whistleblower Protection Enhancement Act of 2012 (Public Law 112–199, 126 Stat. 1475) by section 2(d) of the Whistleblower Protection Coordinated Act (Public Law 115–192, 132 Stat. 1503).

#### SECTION 3(a)(8)

Section 3(a)(8)(A) of the bill amends section 413(a)(3) of title 5, United States Code, generally to incorporate the amendment made by section 5272(5)(A) of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 (Public Law 117–263, 136 Stat. 3240) to section 8E(a)(3) of the Inspector General Act of 1978 (formerly 5 U.S.C. App.).

Section 3(a)(8)(B) of the bill amends section 413(c) of title 5, United States Code, generally to incorporate the amendment made by section 5272(5)(B) of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 (Public Law 117–263, 136 Stat. 3240) to section 8E(c) of the Inspector General Act of 1978 (formerly 5 U.S.C. App.).

#### SECTION 3(a)(9)

##### SECTION 3(a)(9)(A)

Section 3(a)(9)(A) of the bill amends section 415(a)(1)(A) of title 5, United States Code, to incorporate the amendment made by section 209(a)(1) of the Postal Service Reform Act of 2022 (Public Law 117–108, 136 Stat. 1151) to section 8G(a)(2) of the Inspector General Act of 1978 (formerly 5 U.S.C. App.).

##### SECTION 3(a)(9)(B)

Section 3(a)(9)(B) of the bill amends section 415(e) of title 5, United States Code, generally to incorporate the amendments made by section 5202(a)(2) of the Securing Inspector General Independence Act of 2022 (Public Law 117–263, division E, title LII, subtitle A, 136 Stat. 3224) to section 8G(e) of the Inspector General Act of 1978 (formerly 5 U.S.C. App.).



SECTION 3(a)(9)(C)

Section 3(a)(9)(C) of the bill amends section 415(f)(2) of title 5, United States Code, generally to incorporate the amendments made by section 209(a)(2)(A) of the Postal Service Reform Act of 2022 (Public Law 117–108, 136 Stat. 1151) to section 8G(f)(2) of the Inspector General Act of 1978 (formerly 5 U.S.C. App.).

A revision note for section 415 of title 5, United States Code, is set out below.

SECTION 415—REQUIREMENTS FOR FEDERAL ENTITIES AND DESIGNATED  
FEDERAL ENTITIES

In subsection (f)(2)(B), the words “the Inspector General shall function” are substituted for “the Inspector General of the United States Postal Service shall function” to eliminate unnecessary words because of the parenthetical “(hereinafter in this subsection referred to as the ‘Inspector General’)” in subsection (f)(2)(A).

SECTION 3(a)(9)(D)

Section 3(a)(9)(D) of the bill amends section 415(f)(3)(A)(i) (matter before subclause (I)) of title 5, United States Code, generally to incorporate the amendment made by section 209(a)(2)(B) of the Postal Service Reform Act of 2022 (Public Law 117–108, 136 Stat. 1151) to section 8G(f)(3)(A)(i) of the Inspector General Act of 1978 (formerly 5 U.S.C. App.).

A revision note for section 415 of title 5, United States Code, is set out below.

SECTION 415—REQUIREMENTS FOR FEDERAL ENTITIES AND DESIGNATED  
FEDERAL ENTITIES

In subsection (f)(3)(A)(i), in the matter before subclause (I), the words “which audits, investigations, and subpoenas require access” are substituted for “which require access” for clarity.

SECTION 3(a)(9)(E)

Section 3(a)(9)(E) of the bill amends section 415(f)(3)(A)(iii) of title 5, United States Code, generally to incorporate the amendment made by section 5272(6)(A) of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 (Public Law 117–263, 136 Stat. 3240) to section 8G(f)(3)(A)(iii) of the Inspector General Act of 1978 (formerly 5 U.S.C. App.).

SECTION 3(a)(9)(F)

Section 3(a)(9)(F) of the bill amends section 415(f)(3)(B)(i) of title 5, United States Code, to incorporate the amendment made by section 209(a)(2)(C) of the Postal Service Reform Act of 2022 (Public Law 117–108, 136 Stat. 1151) to section 8G(f)(3)(B)(i) of the Inspector General Act of 1978 (formerly 5 U.S.C. App.).

SECTION 3(a)(9)(G)

Section 3(a)(9)(G) of the bill amends section 415(f)(3) of title 5, United States Code, to incorporate the amendment made by section 5272(6)(B) of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 (Public Law 117–263, 136 Stat. 3241) to section 8G(f)(3) of the Inspector General Act of

1978 (formerly 5 U.S.C. App.). That section 5272(6)(B) amendment struck subparagraph (C) of that section 8G(f)(3). Prior to the striking of that subparagraph (C), it was amended by section 209(a)(2)(D) of the Postal Service Reform Act of 2022 (Public Law 117–108, 136 Stat. 1151) by inserting “or the Postal Regulatory Commission” after “Governors”.

#### SECTION 3(a)(9)(H)

Section 3(a)(9)(H) of the bill amends section 415(f) of title 5, United States Code, to incorporate the amendments made by subparagraphs (E) and (F) of section 209(a)(2) of the Postal Service Reform Act of 2022 (Public Law 117–108, 136 Stat. 1151) to section 8G(f) of the Inspector General Act of 1978 (formerly 5 U.S.C. App.).

#### SECTION 3(a)(10)

Section 3(a)(10) of the bill amends section 416(a) of title 5, United States Code, generally to incorporate the amendments made by section 502(b) of the Intelligence Authorization Act for Fiscal Year 2022 (Public Law 117–103, division X, 136 Stat. 985) and by section 6609(b) of the Intelligence Authorization Act for Fiscal Year 2023 (Public Law 117–263, division F, 136 Stat. 3560) to section 8H(h) of the Inspector General Act of 1978 (formerly 5 U.S.C. App.).

#### SECTION 3(a)(11)

Section 3(a)(11)(A) of the bill amends section 417(a)(3) of title 5, United States Code, to incorporate the amendment made by section 5272(7)(A) of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 (Public Law 117–263, 136 Stat. 3241) to section 8I(a)(3) of the Inspector General Act of 1978 (formerly 5 U.S.C. App.).

Section 3(a)(11)(B) of the bill amends section 417(d) of title 5, United States Code, generally to incorporate the amendment made by section 5272(7)(B) of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 (Public Law 117–263, 136 Stat. 3241) to section 8I(d) of the Inspector General Act of 1978 (formerly 5 U.S.C. App.). That section 5272(7)(B) amendment struck “committees and subcommittees of Congress” each place it appeared and inserted “congressional committees”, but “committees and subcommittees of Congress” appeared only once in that section 8I(d). In the general amendment made by the bill to section 417(d) of title 5, United States Code, the words “congressional committees” are substituted for “committees or subcommittees of Congress” and “committees and subcommittees of Congress”, respectively, to reflect congressional intent.

#### SECTION 3(a)(12)

##### SECTION 3(a)(12)(A)

Section 3(a)(12)(A) of the bill amends section 419(a)(2) of title 5, United States Code, to provide the correct reference to the pertinent provision.

A revision note for section 419 of title 5, United States Code, is set out below.

#### SECTION 419—SPECIAL PROVISIONS CONCERNING OVERSEAS CONTINGENCY OPERATIONS

In subsections (a)(2) and (d)(1)(B), the reference to “section 113(o) of title 10” is substituted for the reference to “section 113(n) of title 10” to reflect the redesignation of former subsection (n) of section 113 of title 10, United States Code, to subsection (o) by section 551(a)(1)(C) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283, 134 Stat. 3628).

SECTION 3(a)(12)(B)

Section 3(a)(12)(B) of the bill amends section 419(d)(1)(A) of title 5, United States Code, to correct an error in the law.

SECTION 3(a)(12)(C)

Section 3(a)(12)(C) of the bill amends section 419(d)(1)(B) of title 5, United States Code, to provide the correct reference to the pertinent provision.

SECTION 3(a)(12)(D)

Section 3(a)(12)(D)(i) of the bill amends the paragraph heading of section 419(d)(5) of title 5, United States Code, to correct an error in the law.

Section 3(a)(12)(D)(ii) of the bill amends section 419(d)(5)(A) of title 5, United States Code, to incorporate the amendment made by section 5321 of the Department of State Authorization Act of 2021 (Public Law 117–81, div. E, 135 Stat. 2368) to section 8L(d)(5)(A) of the Inspector General Act of 1978 (formerly 5 U.S.C. App.).

Section 3(a)(12)(D)(iii) of the bill amends section 419(d)(5)(B) of title 5, United States Code, to correct an error in the law.

SECTION 3(a)(13)

Section 3(a)(13) of the bill amends section 421(b) of title 5, United States Code, to incorporate the amendment made by section 5272(8) of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 (Public Law 117–263, 136 Stat. 3241) to section 8N(b) of the Inspector General Act of 1978 (formerly 5 U.S.C. App.).

SECTION 3(a)(14)

Section 3(a)(14)(A) of the bill amends section 424(b)(3)(B)(viii) of title 5, United States Code, to incorporate the amendment made by section 5272(9)(A) of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 (Public Law 117–263, 136 Stat. 3241) to section 11(b)(3)(B)(viii) of the Inspector General Act of 1978 (formerly 5 U.S.C. App.).

Section 3(a)(14)(B) of the bill amends section 424(c)(1) of title 5, United States Code, to incorporate the amendment made by section 5271 of the James M. Inhofe National Defense Authorization Act (Public Law 117–263, 136 Stat. 3239) to section 11(c)(1) of the Inspector General Act of 1978 (formerly 5 U.S.C. App.).

Section 3(a)(14)(C) of the bill amends section 424(c)(3) of title 5, United States Code, to incorporate the amendment made by section 5251 of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 (Public Law 117–263, 136 Stat. 3238) to section 11(c)(3) of the Inspector General Act of 1978 (formerly 5 U.S.C. App.).

A revision note for section 424 of title 5, United States Code, is set out below.

SECTION 424— ESTABLISHMENT OF THE COUNCIL OF THE INSPECTORS  
GENERAL ON INTEGRITY AND EFFICIENCY

In subsection (c)(3)(D), the words “appropriate congressional committees” are substituted for “appropriate committees or subcommittees of Congress” for consistency in the chapter. See section 401.

Section 3(a)(14)(D) of the bill amends section 424(c)(5)(B) of title 5, United States Code, to incorporate the amendment made by section 5204(b) of the Securing Inspector General Independence Act of 2022 (Public Law 117–263, division E, title LII, subtitle A, 136 Stat. 3233) to section 11(c)(5)(B) of the Inspector General Act of 1978 (formerly 5 U.S.C. App.).

Section 3(a)(14)(E) of the bill amends section 424(d)(5)(B)(ii) of title 5, United States Code, to incorporate the amendment made by section 5232(1) of the Integrity Committee Transparency Act of 2022 (Public Law 117–263, division E, title LII, subtitle C, 136 Stat. 3234) to section 11(d)(5)(B)(ii) of the Inspector General Act of 1978 (formerly 5 U.S.C. App.).

Section 3(a)(14)(F) of the bill amends section 424(d)(5)(B) of title 5, United States Code, to incorporate the amendment made by section 5233 of the Integrity Committee Transparency Act of 2022 (Public Law 117–263, division E, title LII, subtitle C, 136 Stat. 3235) to section 11(d)(5)(B) of the Inspector General Act of 1978 (formerly 5 U.S.C. App.). That section 5233 amendment added a new clause (iii) at the end of that section 11(d)(5)(B); in the amendment made by section 3(a)(14)(F) of the bill, the committee name of the Committee on Oversight and Reform of the House of Representatives is updated to “Committee on Oversight and Accountability of the House of Representatives” on authority of rule X(1)(n) of the Rules of the House of Representatives, adopted by House Resolution No. 5 (118th Congress, January 9, 2023).

Section 3(a)(14)(G) of the bill amends section 424(d)(7)(B)(i)(V) of title 5, United States Code, to incorporate the amendment made by section 5237 of the Integrity Committee Transparency Act of 2022 (Public Law 117–263, division E, title LII, subtitle C, 136 Stat. 3237) to section 11(d)(7)(B)(i)(V) of the Inspector General Act of 1978 (formerly 5 U.S.C. App.).

Section 3(a)(14)(H) of the bill amends section 424(d)(8)(A)(ii) of title 5, United States Code, to incorporate the amendment made by section 5232(2) of the Integrity Committee Transparency Act of 2022 (Public Law 117–263, division E, title LII, subtitle C, 136 Stat. 3235) to section 11(d)(8)(A)(ii) of the Inspector General Act of 1978 (formerly 5 U.S.C. App.).

Section 3(a)(14)(I) of the bill amends section 424(d)(8)(A)(iii) of title 5, United States Code, to incorporate the amendment made by section 5272(9)(B) of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 (Public Law 117–263, 136 Stat. 3241) to section 11(d)(8)(A)(iii) of the Inspector General Act of 1978 (formerly 5 U.S.C. App.).

Section 3(a)(14)(J) of the bill amends section 424(d)(8)(B) of title 5, United States Code, to incorporate the amendment made by section 5236 of the Integrity Committee Transparency Act of 2022 (Public Law 117–263, division E, title LII, subtitle C, 136 Stat. 3237) to section 11(d)(8)(B) of the Inspector General Act of 1978 (formerly 5 U.S.C. App.).

Section 3(a)(14)(K) of the bill amends section 424(d)(9) of title 5, United States Code, to incorporate the amendment made by section 5234 of the Integrity Committee Transparency Act of 2022 (Public Law 117–263, division E, title LII, subtitle C, 136 Stat. 3235) to section 11(d)(9) of the Inspector General Act of 1978 (formerly 5 U.S.C. App.).

#### SECTION 3(b)

Section 3(b) of the bill amends section 1013(a)(2)(A) of title 5, United States Code, to correct an error in the law.

#### SECTION 3(c)(1)

Section 3(c)(1) of the bill amends section 13104(f)(4)(B)(i)(III) of title 5, United States Code, to correct an error in the law.

#### SECTION 3(c)(2)

Section 3(c)(2)(A) of the bill amends section 13105(l) (matter before paragraph (1)) of title 5, United States Code, to correct an error in the law.

Section 3(c)(2)(B) of the bill amends paragraphs (9) and (10) of section 13105(l) of title 5, United States Code, to incorporate the amendments made by subparagraphs (A) and (B) of section 2(c)(1) of the Courthouse Ethics and Transparency Act (Public Law 117–125, 136 Stat. 1206) to paragraphs (9) and (10) of section 103(l) of the Ethics in Government Act of 1978 (5 U.S.C. App.) and to correct a technical error.

Section 3(c)(2)(C) of the bill amends section 13105(l) of title 5, United States Code, to incorporate the amendment made by section 2(a)(1) of the Courthouse Ethics and Transparency Act (Public Law 117–125, 136 Stat. 1205) to section 103(l) of the Ethics in Government Act of 1978 (5 U.S.C. App.).

#### SECTION 3(c)(3)

##### SECTION 3(c)(3)(A)

Section 3(c)(3)(A) of the bill amends section 13107(b)(3)(A) of title 5, United States Code, to incorporate the amendment made by section 2(c)(2)(B)(ii) of the Courthouse Ethics and Transparency Act (Public Law 117–125, 136 Stat. 1206) to section 105(b)(3)(A) of the Ethics in Government Act of 1978 (5 U.S.C. App.).

##### SECTION 3(c)(3)(B)

Section 3(c)(3)(B) of the bill amends section 13107 of title 5, United States Code, to incorporate the amendments made by section 2(b) of the Courthouse Ethics and Transparency Act (Public Law 117–125, 136 Stat. 1205) to section 105 of the Ethics in Government Act of 1978 (5 U.S.C. App.). Paragraph (2) of that section 2(b) inserted a new subsection (c) after subsection (b) of that section 105; that insertion is reflected in section 3(c)(3)(B)(ii) of the bill by the insertion of a new subsection (c) after subsection (b) of section 13107 of title 5, United States Code.

A revision note for section 13107 of title 5, United States Code, is set out below.

## SECTION 13107—CUSTODY OF AND PUBLIC ACCESS TO REPORTS

In subsection (c)(1), the words “not later than 180 days after May 13, 2022,” are substituted for “not later than 180 days after the date of enactment of the Courthouse Ethics and Transparency Act,” for clarity.

### SECTION 3(c)(4)

Section 3(c)(4) of the bill amends section 13109(a)(1) of title 5, United States Code, to incorporate the amendment made by section 2(c)(3) of the Courthouse Ethics and Transparency Act (Public Law 117–125, 136 Stat. 1207) to section 107(a)(1) of the Ethics in Government Act of 1978 (5 U.S.C. App.).

## SECTION 4—TECHNICAL AMENDMENTS

### SECTION 4(a)

Section 4(a) of the bill makes technical amendments to update references to the Inspector General Act of 1978 (Public Law 95–452) so as to refer to corresponding restated provisions in chapter 4 of title 5, United States Code.

Section 4(a)(9)(C) of the bill amends section 733(a) of title 38, United States Code by striking “the Whistleblower Protection Ombudsman designated under section 3(d)(1)(C) of the Inspector General Act of 1978 (5 U.S.C. App.),” and inserting “the Whistleblower Protection Coordinator designated under section 403(d)(1)(C) of title 5,”. Prior to the enactment of the Whistleblower Protection Coordination Act (Public Law 115–192, 132 Stat. 1502) on June 25, 2018, section 3(d)(1)(C) of the Inspector General Act of 1978 (formerly classified to 5 U.S.C. App.) related to the designation of a Whistleblower Protection Ombudsman; that section 3(d)(1)(C) was amended by section 2(a)(1)(B) of the Whistleblower Protection Coordination Act (Public Law 115–192, 132 Stat. 1502) by striking “Ombudsman” and inserting “Coordinator”, among other changes. That section 3(d)(1)(C) was restated as section 403(d)(1)(C) of title 5, United States Code, by Public Law 117–286 (136 Stat. 4196).

### SECTION 4(b)

Section 4(b) of the bill makes technical amendments to update references to the Federal Advisory Committee Act (Public Law 92–463) so as to refer to corresponding restated provisions in chapter 10 of title 5, United States Code.

### SECTION 4(c)

Section 4(c) of the bill makes technical amendments to update references to the Ethics in Government Act of 1978 (Public Law 95–521) so as to refer to corresponding restated provisions in chapter 131 of title 5, United States Code.

### SECTION 4(d)

Section 4(d) of the bill amends paragraphs (11), (12), (15), and (16) of section 4(c) of Public Law 117–286 (136 Stat. 4354, 4355) by striking “the Stop Trading on Congressional Knowledge Act of 2012” and inserting “the Representative Louise McIntosh Slaughter Stop Trading on Congressional Knowledge Act” to reflect the short title of Public Law 112–105, as amended by section 1(a) of

Public Law 115–277 (132 Stat. 4167). The amendment made by that section 4(d) to each of the paragraphs is made effective on the date of enactment of Public Law 117–286 (136 Stat. 4196) to make each of the paragraphs read as if the short title “the Representative Louise McIntosh Slaughter Stop Trading on Congressional Knowledge Act” was referred to in each of the paragraphs as originally enacted.

SECTION 5—TRANSITIONAL AND SAVINGS PROVISIONS

Section 5 of the bill contains transitional and savings provisions.

## Changes in Existing Law Made by the Bill

Set out below is a comparative print showing changes in existing law made by the bill. Insertions are shown in italic and omissions are surrounded by brackets.

### Changes in Existing Law Made by Section 3

## TITLE 5—GOVERNMENT ORGANIZATION AND EMPLOYEES

\* \* \*

### CHAPTER 4—INSPECTORS GENERAL

\* \* \*

#### § 401. Definitions

In this chapter:

(1) *APPROPRIATE CONGRESSIONAL COMMITTEES.*—The term “appropriate congressional committees” means—

(A) *the Committee on Homeland Security and Governmental Affairs of the Senate;*

(B) *the Committee on Oversight and Accountability of the House of Representatives; and*

(C) *any other relevant congressional committee or subcommittee of jurisdiction.*

[(1)] (2) *ESTABLISHMENT.*—The term “establishment” means the Department of Agriculture, Commerce, Defense, Education, Energy, Health and Human Services, Housing and Urban Development, the Interior, Justice, Labor, State, Transportation, Homeland Security, the Treasury, or Veterans Affairs; the Agency for International Development, the Community Development Financial Institutions Fund, the Environmental Protection Agency, the Federal Communications Commission, the Federal Emergency Management Agency, the General Services Administration, the National Aeronautics and Space Administration, the Nuclear Regulatory Commission, the Office of Personnel Management, the Railroad Retirement Board, the Federal Deposit Insurance Corporation, the Small Business Administration, the Corporation for National and Community Service, the Social Security

Administration, the Federal Housing Finance Agency, the Tennessee Valley Authority, the Export-Import Bank of the United States, the Commissions established under section 15301 of title 40, the National Security Agency, or the National Reconnaissance Office, as the case may be.

[(2)] (3) FEDERAL AGENCY.—The term “Federal agency” means an agency as defined in section 552(f) of this title (including an establishment as defined in paragraph (1)), but shall not be construed to include the Government Accountability Office.

[(3)] (4) HEAD OF THE ESTABLISHMENT.—The term “head of the establishment” means the Secretary of Agriculture, Commerce, Defense, Education, Energy, Health and Human Services, Housing and Urban Development, the Interior, Labor, State, Transportation, Homeland Security, the Treasury, or Veterans Affairs; the Attorney General; the Administrator of the Agency for International Development, Environmental Protection, General Services, National Aeronautics and Space, Small Business, or the Federal Emergency Management Agency; the Director of the Office of Personnel Management; the Chairman of the Nuclear Regulatory Commission, the Federal Communications Commission, or the Railroad Retirement Board; the Chief Executive Officer of the Corporation for National and Community Service; the Administrator of the Community Development Financial Institutions Fund; the Chairperson of the Federal Deposit Insurance Corporation; the Commissioner of Social Security, Social Security Administration; the Director of the Federal Housing Finance Agency; the Board of Directors of the Tennessee Valley Authority; the President of the Export-Import Bank of the United States; the Federal Cochairpersons of the Commissions established under section 15301 of title 40; the Director of the National Security Agency; or the Director of the National Reconnaissance Office; as the case may be.

[(4)] INSPECTOR GENERAL.—The term “Inspector General” means the Inspector General of an establishment.]

(5) *INSPECTOR GENERAL.*—*Except as otherwise expressly provided, the term “Inspector General” means the Inspector General of an establishment.*

[(5)] (6) OFFICE.—The term “Office” means the Office of Inspector General of an establishment.

\* \* \*

## § 403. Appointments

\* \* \*

[(b)] REMOVAL OR TRANSFER.—An Inspector General may be removed from office by the President. If an Inspector General is removed from office or is transferred to another position or location within an establishment, the President shall communicate in writing the reasons for any such removal or transfer to both Houses of Congress, not later than 30 days before the removal or transfer. Nothing in this subsection shall prohibit a personnel action otherwise authorized by law, other than transfer or removal.]

(b) *REMOVAL OR TRANSFER.*—



*(1) AUTHORITY OF PRESIDENT; WRITTEN COMMUNICATION.—*

*(A) IN GENERAL.—An Inspector General may be removed from office by the President. If an Inspector General is removed from office or is transferred to another position or location within an establishment, the President shall communicate in writing the substantive rationale, including detailed and case-specific reasons, for any such removal or transfer to both Houses of Congress (including to the appropriate congressional committees), not later than 30 days before the removal or transfer. Nothing in this subsection shall prohibit a personnel action otherwise authorized by law, other than transfer or removal.*

*(B) WRITTEN COMMUNICATION REQUIREMENTS IN CASE OF OPEN OR COMPLETED INQUIRY.—If there is an open or completed inquiry into an Inspector General that relates to the removal or transfer of the Inspector General under subparagraph (A), the written communication required under that subparagraph shall—*

*(i) identify each entity that is conducting, or that conducted, the inquiry; and*

*(ii) in the case of a completed inquiry, contain the findings made during the inquiry.*

*(2) PLACEMENT ON NON-DUTY STATUS.—*

*(A) DEFINITION OF INSPECTOR GENERAL; CERTAIN REFERENCES.—In this paragraph:*

*(i) INSPECTOR GENERAL.—The term “Inspector General”—*

*(I) means an Inspector General who was appointed by the President, without regard to whether the Senate provided advice and consent with respect to that appointment; and*

*(II) includes the Inspector General of an establishment, the Special Inspector General for Afghanistan Reconstruction, the Special Inspector General for the Troubled Asset Relief Program, and the Special Inspector General for Pandemic Recovery.*

*(ii) CERTAIN REFERENCES RELATING TO REMOVAL OR TRANSFER.—A reference to the removal or transfer of an Inspector General under paragraph (1), or to the written communication described in that paragraph, shall be considered to be—*

*(I) in the case of the Special Inspector General for Afghanistan Reconstruction, a reference to section 1229(c)(6) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181, 5 U.S.C. 415 note);*

*(II) in the case of the Special Inspector General for the Troubled Asset Relief Program, a reference to section 121(b)(4) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5231(b)(4)); and*

*(III) in the case of the Special Inspector General for Pandemic Recovery, a reference to*

*section 4018(b)(3) of the Coronavirus Economic Stabilization Act of 2020 (15 U.S.C. 9053(b)(3)).*

*(B) AUTHORITY OF PRESIDENT.—Subject to the other provisions of this paragraph, only the President may place an Inspector General on non-duty status.*

*(C) WRITTEN COMMUNICATION.—If the President places an Inspector General on non-duty status, the President shall communicate in writing the substantive rationale, including detailed and case-specific reasons, for the change in status to both Houses of Congress (including to the appropriate congressional committees) not later than 15 days before the date on which the change in status takes effect, except that the President may submit that communication not later than the date on which the change in status takes effect if—*

*(i) the President has made a determination that the continued presence of the Inspector General in the workplace poses a threat described in any of clauses (i) through (iv) of section 6329b(b)(2)(A) of this title; and*

*(ii) in the communication, the President includes a report on the determination described in clause (i), which shall include—*

*(I) a specification of which clause of section 6329b(b)(2)(A) of this title the President has determined applies under clause (i) of this subparagraph;*

*(II) the substantive rationale, including detailed and case-specific reasons, for the determination made under clause (i);*

*(III) an identification of each entity that is conducting, or that conducted, any inquiry upon which the determination under clause (i) was made; and*

*(IV) in the case of an inquiry described in subclause (III) that is completed, the findings made during that inquiry.*

*(D) PLACING INSPECTOR GENERAL ON NON-DUTY STATUS DURING SPECIFIED PERIOD BEFORE REMOVAL OR TRANSFER.—The President may not place an Inspector General on non-duty status during the 30-day period preceding the date on which the Inspector General is removed or transferred under paragraph (1)(A) unless the President—*

*(i) has made a determination that the continued presence of the Inspector General in the workplace poses a threat described in any of clauses (i) through (iv) of section 6329b(b)(2)(A) of this title; and*

*(ii) not later than the date on which the change in status takes effect, submits to both Houses of Congress (including to the appropriate congressional committees) a written communication that contains the information required under subparagraph (C), including the report required under clause (ii) of that subparagraph.*

\* \* \*

(d) ASSISTANT INSPECTORS GENERAL AND WHISTLEBLOWER PROTECTION COORDINATOR.—

(1) IN GENERAL.—Each Inspector General shall, in accordance with applicable laws and regulations governing the civil service—

\* \* \*

(C) designate a Whistleblower Protection Coordinator who shall—

(i) educate agency employees, *including employees of that Office of Inspector General*—

(I) about prohibitions against retaliation for protected disclosures; and

(II) who have made or are contemplating making a protected disclosure about the rights and remedies against retaliation for protected disclosures, including—

(aa) the means by which employees may seek review of any allegation of reprisal, including the roles of the Office of the Inspector General, the Office of Special Counsel, the Merit Systems Protection Board, and any other relevant entities; and

(bb) general information about the timeliness of such cases, the availability of any alternative dispute mechanisms, and avenues for potential relief;

(ii) assist the Inspector General in promoting the timely and appropriate handling and consideration of protected disclosures and allegations of reprisal, to the extent practicable, by the Inspector General; and

(iii) assist the Inspector General in facilitating communication and coordination with the Special Counsel, the Council of the Inspectors General on Integrity and Efficiency (*including the Integrity Committee of that Council*), the establishment, Congress, and any other relevant entity regarding the timely and appropriate handling and consideration of protected disclosures, allegations of reprisal, and general matters regarding the implementation and administration of whistleblower protection laws, rules, and regulations.

\* \* \*

(h) VACANCY IN POSITION OF INSPECTION GENERAL.—

(1) DEFINITIONS.—*In this subsection:*

(A) *FIRST ASSISTANT TO THE POSITION OF INSPECTOR GENERAL.*—The term “first assistant to the position of Inspector General” means, with respect to an Office of Inspector General—

(i) an individual who, as of the day before the date on which the Inspector General dies, resigns, or otherwise becomes unable to perform the functions and duties of that position—

(I) is serving in a position in that Office;

and

(II) has been designated in writing by the Inspector General, through an order of succession or otherwise, as the first assistant to the position of Inspector General; or

(ii) if the Inspector General has not made a designation described in clause (i)(II)—

(I) the Principal Deputy Inspector General of that Office, as of the day before the date on which the Inspector General dies, resigns, or otherwise becomes unable to perform the functions and duties of that position; or

(II) if there is no Principal Deputy Inspector General of that Office, the Deputy Inspector General of that Office, as of the day before the date on which the Inspector General dies, resigns, or otherwise becomes unable to perform the functions and duties of that position.

(B) *Inspector general.*—The term “Inspector General”—

(i) means an Inspector General who is appointed by the President, by and with the advice and consent of the Senate; and

(ii) includes the Inspector General of an establishment, the Special Inspector General for the Troubled Asset Relief Program, and the Special Inspector General for Pandemic Recovery.

(2) *DEATH, RESIGNATION, OR INABILITY TO PERFORM FUNCTIONS.*—If an Inspector General dies, resigns, or is otherwise unable to perform the functions and duties of the position—

(A) section 3345(a) of this title and section 103(e) of the National Security Act of 1947 (50 U.S.C. 3025(e)) shall not apply;

(B) subject to paragraph (4), the first assistant to the position of Inspector General shall perform the functions and duties of the Inspector General temporarily in an acting capacity subject to the time limitations of section 3346 of this title; and

(C) notwithstanding subparagraph (B), and subject to paragraphs (4) and (5), the President (and only the President) may direct an officer or employee of any Office of an Inspector General to perform the functions and duties of the Inspector General temporarily in an acting capacity subject to the time limitations of section 3346 of this title only if—

(i) during the 365-day period preceding the date of death, resignation, or beginning of inability to serve of the Inspector General, the officer or employee served in a

*position in an Office of an Inspector General for not less than 90 days, except that—*

*(I) the requirement under this clause shall not apply if the officer is an Inspector General; and*

*(II) for the purposes of this subparagraph, performing the functions and duties of an Inspector General temporarily in an acting capacity does not qualify as service in a position in an Office of an Inspector General;*

*(ii) the rate of pay for the position of the officer or employee described in clause (i) is equal to or greater than the minimum rate of pay payable for a position at GS-15 of the General Schedule;*

*(iii) the officer or employee has demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations; and*

*(iv) not later than 30 days before the date on which the direction takes effect, the President communicates in writing to both Houses of Congress (including to the appropriate congressional committees) the substantive rationale, including the detailed and case-specific reasons, for the direction, including the reason for the direction that someone other than the individual who is performing the functions and duties of the Inspector General temporarily in an acting capacity (as of the date on which the President issues that direction) perform those functions and duties temporarily in an acting capacity.*

*(3) NON-DUTY STATUS.—Notwithstanding section 3345(a) of this title, and subparagraphs (B) and (C) of paragraph (2), and subject to paragraph (4), during any period in which an Inspector General is on non-duty status—*

*(A) the first assistant to the position of Inspector General shall perform the functions and duties of the position temporarily in an acting capacity subject to the time limitations of section 3346 of this title; and*

*(B) if the first assistant described in subparagraph (A) dies, resigns, or becomes otherwise unable to perform those functions and duties, the President (and only the President) may direct an officer or employee in that Office of Inspector General to perform those functions and duties temporarily in an acting capacity, subject to the time limitations of section 3346 of this title, if—*

*(i) that direction satisfies the requirements under clauses (ii), (iii), and (iv) of paragraph (2)(C); and*

*(ii) that officer or employee served in a position in that Office of Inspector General for not fewer than 90 of the 365 days preceding the date on which the President makes that direction.*

(4) *ACTING CAPACITY FOR 1 INSPECTOR GENERAL POSITION AT A TIME.*—An individual may perform the functions and duties of an Inspector General temporarily and in an acting capacity under subparagraph (B) or (C) of paragraph (2), or under paragraph (3), with respect to only 1 Inspector General position at any given time.

(5) *THIRTY-DAY PERIOD BEFORE PRESIDENT’S DIRECTION TAKES EFFECT.*—If the President makes a direction under paragraph (2)(C), during the 30-day period preceding the date on which the direction of the President takes effect, the functions and duties of the position of the applicable Inspector General shall be performed by—

(A) *the first assistant to the position of Inspector General;*

*or*

(B) *the individual performing those functions and duties temporarily in an acting capacity, as of the date on which the President issues that direction, if that individual is an individual other than the first assistant to the position of Inspector General.*

#### **§ 404. Duties and responsibilities**

(a) *IN GENERAL.*—It shall be the duty and responsibility of each Inspector General, with respect to the establishment within which the Inspector General's Office is established—

\* \* \*

(2) to review existing and proposed legislation and regulations relating to programs and operations of the establishment and to make recommendations, *including* in the semiannual reports required by section 405(b) of this title, concerning the impact of the legislation and regulations on the economy and efficiency in the administration of programs and operations administered or financed by the establishment, or the prevention and detection of fraud and abuse in the programs and operations;

\* \* \*

(b) *STANDARDS AND GUIDELINES.*—

(1) *IN GENERAL.*—In carrying out the responsibilities specified in subsection (a)(1), each Inspector General shall—

\* \* \*

(C) take appropriate steps to ensure that any work performed by non-Federal auditors complies with the standards established by the Comptroller General as described in [paragraph (1)] *subparagraph (A)*.

\* \* \*

#### **[§ 405. Reports**

(a) *DEFINITIONS.*—In this section:

(1) **DISALLOWED COST.**—The term “disallowed cost” means a questioned cost that management, in a management decision, has sustained or agreed should not be charged to the Government.

(2) **FINAL ACTION.**—The term “final action” means—

(A) the completion of all actions that the management of an establishment has concluded, in its management decision, are necessary with respect to the findings and recommendations included in an audit report; and

(B) in the event that the management of an establishment concludes no action is necessary, final action occurs when a management decision has been made.

(3) **MANAGEMENT DECISION.**—The term “management decision” means the evaluation by the management of an establishment of the findings and recommendations included in an audit report and the issuance of a final decision by management concerning its response to the findings and recommendations, including actions concluded to be necessary.

(4) **QUESTIONED COST.**—The term “questioned cost” means a cost that is questioned by the Office because of—

(A) an alleged violation of a provision of a law, regulation, contract, grant, cooperative agreement, or other agreement or document governing the expenditure of funds;

(B) a finding that, at the time of the audit, the cost is not supported by adequate documentation; or

(C) a finding that the expenditure of funds for the intended purpose is unnecessary or unreasonable.

(5) **RECOMMENDATION THAT FUNDS BE PUT TO BETTER USE.**—The term “recommendation that funds be put to better use” means a recommendation by the Office that funds could be used more efficiently if management of an establishment took actions to implement and complete the recommendation, including—

(A) reductions in outlays;

(B) deobligation of funds from programs or operations;

(C) withdrawal of interest subsidy costs on loans or loan guarantees, insurance, or bonds;

(D) costs not incurred by implementing recommended improvements related to the operations of the establishment, a contractor, or grantee;

(E) avoidance of unnecessary expenditures noted in preaward reviews of contract or grant agreements; or

(F) any other savings which are specifically identified.

(6) **SENIOR GOVERNMENT EMPLOYEE.**—The term “senior Government employee” means—

(A) an officer or employee in the executive branch (including a special Government employee as defined in section 202 of title 18) who occupies a position classified at or above GS-15 of the General Schedule or, in the case of positions not under the General Schedule, for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule; and

(B) any commissioned officer in the Armed Forces in pay grades O-6 and above.

(7) UNSUPPORTED COST.—The term “unsupported cost” means a cost that is questioned by the Office because the Office found that, at the time of the audit, such cost is not supported by adequate documentation.

(b) SEMIANNUAL REPORTS.—Each Inspector General shall, not later than April 30 and October 31 of each year, prepare semiannual reports summarizing the activities of the Office during the immediately preceding 6-month periods ending March 31 and September 30. The reports shall include, but need not be limited to—

(1) a description of significant problems, abuses, and deficiencies relating to the administration of programs and operations of such establishment disclosed by such activities during the reporting period;

(2) a description of the recommendations for corrective action made by the Office during the reporting period with respect to significant problems, abuses, or deficiencies identified pursuant to paragraph (1);

(3) an identification of each significant recommendation described in previous semiannual reports on which corrective action has not been completed;

(4) a summary of matters referred to prosecutive authorities and the prosecutions and convictions which have resulted;

(5) a summary of each report made to the head of the establishment under section 406(c)(2) of this title during the reporting period;

(6) a listing, subdivided according to subject matter, of each audit report, inspection report, and evaluation report issued by the Office during the reporting period and for each report, where applicable, the total dollar value of questioned costs (including a separate category for the dollar value of unsupported costs) and the dollar value of recommendations that funds be put to better use;

(7) a summary of each particularly significant report;

(8) statistical tables showing the total number of audit reports, inspection reports, and evaluation reports and the total dollar value of questioned costs (including a separate category for the dollar value of unsupported costs), for reports—

(A) for which no management decision had been made by the commencement of the reporting period;

(B) which were issued during the reporting period;

(C) for which a management decision was made during the reporting period, including—

(i) the dollar value of disallowed costs; and

(ii) the dollar value of costs not disallowed; and

(D) for which no management decision has been made by the end of the reporting period;

(9) statistical tables showing the total number of audit reports, inspection reports, and evaluation reports and the dollar value of recommendations that funds be put to better use by management, for reports—

(A) for which no management decision had been made by the commencement of the reporting period;

(B) which were issued during the reporting period;

(C) for which a management decision was made during the reporting period, including—



(i) the dollar value of recommendations that were agreed to by management; and

(ii) the dollar value of recommendations that were not agreed to by management; and

(D) for which no management decision has been made by the end of the reporting period;

(10) a summary of each audit report, inspection report, and evaluation report issued before the commencement of the reporting period—

(A) for which no management decision has been made by the end of the reporting period (including the date and title of each such report), an explanation of the reasons such management decision has not been made, and a statement concerning the desired timetable for achieving a management decision on each such report;

(B) for which no establishment comment was returned within 60 days of providing the report to the establishment; and

(C) for which there are any outstanding unimplemented recommendations, including the aggregate potential cost savings of those recommendations;

(11) a description and explanation of the reasons for any significant revised management decision made during the reporting period;

(12) information concerning any significant management decision with which the Inspector General is in disagreement;

(13) the information described under section 804(b) of the Federal Financial Management Improvement Act of 1996 (Public Law 104–208, §101(f) [title VIII], 31 U.S.C. 3512 note);

(14)(A) an appendix containing the results of any peer review conducted by another Office of Inspector General during the reporting period; or

(B) if no peer review was conducted within that reporting period, a statement identifying the date of the last peer review conducted by another Office of Inspector General;

(15) a list of any outstanding recommendations from any peer review conducted by another Office of Inspector General that have not been fully implemented, including a statement describing the status of the implementation and why implementation is not complete;

(16) a list of any peer reviews conducted by the Inspector General of another Office of the Inspector General during the reporting period, including a list of any outstanding recommendations made from any previous peer review (including any peer review conducted before the reporting period) that remain outstanding or have not been fully implemented;

(17) statistical tables showing—

(A) the total number of investigative reports issued during the reporting period;

(B) the total number of persons referred to the Department of Justice for criminal prosecution during the reporting period;

(C) the total number of persons referred to State and local prosecuting authorities for criminal prosecution during the reporting period; and

(D) the total number of indictments and criminal informations during the reporting period that resulted from any prior referral to prosecuting authorities;

(18) a description of the metrics used for developing the data for the statistical tables under paragraph (17);

(19) a report on each investigation conducted by the Office involving a senior Government employee where allegations of misconduct were substantiated, including the name of the senior government official (as defined by the department or agency) if already made public by the Office, and a detailed description of—

(A) the facts and circumstances of the investigation; and

(B) the status and disposition of the matter, including—

(i) if the matter was referred to the Department of Justice, the date of the referral; and

(ii) if the Department of Justice declined the referral, the date of the declination;

(20)(A) a detailed description of any instance of whistleblower retaliation, including information about the official found to have engaged in retaliation; and

(B) what, if any, consequences the establishment actually imposed to hold the official described in subparagraph (A) accountable;

(21) a detailed description of any attempt by the establishment to interfere with the independence of the Office, including—

(A) with budget constraints designed to limit the capabilities of the Office; and

(B) incidents where the establishment has resisted or objected to oversight activities of the Office or restricted or significantly delayed access to information, including the justification of the establishment for such action; and

(22) detailed descriptions of the particular circumstances of each—

(A) inspection, evaluation, and audit conducted by the Office that is closed and was not disclosed to the public; and

(B) investigation conducted by the Office involving a senior Government employee that is closed and was not disclosed to the public.

(c) FURNISHING SEMIANNUAL REPORTS TO HEAD OF ESTABLISHMENT AND CONGRESS.—Semiannual reports of each Inspector General shall be furnished to the head of the establishment involved not later than April 30 and October 31 of each year and shall be transmitted by the head of the establishment to the appropriate committees or subcommittees of the Congress within 30 days after receipt of the report, together with a report by the head of the establishment containing—

(1) any comments the head of the establishment determines appropriate;

(2) statistical tables showing the total number of audit reports, inspection reports, and evaluation reports and the dollar value of disallowed costs, for reports—

(A) for which final action had not been taken by the commencement of the reporting period;

(B) on which management decisions were made during the reporting period;

(C) for which final action was taken during the reporting period, including—

(i) the dollar value of disallowed costs that were recovered by management through collection, offset, property in lieu of cash, or otherwise; and

(ii) the dollar value of disallowed costs that were written off by management; and

(D) for which no final action has been taken by the end of the reporting period;

(3) statistical tables showing the total number of audit reports, inspection reports, and evaluation reports and the dollar value of recommendations that funds be put to better use by management agreed to in a management decision, for reports—

(A) for which final action had not been taken by the commencement of the reporting period;

(B) on which management decisions were made during the reporting period;

(C) for which final action was taken during the reporting period, including—

(i) the dollar value of recommendations that were actually completed; and

(ii) the dollar value of recommendations that management has subsequently concluded should not or could not be implemented or completed; and

(D) for which no final action has been taken by the end of the reporting period;

(4) whether the establishment entered into a settlement agreement with the official described in subsection (b)(20)(A), which shall be reported regardless of any confidentiality agreement relating to the settlement agreement; and

(5) a statement with respect to audit reports on which management decisions have been made but final action has not been taken, other than audit reports on which a management decision was made within the preceding year, containing—

(A) a list of such audit reports and the date each such report was issued;

(B) the dollar value of disallowed costs for each report;

(C) the dollar value of recommendations that funds be put to better use agreed to by management for each report; and

(D) an explanation of the reasons final action has not been taken with respect to each audit report,

except that the statement may exclude any audit reports that are under formal administrative or judicial appeal or upon which management of an establishment has agreed to pursue a legislative solution, but the statement shall identify the number of reports in each category so excluded.

(d) **REPORTS AVAILABLE TO PUBLIC.**—Within 60 days of the transmission of the semiannual reports of each Inspector General to Congress, the head of each establishment shall make copies of the report available to the public upon request and at a reasonable cost. Within 60 days after the transmission of the semiannual reports of each establishment head to Congress, the head of each establishment shall make copies of the report available to the public upon request and at a reasonable cost.

(e) REPORTING SERIOUS PROBLEMS, ABUSES, OR DEFICIENCIES.—Each Inspector General shall report immediately to the head of the establishment involved whenever the Inspector General becomes aware of particularly serious or flagrant problems, abuses, or deficiencies relating to the administration of programs and operations of the establishment. The head of the establishment shall transmit any such report to the appropriate committees or subcommittees of Congress within 7 calendar days, together with a report by the head of the establishment containing any comments the establishment head deems appropriate.

(f) LIMITATION ON PUBLIC DISCLOSURE OF INFORMATION.—

(1) IN GENERAL.—Nothing in this section shall be construed to authorize the public disclosure of information that is—

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

(B) specifically 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

(C) a part of an ongoing criminal investigation.

(2) CRIMINAL INVESTIGATION INFORMATION IN PUBLIC RECORDS.—Notwithstanding paragraph (1)(C), any report under this section may be disclosed to the public in a form which includes information with respect to a part of an ongoing criminal investigation if such information has been included in a public record.

(3) NO AUTHORIZATION TO WITHHOLD INFORMATION FROM CONGRESS.—Except to the extent and in the manner provided under section 6103(f) of the Internal Revenue Code of 1986 (26 U.S.C. 6103(f)), nothing in this section or in any other provision of this chapter shall be construed to authorize or permit the withholding of information from Congress, or from any committee or subcommittee of Congress.

(4) PROVISION OF INFORMATION TO MEMBERS OF CONGRESS.—Subject to any other provision of law that would otherwise prohibit disclosure of such information, the information described in paragraph (1) may be provided to any Member of Congress upon request.

(5) PROTECTION OF PERSONALLY IDENTIFIABLE INFORMATION OF WHISTLEBLOWERS.—An Office may not provide to Congress or the public any information that reveals the personally identifiable information of a whistleblower under this section unless the Office first obtains the consent of the whistleblower.]

## **§ 405.Reports**

(a) Definitions.—In this section:

(1) *Disallowed costs.*—The term “disallowed cost” means a questioned cost that management, in a management decision, has sustained or agreed should not be charged to the Government.

(2) *Final action.*—The term “final action” means—

(A) the completion of all actions that the management of an establishment has concluded, in its management decision, are necessary with respect to the findings and recommendations included in an audit report; and

(B) in the event that the management of an establishment concludes no action is necessary, final action occurs when a management decision has been made.

(3) *Management decision.*—The term “management decision” means the evaluation by the management of an establishment of the findings and recommendations included in an audit report and the issuance of a final decision by management concerning its response to the findings and recommendations, including actions concluded to be necessary.

(4) *Questioned cost.*—The term “questioned cost” means a cost that is questioned by the Office because of—

(A) an alleged violation of a provision of a law, regulation, contract, grant, cooperative agreement, or other agreement or document governing the expenditure of funds;

(B) a finding that, at the time of the audit, the cost is not supported by adequate documentation; or

(C) a finding that the expenditure of funds for the intended purpose is unnecessary or unreasonable.

(5) *RECOMMENDATION THAT FUNDS BE PUT TO BETTER USE.*—The term “recommendation that funds be put to better use” means a recommendation by the Office that funds could be used more efficiently if management of an establishment took actions to implement and complete the recommendation, including—

(A) reductions in outlays;

(B) deobligation of funds from programs or operations;

(C) withdrawal of interest subsidy costs on loans or loan guarantees, insurance, or bonds;

(D) costs not incurred by implementing recommended improvements related to the operations of the establishment, a contractor, or grantee;

(E) avoidance of unnecessary expenditures noted in preaward reviews of contract or grant agreements; or

(F) any other savings which are specifically identified.

(6) *SENIOR GOVERNMENT EMPLOYEE.*—The term “senior Government employee” means—

(A) an officer or employee in the executive branch (including a special Government employee as defined in section 202 of title 18) who occupies a position classified at or above GS–15 of the General Schedule or, in the case of positions not under the General Schedule, for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS–15 of the General Schedule; and

(B) any commissioned officer in the Armed Forces in pay grades O–6 and above.

(7) *UNSUPPORTED COST.*—The term “unsupported cost” means a cost that is questioned by the Office because the Office found that, at the time of the audit, such cost is not supported by adequate documentation.

(b) *SEMIANNUAL REPORTS.*—Each Inspector General shall, not later than April 30 and October 31 of each year, prepare semiannual reports summarizing the activities of the Office during the immediately preceding 6-month periods ending March 31 and September 30. The reports shall include, but need not be limited to—

(1) a description of significant problems, abuses, and deficiencies relating to the administration of programs and operations of the

*establishment and associated reports and recommendations for corrective action made by the Office;*

*(2) an identification of each recommendation made before the reporting period, for which corrective action has not been completed, including the potential costs savings associated with the recommendation;*

*(3) a summary of significant investigations closed during the reporting period;*

*(4) an identification of the total number of convictions during the reporting period resulting from investigations;*

*(5) information regarding each audit, inspection, or evaluation report issued during the reporting period, including—*

*(A) a listing of each audit, inspection, or evaluation;*

*(B) if applicable, the total dollar value of questioned costs (including a separate category for the dollar value of unsupported costs) and the dollar value of recommendations that funds be put to better use, including whether a management decision had been made by the end of the reporting period;*

*(6) information regarding any management decision made during the reporting period with respect to any audit, inspection, or evaluation issued during a previous reporting period;*

*(7) the information described under section 804(b) of the Federal Financial Management Improvement Act of 1996 (Public Law 104–208, §101(f) [title VIII], 31 U.S.C. 3512 note);*

*(8)(A) an appendix containing the results of any peer review conducted by another Office of Inspector General during the reporting period; or*

*(B) if no peer review was conducted within that reporting period, a statement identifying the date of the last peer review conducted by another Office of Inspector General;*

*(9) a list of any outstanding recommendations from any peer review conducted by another Office of Inspector General that have not been fully implemented, including a statement describing the status of the implementation and why implementation is not complete;*

*(10) a list of any peer reviews conducted by the Inspector General of another Office of the Inspector General during the reporting period, including a list of any outstanding recommendations made from any previous peer review (including any peer review conducted before the reporting period) that remain outstanding or have not been fully implemented;*

*(11) statistical tables showing—*

*(A) the total number of investigative reports issued during the reporting period;*

*(B) the total number of persons referred to the Department of Justice for criminal prosecution during the reporting period;*

*(C) the total number of persons referred to State and local prosecuting authorities for criminal prosecution during the reporting period; and*

*(D) the total number of indictments and criminal informations during the reporting period that resulted from any prior referral to prosecuting authorities;*

(12) a description of the metrics used for developing the data for the statistical tables under paragraph (17);

(13) a report on each investigation conducted by the Office where allegations of misconduct were substantiated involving a senior Government employee or senior official (as defined by the Office) if the establishment does not have senior Government employees, which shall include—

(A) the name of the senior Government employee, if already made public by the Office; and

(B) a detailed description of—

(i) the facts and circumstances of the investigation; and

(ii) the status and disposition of the matter, including—

(I) if the matter was referred to the Department of Justice, the date of the referral; and

(II) if the Department of Justice declined the referral, the date of the declination;

(14)(A) a detailed description of any instance of whistleblower retaliation, including information about the official found to have engaged in retaliation; and

(B) what, if any, consequences the establishment actually imposed to hold the official described in subparagraph (A) accountable;

(15) information related to interference by the establishment, including—

(A) a detailed description of any attempt by the establishment to interfere with the independence of the Office, including—

(i) with budget constraints designed to limit the capabilities of the Office; and

(ii) incidents where the establishment has resisted or objected to oversight activities of the Office or restricted or significantly delayed access to information, including the justification of the establishment for such action; and

(B) a summary of each report made to the head of the establishment under section 406(c)(2) of this title during the reporting period; and

(16) detailed descriptions of the particular circumstances of each—

(A) inspection, evaluation, and audit conducted by the Office that is closed and was not disclosed to the public; and

(B) investigation conducted by the Office involving a senior Government employee that is closed and was not disclosed to the public.

(c) **FURNISHING SEMIANNUAL REPORTS TO HEAD OF ESTABLISHMENT AND CONGRESS.**—Semiannual reports of each Inspector General shall be furnished to the head of the establishment involved not later than April 30 and October 31 of each year and shall be transmitted by the head of the establishment to the appropriate congressional committees within 30 days after receipt of the report, together with a report by the head of the establishment containing—

(1) any comments the head of the establishment determines appropriate;

(2) where final action on audit, inspection, and evaluation reports had not been taken before the commencement of the reporting period, statistical tables showing—

(A) with respect to management decisions—

(i) for each report, whether a management decision was made during the reporting period;

(ii) if a management decision was made during the reporting period, the dollar value of disallowed costs and funds to be put to better use as agreed to in the management decision; and

(iii) total number of reports where a management decision was made during the reporting period and the total corresponding dollar value of disallowed costs and funds to be put to better use as agreed to in the management decision; and

(B) with respect to final actions—

(i) whether, if a management decision was made before the end of the reporting period, final action was taken during the reporting period;

(ii) if final action was taken, the dollar value of—

(I) disallowed costs that were recovered by management through collection, offset, property in lieu of cash, or otherwise;

(II) disallowed costs that were written off by management;

(III) disallowed costs and funds to be put to better use not yet recovered or written off by management;

(IV) recommendations that were completed; and

(V) recommendations that management has subsequently concluded should not or could not be implemented or completed; and

(iii) total number of reports where final action was not taken and total number of reports where final action was taken, including the total corresponding dollar value of disallowed costs and funds to be put to better use as agreed to in the management decisions;

(3) whether the establishment entered into a settlement agreement with the official described in subsection (b)(14)(A), which shall be reported regardless of any confidentiality agreement relating to the settlement agreement; and

(4) a statement explaining why final action has not been taken with respect to each audit, inspection, and evaluation report in which a management decision has been made but final action has not yet been taken, except that the statement—

(A) may exclude reports if—

(i) a management decision was made within the preceding year; or



(ii) the report is under formal administrative or judicial appeal or management of the establishment has agreed to pursue a legislative solution; and

(B) shall identify the number of reports in each category so excluded.

(d) *REPORTS AVAILABLE TO PUBLIC.*—Within 60 days of the transmission of the semiannual reports of each Inspector General to Congress, the head of each establishment shall make copies of the report available to the public upon request and at a reasonable cost. Within 60 days after the transmission of the semiannual reports of each establishment head to Congress, the head of each establishment shall make copies of the report available to the public upon request and at a reasonable cost.

(e) *REPORTING SERIOUS PROBLEMS, ABUSES, OR DEFICIENCIES.*—Each Inspector General shall report immediately to the head of the establishment involved whenever the Inspector General becomes aware of particularly serious or flagrant problems, abuses, or deficiencies relating to the administration of programs and operations of the establishment. The head of the establishment shall transmit any such report to the appropriate congressional committees within 7 calendar days, together with a report by the head of the establishment containing any comments the establishment head deems appropriate.

(f) *ADDITIONAL REPORTS RELATING TO SERIOUS PROBLEMS, ABUSES, OR DEFICIENCIES.*—

(1) *Report to inspector general.*—The Chairperson of the Integrity Committee of the Council of the Inspectors General on Integrity and Efficiency shall, 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 for which the Integrity Committee may receive, review, and refer for investigation allegations of wrongdoing under section 424(d) of this title, submit a report to the Inspector General who leads the Office at which the serious or flagrant problems, abuses, or deficiencies were alleged.

(2) *Report to president, congress, and the establishment.*—Not later than 7 days after the date on which an Inspector General receives a report submitted under paragraph (1), the Inspector General shall submit to the President, the appropriate congressional committees, and the head of the establishment—

(A) the report received under paragraph (1); and

(B) a report by the Inspector General containing any comments the Inspector General determines appropriate.

(g) *SUBMISSION OF INFORMATION ON WORK BEING CONDUCTED BY THE OFFICE WHEN THERE IS CHANGE IN STATUS OF INSPECTOR GENERAL.*—

(1) *IN GENERAL.*—Except as provided in paragraph (2), not later than 15 days after an Inspector General is removed, placed on paid or unpaid nonduty status, or transferred to another position or location within an establishment, the officer or employee performing the functions and duties of the Inspector General temporarily in an acting capacity shall submit to the appropriate congressional committees information regarding work being conducted by the Office as of the date on which the Inspector General was removed, placed on paid or unpaid non-duty status, or transferred, which shall include—

(A) for each investigation—

- (i) the type of alleged offense;
  - (ii) the fiscal quarter in which the Office initiated the investigation;
  - (iii) the relevant Federal agency, including the relevant component of that Federal agency for any Federal agency listed in section 901(b) of title 31, under investigation or affiliated with the individual or entity under investigation; and
  - (iv) whether the investigation is administrative, civil, criminal, or a combination thereof, if known; and
- (B) for any work not described in subparagraph (A)—
- (i) a description of the subject matter and scope;
  - (ii) the relevant agency, including the relevant component of that Federal agency, under review;
  - (iii) the date on which the Office initiated the work; and
  - (iv) the expected time frame for completion.

(2) *INTELLIGENCE COMMUNITY.*—With respect to an inspector general of an element of the intelligence community specified in section 415(d)(2) of this title, the submission required by paragraph (1) shall only be made to the committees of Congress specified in section 415(d)(2)(E) of this title.

(h) *LIMITATION ON PUBLIC DISCLOSURE OF INFORMATION.*—

(1) *IN GENERAL.*—Nothing in this section shall be construed to authorize the public disclosure of information that is—

- (A) specifically prohibited from disclosure by any other provision of law;
- (B) specifically 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
- (C) a part of an ongoing criminal investigation.

(2) *CRIMINAL INVESTIGATION INFORMATION IN PUBLIC RECORDS.*—Notwithstanding paragraph (1)(C), any report under this section may be disclosed to the public in a form which includes information with respect to a part of an ongoing criminal investigation if such information has been included in a public record.

(3) *NO AUTHORIZATION TO WITHHOLD INFORMATION FROM CONGRESS.*—Except to the extent and in the manner provided under section 6103(f) of the Internal Revenue Code of 1986 (26 U.S.C. 6103(f)), nothing in this section or in any other provision of this chapter shall be construed to authorize or permit the withholding of information from Congress, or from any committee or subcommittee of Congress.

(4) *PROVISION OF INFORMATION TO MEMBERS OF CONGRESS.*—Subject to any other provision of law that would otherwise prohibit disclosure of such information, the information described in paragraph (1) may be provided to any Member of Congress upon request.

(5) *PROTECTION OF PERSONALLY IDENTIFIABLE INFORMATION OF WHISTLEBLOWERS.*—An Office may not provide to Congress or the public any information that reveals the personally identifiable information of a whistleblower under this section unless the Office first obtains the consent of the whistleblower.

*(6) NOTIFICATION OF, AND SUBMISSION OF WRITTEN RESPONSE BY, NON-GOVERNMENTAL ORGANIZATIONS AND BUSINESS ENTITIES IDENTIFIED IN REPORTS.—*

*(A) IN GENERAL.—Except as provided in subparagraph (B), if an audit, evaluation, inspection, or other non-investigative report prepared by an Inspector General specifically identifies a specific non-governmental organization or business entity, whether or not the non-governmental organization or business entity is the subject of that audit, evaluation, inspection, or non-investigative report—*

*(i) the Inspector General shall notify the non-governmental organization or business entity;*

*(ii) the non-governmental organization or business entity shall have—*

*(I) 30 days to review the audit, evaluation, inspection, or non-investigative report beginning on the date of publication of the audit, evaluation, inspection, or non-investigative report; and*

*(II) the opportunity to submit a written response for the purpose of clarifying or providing additional context as it directly relates to each instance wherein an audit, evaluation, inspection, or non-investigative report specifically identifies that non-governmental organization or business entity; and*

*(iii) if a written response is submitted under clause (ii)(II) within the 30-day period described in clause (ii)(I)—*

*(I) the written response shall be attached to the audit, evaluation, inspection, or non-investigative report; and*

*(II) in every instance where the report may appear on the public-facing website of the Inspector General, the website shall be updated in order to access a version of the audit, evaluation, inspection, or non-investigative report that includes the written response.*

*(B) INAPPLICABILITY TO NON-GOVERNMENTAL ORGANIZATION AND BUSINESS ENTITIES THAT REFUSED TO PROVIDE ASSISTANCE.—Subparagraph (A) shall not apply with respect to a non-governmental organization or business entity that refused to provide information or assistance sought by an Inspector General during the creation of the audit, evaluation, inspection, or non-investigative report.*

*(C) REVIEW OF WRITTEN RESPONSE.—An Inspector General shall review any written response received under subparagraph (A) for the purpose of preventing the improper disclosure of classified information or other non-public information, consistent with applicable laws, rules, and regulations, and, if necessary, redact such information.*

(i) *ONLINE PUBLICATION; LINKS.*—If an Office has published any portion of the report or information required under subsection (b) to the website of the Office or on *oversight.gov*, the Office may elect to provide links to the relevant webpage or website in the report of the Office under subsection (b) in lieu of including the information in that report.

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\* \* \*

(c) REQUESTS FOR INFORMATION.—

\* \* \*

(3) *NOTICE TO CONGRESSIONAL COMMITTEES.*—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 has not been provided by the head of the establishment involved or the head of the Federal agency involved, as applicable, to the appropriate congressional committees.

\* \* \*

(f) ADDITIONAL AUTHORITY.—

\* \* \*

(3) EXEMPTIONS FROM REQUIREMENT OF INITIAL DETERMINATION OF ELIGIBILITY.—The Inspector General offices of the Department of Commerce, Department of Education, Department of Energy, Department of Health and Human Services, Department of Homeland Security, Department of Housing and Urban Development, Department of the Interior, Department of Justice, Department of Labor, Department of State, Department of Transportation, Department of the Treasury, Department of [Veterans'] *Veterans* Affairs, Agency for International Development, Environmental Protection Agency, Federal Deposit Insurance Corporation, Federal Emergency Management Agency, General Services Administration, National Aeronautics and Space Administration, Nuclear Regulatory Commission, Office of Personnel Management, Railroad Retirement Board, Small Business Administration, Social Security Administration, and the Tennessee Valley Authority are exempt from the requirement of paragraph (2) for an initial determination of eligibility by the Attorney General.

\* \* \*

(h) FEDERAL GRAND JURY MATERIALS.—

\* \* \*

(4) STATEMENT OF ATTORNEY GENERAL REGARDING DENIAL OF REQUEST.—Not later than 30 days after notifying the head of an establishment of a denial pursuant to paragraph (2), the Attorney General shall submit a statement that the request for Federal grand jury materials by the Inspector General was denied and the reason for the denial to each of the following:

(A) The Committee on Homeland Security and Governmental Affairs, the Committee on the Judiciary, and the Select Committee on Intelligence of the Senate.

[(B) The Committee on Oversight and Reform, the Committee on the Judiciary, and the Permanent Select Committee on Intelligence of the House of Representatives.

(C) Other appropriate committees and subcommittees of Congress.]

*(B) The Committee on Oversight and Accountability, the Committee on the Judiciary, and the Permanent Select Committee on Intelligence of the House of Representatives.*

*(C) Any other relevant congressional committee or subcommittee of jurisdiction.*

\* \* \*

(j) COMPUTERIZED COMPARISONS.—

(2) NON-CONSIDERATION OF COMPUTERIZED COMPARISONS AS MATCHING PROGRAMS.—For purposes of [section 552a of title 5] *section 552a of this title* or any other provision of law, a computerized comparison of two or more automated Federal systems of records, or a computerized comparison of a Federal system of records with other records or non-Federal records, performed by an Inspector General or by an agency in coordination with an Inspector General in conducting an audit, investigation, inspection, evaluation, or other review authorized under this chapter shall not be considered a matching program.

\* \* \*

#### **§ 408. Additional provisions with respect to the Inspector General of the Department of Defense**

\* \* \*

(b) AUTHORITY OF SECRETARY OF DEFENSE.—

\* \* \*

[(3) STATEMENT CONCERNING EXERCISE OF POWER.—If the Secretary of Defense exercises any power under paragraph (1) or (2), the Inspector General shall submit a statement concerning that exercise of power within 30 days to the Committee on Armed Services and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Armed Services and the Committee on Oversight

and Reform of the House of Representatives and to other appropriate committees or subcommittees of the Congress.]

(3) *STATEMENT CONCERNING EXERCISE OF POWER.*—*If the Secretary of Defense exercises any power under paragraph (1) or (2), the Inspector General shall submit a statement concerning that exercise of power within 30 days to the appropriate congressional committees, including the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives.*

(4) *STATEMENT OF REASONS FOR EXERCISE OF POWER.*—The Secretary shall, within 30 days after submission of a statement under paragraph (3), transmit a statement of the reasons for the exercise of power under paragraph (1) or (2) to the congressional committees specified in paragraph (3) [and to other appropriate committees or subcommittees].

\* \* \*

(f) *REPORTS.*—

[(1) *REPORTS TRANSMITTED TO CONGRESSIONAL COMMITTEES.*—Each semiannual report prepared by the Inspector General of the Department of Defense under section 405(b) of this title shall be transmitted by the Secretary of Defense to the Committees on Armed Services and on Homeland Security and Governmental Affairs of the Senate and the Committees on Armed Services and on Oversight and Reform of the House of Representatives and to other appropriate committees or subcommittees of Congress. Each report shall include—]

(1) *REPORTS TRANSMITTED TO CONGRESSIONAL COMMITTEES.*—*Each semiannual report prepared by the Inspector General of the Department of Defense under section 405(b) of this title shall be transmitted by the Secretary of Defense to the appropriate congressional committees, including the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives. Each report shall include—*

(A) information concerning the numbers and types of contract audits conducted by the Department during the reporting period; and

(B) information concerning any Department of Defense audit agency that, during the reporting period, has either received a failed opinion from an external peer review or is overdue for an external peer review required to be conducted in accordance with subsection (c)(10).

(2) *ADDITIONAL REPORTS TRANSMITTED TO CONGRESSIONAL COMMITTEES.*—Any report required to be transmitted by the Secretary of Defense to the appropriate [committees or subcommittees of the Congress] *congressional committees* under section 405(e) of this title shall also be transmitted, within the 7-day period specified in section 405(e) of this title, to the congressional committees specified in paragraph (1).

\* \* \*

## **§ 412. Special provisions concerning the Department of the Treasury**

(a) *IN GENERAL.*—

\* \* \*

[(3) NOTIFICATION AND STATEMENT OF REASONS FOR EXERCISE OF POWER.—If the Secretary of the Treasury exercises any power under paragraph (1) or (2), the Secretary of the Treasury shall notify the Inspector General of the Department of the Treasury in writing, stating the reasons for such exercise. Within 30 days after receipt of any such notice, the Inspector General of the Department of the Treasury shall transmit a copy of such notice to the Committee on Homeland Security and Governmental Affairs and the Committee on Finance of the Senate and the Committee on Oversight and Reform and the Committee on Ways and Means of the House of Representatives, and to other appropriate committees or subcommittees of the Congress.]

*(3) NOTIFICATION AND STATEMENT OF REASONS FOR EXERCISE OF POWER.—If the Secretary of the Treasury exercises any power under paragraph (1) or (2), the Secretary of the Treasury shall notify the Inspector General of the Department of the Treasury in writing, stating the reasons for such exercise. Within 30 days after receipt of any such notice, the Inspector General of the Department of the Treasury shall transmit a copy of such notice to the appropriate congressional committees, including the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives.*

\* \* \*

(g) REPORTS.—

[(1) REPORTS TO CONGRESSIONAL COMMITTEES.—Any report required to be transmitted by the Secretary of the Treasury to the appropriate committees or subcommittees of the Congress under section 405(e) of this title shall also be transmitted, within the 7-day period specified under such section, to the Committee on Homeland Security and Governmental Affairs and the Committee on Finance of the Senate and the Committee on Oversight and Reform and the Committee on Ways and Means of the House of Representatives.]

*(1) REPORTS TO CONGRESSIONAL COMMITTEES.—Any report required to be transmitted by the Secretary of the Treasury to the appropriate congressional committees under section 405(e) of this title shall also be transmitted, within the 7-day period specified under such section, to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives.*

(2) REPORTS MADE BY TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION TO CONGRESSIONAL COMMITTEES.—Any report made by the Treasury Inspector General for Tax Administration that is required to be transmitted by the Secretary of the Treasury to the appropriate [committees or subcommittees of Congress] *congressional committees* under section 405(e) of this title shall also be transmitted, within the 7-day period specified under such subsection, to the Internal Revenue Service Oversight Board and the Commissioner of Internal Revenue.

\* \* \*

(j) PROHIBITION ON APPOINTMENT OF EMPLOYEE OF INTERNAL REVENUE SERVICE TO CERTAIN POSITIONS.—An individual appointed to the position of Treasury Inspector General for Tax Administration, the Assistant Inspector General for Auditing of the Office of the Treasury Inspector General for Tax Administration under [section 403(d)(1)(B)(i) of this title (or, effective November 27, 2017, section 403(d)(2)(B)(i) of this title)] *section 403(d)(1)(A) of this title*, the Assistant Inspector General for Investigations of the Office of the Treasury Inspector General for Tax Administration under [section 403(d)(1)(B)(ii) of this title (or, effective November 27, 2017, section 403(d)(2)(B)(ii) of this title)] *section 403(d)(1)(B) of this title*, or any position of Deputy Inspector General of the Office of the Treasury Inspector General for Tax Administration may not be an employee of the Internal Revenue Service—

(1) during the 2-year period preceding the date of appointment to such position; or

(2) during the 5-year period following the date such individual ends service in such position.

\* \* \*

### § 413. Special provisions concerning the Department of Justice

(a) IN GENERAL.—

\* \* \*

[(3) NOTIFICATION AND STATEMENT OF REASONS FOR EXERCISE OF POWER.—If the Attorney General exercises any power under paragraph (1) or (2), the Attorney General shall notify the Inspector General in writing, stating the reasons for such exercise. Within 30 days after receipt of any such notice, the Inspector General shall transmit a copy of such notice to the Committee on Homeland Security and Governmental Affairs and the Committee on the Judiciary of the Senate and the Committee on Oversight and Reform and the Committee on the Judiciary of the House of Representatives, and to other appropriate committees or subcommittees of the Congress.]

*(3) NOTIFICATION AND STATEMENT OF REASONS FOR EXERCISE OF POWER.—If the Attorney General exercises any power under paragraph (1) or (2), the Attorney General shall notify the Inspector General in writing, stating the reasons for such exercise. Within 30 days after receipt of any such notice, the Inspector General shall transmit a copy of such notice to the appropriate congressional committees, including the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives.*

\* \* \*

[(c) REPORTS.—Any report required to be transmitted by the Attorney General to the appropriate committees or subcommittees of the Congress under section 405(e) of this title shall also be transmitted, within the 7-day period specified under that section, to the Committee on the Judiciary and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on the Judiciary and the Committee on Oversight and Reform of the House of Representatives.]



*(c) REPORTS.—Any report required to be transmitted by the Attorney General to the appropriate congressional committees under section 405(e) of this title shall also be transmitted, within the 7-day period specified under that section, to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives.*

\* \* \*

**§ 415. Requirements for Federal entities and designated Federal entities**

(a) Definitions.—Notwithstanding section 401 of this title, in this section:

(1) DESIGNATED FEDERAL ENTITY.—

(A) IN GENERAL.—The term “designated Federal entity” means Amtrak, the Appalachian Regional Commission, the Board of Governors of the Federal Reserve System and the Bureau of Consumer Financial Protection, the Committee for Purchase From People Who Are Blind or Severely Disabled, the Commodity Futures Trading Commission, the Consumer Product Safety Commission, the Corporation for Public Broadcasting, the Defense Intelligence Agency, the Denali Commission, the Equal Employment Opportunity Commission, the Farm Credit Administration, the Federal Election Commission, the Election Assistance Commission, the Federal Labor Relations Authority, the Federal Maritime Commission, the Federal Trade Commission, the Legal Services Corporation, the National Archives and Records Administration, the National Credit Union Administration, the National Endowment for the Arts, the National Endowment for the Humanities, the National Geospatial-Intelligence Agency, the National Labor Relations Board, the National Science Foundation, the Peace Corps, the Pension Benefit Guaranty Corporation, the Securities and Exchange Commission, the Smithsonian Institution, the United States International Development Finance Corporation, the United States International Trade Commission, [the Postal Regulatory Commission,] and the United States Postal Service.

\* \* \*

[(e) REMOVAL.—

(1) BOARD, CHAIRMAN OF COMMITTEE, OR COMMISSION IS HEAD OF DESIGNATED FEDERAL ENTITY.—In the case of a designated Federal entity for which a board, chairman of a committee, or commission is the head of the designated Federal entity, a removal under this subsection may only be made upon the written concurrence of a 2/3 majority of the board, committee, or commission.

(2) INSPECTOR GENERAL REMOVED OR TRANSFERRED.—If an Inspector General is removed from office or is transferred to another position or location within a designated Federal entity, the head of the designated Federal entity shall communicate in writing the reasons for any such removal or transfer to both Houses of Congress, not later than 30 days before the removal or transfer.

Nothing in this subsection shall prohibit a personnel action otherwise authorized by law, other than transfer or removal.]

*(e) REMOVAL.—*

*(1) BOARD, CHAIRMAN OF COMMITTEE, OR COMMISSION IS HEAD OF DESIGNATED FEDERAL ENTITY.—In the case of a designated Federal entity for which a board, chairman of a committee, or commission is the head of the designated Federal entity, a removal or placement on non-duty status under this subsection may only be made upon the written concurrence of a 2/3 majority of the board, committee, or commission.*

*(2) INSPECTOR GENERAL REMOVED OR TRANSFERRED.—*

*(A) IN GENERAL.—If an Inspector General is removed from office or is transferred to another position or location within a designated Federal entity, the head of the designated Federal entity shall communicate in writing the substantive rationale, including detailed and case-specific reasons, for any such removal or transfer to both Houses of Congress (including to the appropriate congressional committees), not later than 30 days before the removal or transfer. Nothing in this subsection shall prohibit a personnel action otherwise authorized by law, other than transfer or removal.*

*(B) WRITTEN COMMUNICATION REQUIREMENTS IN CASE OF OPEN OR COMPLETED INQUIRY.—If there is an open or completed inquiry into an Inspector General that relates to the removal or transfer of the Inspector General under subparagraph (A), the written communication required under that subparagraph shall—*

*(i) identify each entity that is conducting, or that conducted, the inquiry; and*

*(ii) in the case of a completed inquiry, contain the findings made during the inquiry.*

*(3) INSPECTOR GENERAL PLACEMENT ON NON-DUTY STATUS.—*

*(A) AUTHORITY OF COVERED OFFICIAL.—Subject to the other provisions of this paragraph, only the head of the applicable designated Federal entity (referred to in this paragraph as the ‘covered official’) may place an Inspector General on non-duty status.*

*(B) WRITTEN COMMUNICATION.—If a covered official places an Inspector General on non-duty status, the covered official shall communicate in writing the substantive rationale, including detailed and case-specific reasons, for the change in status to both Houses of Congress (including to the appropriate congressional committees) not later than 15 days before the date on which the change in status takes effect, except that the covered official may submit that communication not later than the date on which the change in status takes effect if—*

*(i) the covered official has made a determination that the continued presence of the Inspector General in the workplace poses a threat described in any of clauses (i) through (iv) of section 6329b(b)(2)(A) of this title; and*

*(ii) in the communication, the covered official includes a report on the determination described in clause (i), which shall include—*

(I) a specification of which clause of section 6329b(b)(2)(A) of this title the covered official has determined applies under clause (i) of this subparagraph;

(II) the substantive rationale, including detailed and case-specific reasons, for the determination made under clause (i);

(III) an identification of each entity that is conducting, or that conducted, any inquiry upon which the determination under clause (i) was made; and

(IV) in the case of an inquiry described in subclause (III) that is completed, the findings made during that inquiry.

(C) *PLACING INSPECTOR GENERAL ON NON-DUTY STATUS DURING SPECIFIED PERIOD BEFORE REMOVAL OR TRANSFER.*—A covered official may not place an Inspector General on non-duty status during the 30-day period preceding the date on which the Inspector General is removed or transferred under paragraph (2)(A) unless the covered official—

(i) has made a determination that the continued presence of the Inspector General in the workplace poses a threat described in any of clauses (i) through (iv) of section 6329b(b)(2)(A) of this title; and

(ii) not later than the date on which the change in status takes effect, submits to both Houses of Congress (including to the appropriate congressional committees) a written communication that contains the information required under subparagraph (B), including the report required under clause (ii) of that subparagraph.

(D) *CONSTRUCTION RELATING TO PROTECTIONS AND AUTHORITIES.*—Nothing in this paragraph may be construed to limit or otherwise modify—

(i) any statutory protection that is afforded to an Inspector General; or

(ii) any other action that a covered official may take under law with respect to an Inspector General.

(f) UNITED STATES POSTAL SERVICE.—

\* \* \*

[(2) OVERSIGHT RESPONSIBILITY OF INSPECTOR GENERAL FOR ACTIVITIES OF POSTAL INSPECTION SERVICE.—In carrying out the duties and responsibilities specified in this chapter, the Inspector General of the United States Postal Service (hereinafter in this subsection referred to as the "Inspector General") shall have oversight responsibility for all activities of the Postal Inspection Service, including any internal investigation performed by the Postal Inspection Service. The Chief Postal Inspector shall promptly report the significant activities being carried out by the Postal Inspection Service to such Inspector General.]

(2) *OVERSIGHT RESPONSIBILITIES OF INSPECTOR GENERAL.*—

(A) *POSTAL INSPECTION SERVICE.*—*In carrying out the duties and responsibilities specified in this chapter, the Inspector General of the United States Postal Service (hereinafter in this subsection referred to as the ‘Inspector General’) shall have oversight responsibility for all activities of the Postal Inspection Service, including any internal investigation performed by the Postal Inspection Service. The Chief Postal Inspector shall promptly report the significant activities being carried out by the Postal Inspection Service to such Inspector General.*

(B) *POSTAL REGULATORY COMMISSION.*—*In carrying out the duties and responsibilities specified in this chapter, the Inspector General shall function as the Inspector General for the Postal Regulatory Commission, and shall have equal responsibility over the United States Postal Service and the Postal Regulatory Commission. The Commission shall comply with the Inspector General’s oversight as if the Commission were a designated Federal entity under subsection (a)(1) and as if the Inspector General were the inspector general of the Commission. The Governors of the Postal Service shall not direct oversight activities for the Postal Regulatory Commission.*

(3) **AUDITS AND INVESTIGATIONS.**—

(A) **AUTHORITY, DIRECTION, AND CONTROL OF GOVERNORS.**—

[(i) **ACCESS TO SENSITIVE INFORMATION.**—  
Notwithstanding subsection (d), the Inspector General shall be under the authority, direction, and control of the Governors with respect to audits or investigations, or the issuance of subpoenas, which require access to sensitive information concerning—]

(i) *ACCESS TO SENSITIVE INFORMATION.*—  
*Notwithstanding subsection (d), the Inspector General shall be under the authority, direction, and control of the Governors with respect to audits or investigations, or the issuance of subpoenas, pertaining to the United States Postal Service, which audits, investigations, and subpoenas require access to sensitive information concerning—*

\* \* \*

[(iii) **NOTIFICATION OF REASONS FOR EXERCISE OF POWER.**—If the Governors exercise any power under clause (i) or (ii), the Governors shall notify the Inspector General in writing, stating the reasons for such exercise. Within 30 days after receipt of any such notice, the Inspector General shall transmit a copy of such notice to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Reform of the House of Representatives, and to other appropriate committees or subcommittees of the Congress.]

(iii) *NOTIFICATION OF REASONS FOR EXERCISE OF POWER.*—If the Governors exercise any power under clause (i) or (ii), the Governors shall notify the Inspector General in writing, stating the reasons for such exercise. Within 30 days after receipt of any such notice, the Inspector General shall transmit a copy of such notice to the appropriate congressional committees.

(B) *INITIATING, CONDUCTING, AND SUPERVISING AUDITS AND INVESTIGATIONS.*—In carrying out the duties and responsibilities specified in this chapter, the Inspector General—

(i) may initiate, conduct, and supervise such audits and investigations in the United States Postal Service and the Postal Regulatory Commission as the Inspector General considers appropriate; and

(ii) shall give particular regard to the activities of the Postal Inspection Service with a view toward avoiding duplication and ensuring effective coordination and cooperation.

[(C) *REPORTING SERIOUS PROBLEMS, ABUSES, OR DEFICIENCIES.*—Any report required to be transmitted by the Governors to the appropriate committees or subcommittees of the Congress under section 405(e) of this title shall also be transmitted, within the 7-day period specified under such section, to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Reform of the House of Representatives.]

(4) *APPLICABILITY TO ACTIVITIES PERTAINING TO THE POSTAL REGULATORY COMMISSION.*—For activities pertaining to the Postal Regulatory Commission, sections 404, 405, 406 (other than subsection (g)), and 407 of this title shall be applied by substituting the term “head of the Postal Regulatory Commission” for “head of the establishment”.

[(4)] (5) *LIMITATION.*—Nothing in this chapter shall restrict, eliminate, or otherwise adversely affect any of the rights, privileges, or benefits of either employees of the United States Postal Service, or labor organizations representing employees of the United States Postal Service, under chapter 12 of title 39, the National Labor Relations Act, any handbook or manual affecting employee labor relations with the United States Postal Service, or any collective bargaining agreement.

[(5)] (6) *DEFINITION OF GOVERNORS.*—In this subsection, the term “Governors” has the meaning given the term by section 102(3) of title 39.

[(6)] (7) *AUTHORIZATION OF APPROPRIATIONS.*—There are authorized to be appropriated, out of the Postal Service Fund, such sums as may be necessary for the Office of Inspector General of the United States Postal Service.

\* \* \*

**§ 416. Additional provisions with respect to Inspectors General of the intelligence community**

[(a) *DEFINITIONS.*—In this section:

(1) INTELLIGENCE COMMITTEES.—The term “intelligence committees” means the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

(2) URGENT CONCERN.—The term “urgent concern” means any of the following:

(A) A serious or flagrant problem, abuse, violation of law or Executive order, or deficiency relating to the funding, administration, or operations of an intelligence activity involving classified information, but does not include differences of opinions concerning public policy matters.

(B) A false statement to Congress, or a willful withholding from Congress, on an issue of material fact relating to the funding, administration, or operation of an intelligence activity.

(C) An action, including a personnel action described in section 2302(a)(2)(A) of this title constituting reprisal or threat of reprisal prohibited under section 407(c) of this title in response to an employee's reporting an urgent concern in accordance with this section.]

*(a) DEFINITIONS; AUTHORITY TO DETERMINE WHETHER COMPLAINT OR INFORMATION IS A MATTER OF URGENT CONCERN.—*

*(1) DEFINITIONS.—In this section:*

*(A) INTELLIGENCE COMMITTEES.—The term “intelligence committees” means the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.*

*(B) URGENT CONCERN.—The term “urgent concern” means any of the following:*

*(i) A serious or flagrant problem, abuse, violation of law or Executive order, or deficiency relating to the funding, administration, or operations of an intelligence activity of the Federal Government that is—*

*(I) a matter of national security; and*

*(II) not a difference of opinion concerning public policy matters.*

*(ii) A false statement to Congress, or a willful withholding from Congress, on an issue of material fact relating to the funding, administration, or operation of an intelligence activity.*

*(iii) An action, including a personnel action described in section 2302(a)(2)(A) of this title constituting reprisal or threat of reprisal prohibited under section 407(c) of this title in response to an employee's reporting an urgent concern in accordance with this section.*

*(2) AUTHORITY TO DETERMINE WHETHER COMPLAINT OR INFORMATION IS A MATTER OF URGENT CONCERN.—Within the executive branch, an Inspector General to whom any complaint or information is reported under this section shall have sole authority to determine whether the complaint or information is a matter of urgent concern under this section.*

\* \* \*

**§ 417. Special provisions concerning the Department of Homeland Security**

(a) IN GENERAL.—

\* \* \*

(3) NOTIFICATION OF EXERCISE OF POWER.—If the Secretary of Homeland Security exercises any power under paragraph (1) or (2), the Secretary shall notify the Inspector General of the Department of Homeland Security in writing within 7 days, stating the reasons for such exercise. Within 30 days after receipt of any such notice, the Inspector General shall transmit to the President of the Senate, the Speaker of the House of Representatives, and appropriate [committees and subcommittees of Congress] *congressional committees* the following—

(A) a copy of such notice; and

(B) a written response to such notice that includes a statement regarding whether the Inspector General agrees or disagrees with such exercise, and the reasons for any disagreement.

\* \* \*

[(d) REPORTS.—Any report required to be transmitted by the Secretary of Homeland Security to the appropriate committees or subcommittees of Congress under section 405(e) of this title shall be transmitted, within the 7-day period specified in section 405(e) of this title, to the President of the Senate, the Speaker of the House of Representatives, and appropriate committees and subcommittees of Congress.]

*(d) REPORTS.—Any report required to be transmitted by the Secretary of Homeland Security to the appropriate congressional committees under section 405(e) of this title shall be transmitted, within the 7-day period specified in section 405(e) of this title, to the President of the Senate, the Speaker of the House of Representatives, and appropriate congressional committees.*

\* \* \*

**§ 419. Special provisions concerning overseas contingency operations**

(a) ADDITIONAL RESPONSIBILITIES OF CHAIR OF COUNCIL OF INSPECTORS GENERAL ON INTEGRITY AND EFFICIENCY.—The Chair of the Council of Inspectors General on Integrity and Efficiency (CIGIE) shall, in consultation with the members of the Council, have the additional responsibilities specified in subsection (b) with respect to the Inspectors General specified in subsection (c) upon the earlier of—

(1) the commencement or designation of a military operation as an overseas contingency operation that exceeds 60 days; or

(2) receipt of a notification under [section 113(n) of title 10] *section 113(o) of title 10* with respect to an overseas contingency operation.

\* \* \*

(d) LEAD INSPECTOR GENERAL FOR OVERSEAS CONTINGENCY OPERATION.—

(1) DESIGNATION.—A lead Inspector General for an overseas contingency operation shall be designated by the Chair of the Council of Inspectors General on Integrity and Efficiency under subsection (b)(1) not later than 30 days after the earlier of—

(A) the commencement or designation of the military operation concerned as an [overseas] *overseas* contingency operation that exceeds 60 days; or

(B) receipt of a notification under [section 113(n) of title 10] *section 113(o) of title 10* with respect to an overseas contingency operation.

The lead Inspector General for a contingency operation shall be designated from among the Inspectors General specified in subsection (c).

\* \* \*

(5) [COMPETITIVE] *COMPETITIVE* STATUS FOR APPOINTMENT.—

(A) IN GENERAL.—A person employed by [a lead Inspector General for] *any of the Inspectors General specified in subsection (c) for oversight of* an overseas contingency operation under this section shall acquire competitive status for appointment to any position in the competitive service for which the employee possesses the required qualifications upon the completion of 2 years of continuous service as an employee under this section.

(B) LIMITATION.—No person who is first employed as described in subparagraph (A) more than 2 years after [December 19, 2019] *December 20, 2019*, may acquire competitive status under subparagraph (A).

\* \* \*

**§ 421. Additional provisions with respect to the Department of Energy**

\* \* \*

(b) NOTIFICATION TO INSPECTOR GENERAL AND STATEMENT TO CONGRESS.—Not later than 7 days after the date on which the Secretary of Energy exercises any power authorized under subsection (a), the Secretary shall notify the Inspector General of the Department of Energy in writing of the reasons for such exercise. Within 30 days after receipt of any such notice, the Inspector General of the Department of Energy shall submit to the appropriate [committees of Congress] *congressional committees* a statement concerning such exercise.

\* \* \*

**§ 424. Establishment of the Council of the Inspectors General on Integrity and Efficiency**

\* \* \*



(b) MEMBERSHIP.—

\* \* \*

(3) FUNCTIONS OF CHAIRPERSON AND EXECUTIVE CHAIRPERSON.—

\* \* \*

(B) CHAIRPERSON.—The Chairperson shall—

\* \* \*

(viii) prepare and transmit an annual report on behalf of the Council on the activities of the Council to—

(I) the President; *and*

[*(II) the appropriate committees of jurisdiction of the Senate and the House of Representatives;*]

*(II) the appropriate congressional committees.*

[*(III) the Committee on Homeland Security and Governmental Affairs of the Senate; and*

*(IV) the Committee on Oversight and Reform of the House of Representatives.]*

(c) FUNCTIONS AND DUTIES OF COUNCIL.—

(1) IN GENERAL.—The Council shall—

\* \* \*

*(E) support the professional development of Inspectors General, including by providing training opportunities on the duties, responsibilities, and authorities under this Act and on topics relevant to Inspectors General and the work of Inspectors General, as identified by Inspectors General and the Council.*

[*(E)*] *(F) maintain 1 or more academies as the Council considers desirable for the professional training of auditors, investigators, inspectors, evaluators, and other personnel of the various offices of Inspector General;*

[*(F)*] *(G) submit recommendations of individuals to the appropriate appointing authority for any appointment to an office of Inspector General described under subsection (b)(1)(A) or (B);*

[*(G)*] *(H) make such reports to Congress as the Chairperson determines are necessary or appropriate;*

[*(H)*] *(I) except for matters coordinated among Inspectors General under section 103H of the National Security Act of 1947 (50 U.S.C. 3033), receive, review, and mediate any disputes submitted in writing to the Council by an Office of Inspector General regarding an audit, investigation, inspection, evaluation, or project that involves the jurisdiction of more than one Office of Inspector General; and*

[(I)] (J) perform other duties within the authority and jurisdiction of the Council, as appropriate.

\* \* \*

(3) ADDITIONAL ADMINISTRATIVE AUTHORITIES.—

\* \* \*

(D) *REPORT ON EXPENDITURES.*—Not later than November 30 of each year, the Chairperson shall submit to the appropriate congressional committees, including the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives, a report on the expenditures of the Council for the preceding fiscal year, including from direct appropriations to the Council, interagency funding pursuant to subparagraph (A), a revolving fund pursuant to subparagraph (B), or any other source.

\* \* \*

(5) ADDITIONAL RESPONSIBILITIES RELATING TO WHISTLEBLOWER PROTECTION.—The Council shall—

(A) facilitate the work of the Whistleblower Protection Coordinators designated under section 403(d)(1)(C) of this title; and

(B) in consultation with the Office of Special Counsel and Whistleblower Protection Coordinators from the member offices of the Inspector General, develop best practices for coordination and communication in promoting the timely and appropriate handling and consideration of protected disclosures[, allegations of reprisal,] *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)* and general matters regarding the implementation and administration of whistleblower protection laws, in accordance with Federal law.

(d) INTEGRITY COMMITTEE.—

\* \* \*

(5) REVIEW OF ALLEGATIONS.—

\* \* \*

(B) REFERRAL TO THE CHAIRPERSON.—

\* \* \*

(ii) EXTENSION.—The 30-day period described in clause (i) may be extended for an additional period of 30 days if the Integrity Committee provides written notice to

the congressional committees described in paragraph (8)(A)(iii) that includes a detailed, case-specific description of why the additional time is needed to evaluate the allegation of wrongdoing[.], *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.*

(iii) *AVAILABILITY OF INFORMATION TO CONGRESS ON CERTAIN ALLEGATIONS OF WRONGDOING CLOSED WITHOUT REFERRAL.—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 the allegation of wrongdoing, provide a written description of the nature of the allegation of wrongdoing and how the Integrity Committee evaluated the allegation of wrongdoing to—*

*(I) the Chair and Ranking Minority Member of the Committee on Homeland Security and Governmental Affairs of the Senate; and*

*(II) the Chair and Ranking Minority Member of the Committee on Oversight and Accountability of the House of Representatives.*

\* \* \*

(7) PROCEDURES FOR INVESTIGATIONS.—

\* \* \*

(B) ADDITIONAL POLICIES AND PROCEDURES.—

(i) *ESTABLISHMENT.—The Integrity Committee, in conjunction with the Chairperson of the Council, shall establish additional policies and procedures necessary to ensure fairness and consistency in—*

\* \* \*

*(V) except as provided in clause (ii), ensuring, to the extent possible, that investigations are conducted by Offices of Inspector General of similar size, and that an investigation of an Office of Inspector General of an establishment is conducted by another Office of Inspector General of an establishment;*

\* \* \*

(8) ASSESSMENT AND FINAL DISPOSITION.—

(A) IN GENERAL.—With respect to any report received under paragraph (7)(E), the Integrity Committee shall—

(i) assess the report;

(ii) forward the report, with the recommendations of the Integrity Committee, including those on disciplinary action *or corrective action*, within 30 days (to the maximum extent practicable) after the completion of the investigation, to the Executive Chairperson of the Council and to the President (in the case of a report relating to an Inspector General of an establishment or any employee of that Inspector General) or the head of a designated Federal entity (in the case of a report relating to an Inspector General of such an entity or any employee of that Inspector General) for resolution;

(iii) submit the report, with the recommendations of the Integrity Committee, [to 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] *to the appropriate congressional committees*; and

(iv) following the submission of the report under clause (iii) and upon request by any Member of Congress, submit the report, with the recommendations of the Integrity Committee, to that Member.

(B) DISPOSITION.—The Executive Chairperson of the Council shall report to the Integrity Committee *and the appropriate congressional committees* the final disposition of the matter, including what action was taken by the President or agency head.

[(9) ANNUAL REPORT.—The Council shall submit to Congress and the President by December 31 of each year a report on the activities of the Integrity Committee during the preceding fiscal year, which shall include the following:

(A) The number of allegations received.

(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.

(D) The number of allegations closed without referral.

(E) The date each allegation was received and the date each allegation was finally disposed of.

(F) In the case of allegations referred to the Chairperson of the Integrity Committee, a summary of the status of the investigation of the allegations and, in the case of investigations completed during the preceding fiscal year, a summary of the findings of the investigations.

(G) Other matters that the Council considers appropriate.]

(9) SEMIANNUAL REPORT.—*On or before May 31, 2023, and every 6 months thereafter, the Council shall submit to Congress and the President a report on the activities of the Integrity Committee during the*

*immediately preceding 6-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 in 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 received by the Integrity Committee.*

*(C) 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.*

*(D) 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.*

*(E) 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.*

*(F) The number and category or type of pending investigations.*

*(G) 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.*

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

*(I) 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.*

(J) *Other matters that the Council considers appropriate.*

\* \* \*

## **Chapter 10—FEDERAL ADVISORY COMMITTEES**

\* \* \*

### **§ 1013. Termination of advisory committees**

(a) IN GENERAL.—

\* \* \*

(2) ADVISORY COMMITTEES ESTABLISHED AFTER JANUARY 5, 1973.—Each advisory committee established after January 5, 1973, shall terminate not later than the expiration of the 2-year period beginning on the date of its establishment unless—

(A) in the case of an advisory committee established by the President or an officer of the Federal [Government] *Government*, such advisory committee is renewed by the President or such officer by appropriate action prior to the end of such period; or

(B) in the case of an advisory committee established by an Act of Congress, its duration is otherwise provided for by law.

\* \* \*

## **Part IV—ETHICS REQUIREMENTS**

\* \* \*

### **Chapter 131—ETHICS IN GOVERNMENT**

\* \* \*

#### **§ 13104. Contents of reports**

\* \* \*

(f) TRUSTS AND OTHER FINANCIAL ARRANGEMENTS.—

\* \* \*

(4) TRUST ASSET CONSIDERED FINANCIAL INTEREST.—

\* \* \*

(B) EXCEPTION.—

(i) The provisions of subparagraph (A) shall not apply with respect to a trust created for the benefit of a reporting individual, or the spouse, dependent child, or minor child of such a person, if the supervising ethics office for such reporting individual finds that—

(III) the trust instrument prohibits the trustee, notwithstanding the provisions of [paragraphs (3)(C)(iii) and (iv) of this subsection] *clauses (iii) and (iv) of paragraph (3)(C) of this subsection*, from making public or informing any interested party of the sale of any securities;

\* \* \*

### **§ 13105. Filing of reports**

\* \* \*

(1) PERIODIC TRANSACTION REPORTS.—Not later than 30 days after receiving notification of any transaction required to be reported under section 13104(a)(5)(B) of this title, but in no case later than 45 days after such transaction, the following persons, if required to file a report under any subsection of section 13103 of this title, subject to any waivers and exclusions, shall file a report of the transaction:

\* \* \*

(9) A Member of Congress[, as defined under section 13101 of this title].

(10) An officer or employee of [the Congress] *Congress* [, as defined under section 13101 of this title].

(11) *Each judicial officer.*

(12) *Each bankruptcy judge appointed under section 152 of title 28.*

(13) *Each United States magistrate judge appointed under section 631 of title 28.*

\* \* \*

### **§ 13107. Custody of and public access to reports**

\* \* \*

(b) INSPECTION OF REPORTS.—

\* \* \*

(3) JUDICIAL EMPLOYEES AND OFFICERS.—

(A) IN GENERAL.—This section does not require the immediate and unconditional availability of reports filed by an individual [described in paragraph (9) or (10) of section 13101 of this title] *who is a judicial officer or a judicial employee* if a finding is made by the Judicial Conference, in consultation with the United States Marshals Service, that revealing personal and sensitive information could endanger that individual or a family member of that individual.

\* \* \*

(c) *ONLINE PUBLICATION OF FINANCIAL DISCLOSURE REPORTS OF FEDERAL JUDGES.*—

(1) *ESTABLISHMENT OF DATABASE.*—Subject to paragraph (4), not later than 180 days after May 13, 2022, the Administrative Office of the United States Courts shall establish a searchable internet database to enable public access to any report required to be filed under this subchapter by a judicial officer, bankruptcy judge, or magistrate judge.

(2) *AVAILABILITY.*—Not later than 90 days after the date on which a report is required to be filed under this subchapter by a judicial officer, bankruptcy judge, or magistrate judge, the Administrative Office of the United States Courts shall make the report available on the database established under paragraph (1) in a full-text searchable, sortable, and downloadable format for access by the public.

(3) *REDACTION.*—Any report made available on the database established under paragraph (1) shall not contain any information that is redacted in accordance with subsection (b)(3).

(4) *ADDITIONAL TIME.*—

(A) *IN GENERAL.*—Subject to subparagraph (B), the requirements of this subsection may be implemented after the date described in paragraph (1) if the Administrative Office of the United States Courts identifies in writing to the relevant committees of Congress the additional time needed for that implementation.

(B) *PUBLICATION REQUIREMENT.*—The Administrative Office of the United States Courts shall continue to make the reports described in paragraph (1) available to the public during the period in which the Administrative Office of the United States Courts establishes the database under this subsection.

(c) (d) *PROHIBITED USES OF REPORTS.*—

\* \* \*

[(d)] (e) *RETENTION OF REPORTS.*—

\* \* \*

**§ 13109. Confidential reports and other additional requirements**

(a) *IN GENERAL.*—

(1) *AUTHORITY TO REQUIRE CONFIDENTIAL FINANCIAL DISCLOSURE REPORTS.*—Each supervising ethics office may require officers and employees under its jurisdiction (including special



Government employees as defined in section 202 of title 18) to file confidential financial disclosure reports, in such form as the supervising ethics office may prescribe. The information required to be reported under this subsection by the officers and employees of any department or agency shall be set forth in rules or regulations prescribed by the supervising ethics office, and may be less extensive than otherwise required by this subchapter, or more extensive when determined by the supervising ethics office to be necessary and appropriate in light of sections 202 through 209 of title 18, regulations promulgated under those sections, or the authorized activities of such officers or employees. Any individual required to file a report pursuant to section 13103 of this title shall not be required to file a confidential report pursuant to this subsection, except with respect to information which is more extensive than information otherwise required by this subchapter. Subsections (a), (b), [and (d)] *and* (e) of section 13107 of this title shall not apply with respect to any such report.