

**AMENDMENT TO RULES COMMITTEE PRINT**

**117-20**

**OFFERED BY MR. BURGESS OF TEXAS**

Strike subtitle A of title VII of the bill and insert the following:

1 **Subtitle A—Removal or Transfer of**  
2 **Inspectors General; Placement**  
3 **on Non-duty Status**

4 **SEC. 701. REMOVAL OR TRANSFER OF INSPECTORS GEN-**  
5 **ERAL; PLACEMENT ON NON-DUTY STATUS.**

6 (a) IN GENERAL.—The Inspector General Act of  
7 1978 (5 U.S.C. App.) is amended—

8 (1) in section 3(b)—

9 (A) by inserting “(1)(A)” after “(b)”;

10 (B) in paragraph (1), as so designated—

11 (i) in subparagraph (A), as so des-  
12 ignated, in the second sentence—

13 (I) by striking “reasons” and in-  
14 serting the following: “substantive ra-  
15 tionale, including detailed and case-  
16 specific reasons,”; and

17 (II) by inserting “(including to  
18 the Committee on Homeland Security

1 and Governmental Affairs of the Sen-  
2 ate, the Committee on Oversight and  
3 Reform of the House of Representa-  
4 tives, and any other congressional  
5 committee that has jurisdiction with  
6 respect to that Inspector General)”  
7 after “Houses of Congress”; and  
8 (ii) by adding at the end the fol-  
9 lowing:

10 “(B) If there is an open or completed inquiry into  
11 an Inspector General that relates to the removal or trans-  
12 fer of the Inspector General under subparagraph (A), the  
13 written communication required under that subparagraph  
14 shall—

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

17 “(ii) in the case of a completed inquiry, contain  
18 the findings made during the inquiry.”; and

19 (C) by adding at the end the following:

20 “(2)(A) Subject to the other provisions of this para-  
21 graph, only the President may place an Inspector General  
22 on non-duty status.

23 “(B) If the President places an Inspector General on  
24 non-duty status, the President shall communicate in writ-  
25 ing the substantive rationale, including detailed and case-

1 specific reasons, for the change in status to both Houses  
2 of Congress (including to the Committee on Homeland Se-  
3 curity and Governmental Affairs of the Senate, the Com-  
4 mittee on Oversight and Reform of the House of Rep-  
5 resentatives, and any other congressional committee that  
6 has jurisdiction with respect to that Inspector General)  
7 not later than 15 days before the date on which the change  
8 in status takes effect, except that the President may sub-  
9 mit that communication on the date on which the change  
10 in status takes effect if—

11           “(i) the President has made a determination  
12           that the continued presence of the Inspector General  
13           in the workplace poses a threat described in any of  
14           clauses (i) through (iv) of section 6329b(b)(2)(A) of  
15           title 5, United States Code; and

16           “(ii) in the communication, the President in-  
17           cludes a report on the determination described in  
18           clause (i), which shall include—

19                   “(I) a specification of which clause of sec-  
20                   tion 6329b(b)(2)(A) of title 5, United States  
21                   Code, the President has determined applies  
22                   under clause (i) of this subparagraph;

23                   “(II) the substantive rationale, including  
24                   detailed and case-specific reasons, for the deter-  
25                   mination made under clause (i);

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

5           “(IV) in the case of an inquiry described  
6           in subclause (III) that is completed, the find-  
7           ings made during that inquiry.

8           “(C) The President may not place an Inspector Gen-  
9           eral on non-duty status during the 30-day period pre-  
10          ceding the date on which the Inspector General is removed  
11          or transferred under paragraph (1)(A) unless the Presi-  
12          dent—

13           “(i) has made a determination that the contin-  
14          ued presence of the Inspector General in the work-  
15          place poses a threat described in any of clauses (i)  
16          through (iv) of section 6329b(b)(2)(A) of title 5,  
17          United States Code; and

18           “(ii) not later than the date on which the  
19          change in status takes effect, submits to both  
20          Houses of Congress (including to the Committee on  
21          Homeland Security and Governmental Affairs of the  
22          Senate, the Committee on Oversight and Reform of  
23          the House of Representatives, and any other con-  
24          gressional committee that has jurisdiction with re-  
25          spect to that Inspector General) a written commu-

1        nication that contains the information required  
2        under subparagraph (B), including the report re-  
3        quired under clause (ii) of that subparagraph.

4        “(D) For the purposes of this paragraph—

5                “(i) the term ‘Inspector General’—

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

10                      “(II) includes the Inspector General of an  
11                      establishment, the Inspector General of the In-  
12                      telligence Community, the Inspector General of  
13                      the Central Intelligence Agency, the Special In-  
14                      spector General for Afghanistan Reconstruc-  
15                      tion, the Special Inspector General for the  
16                      Troubled Asset Relief Program, and the Special  
17                      Inspector General for Pandemic Recovery; and

18                      “(ii) a reference to the removal or transfer of  
19                      an Inspector General under paragraph (1), or to the  
20                      written communication described in that paragraph,  
21                      shall be considered to be—

22                      “(I) in the case of the Inspector General of  
23                      the Intelligence Community, a reference to sec-  
24                      tion 103H(c)(4) of the National Security Act of  
25                      1947 (50 U.S.C. 3033(c)(4));

1           “(II) in the case of the Inspector General  
2 of the Central Intelligence Agency, a reference  
3 to section 17(b)(6) of the Central Intelligence  
4 Agency Act of 1949 (50 U.S.C. 3517(b)(6));

5           “(III) in the case of the Special Inspector  
6 General for Afghanistan Reconstruction, a ref-  
7 erence to section 1229(c)(6) of the National  
8 Defense Authorization Act for Fiscal Year 2008  
9 (Public Law 110–181; 122 Stat. 379);

10           “(IV) in the case of the Special Inspector  
11 General for the Troubled Asset Relief Program,  
12 a reference to section 121(b)(4) of the Emer-  
13 gency Economic Stabilization Act of 2008 (12  
14 U.S.C. 5231(b)(4)); and

15           “(V) in the case of the Special Inspector  
16 General for Pandemic Recovery, a reference to  
17 section 4018(b)(3) of the CARES Act (15  
18 U.S.C. 9053(b)(3)).”; and

19 (2) in section 8G(e)—

20           (A) in paragraph (1), by inserting “or  
21 placement on non-duty status” after “a re-  
22 moval”;

23           (B) in paragraph (2)—

24           (i) by inserting “(A)” after “(2)”;

1 (ii) in subparagraph (A), as so des-  
2 ignated, in the first sentence—

3 (I) by striking “reasons” and in-  
4 serting the following: “substantive ra-  
5 tionale, including detailed and case-  
6 specific reasons,”; and

7 (II) by inserting “(including to  
8 the Committee on Homeland Security  
9 and Governmental Affairs of the Sen-  
10 ate, the Committee on Oversight and  
11 Reform of the House of Representa-  
12 tives, and any other congressional  
13 committee that has jurisdiction with  
14 respect to that Inspector General)”  
15 after “Houses of Congress”; and

16 (iii) by adding at the end the fol-  
17 lowing:

18 “(B) If there is an open or completed inquiry into  
19 an Inspector General that relates to the removal or trans-  
20 fer of the Inspector General under subparagraph (A), the  
21 written communication required under that subparagraph  
22 shall—

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

1           “(ii) in the case of a completed inquiry, contain  
2           the findings made during the inquiry.”; and

3           (C) by adding at the end the following:

4           “(3)(A) Subject to the other provisions of this para-  
5           graph, only the head of the applicable designated Federal  
6           entity (referred to in this paragraph as the ‘covered offi-  
7           cial’) may place an Inspector General on non-duty status.

8           “(B) If a covered official places an Inspector General  
9           on non-duty status, the covered official shall communicate  
10          in writing the substantive rationale, including detailed and  
11          case-specific reasons, for the change in status to both  
12          Houses of Congress (including to the Committee on  
13          Homeland Security and Governmental Affairs of the Sen-  
14          ate, the Committee on Oversight and Reform of the House  
15          of Representatives, and any other congressional committee  
16          that has jurisdiction with respect to that Inspector Gen-  
17          eral) not later than 15 days before the date on which the  
18          change in status takes effect, except that the covered offi-  
19          cial may submit that communication on the date on which  
20          the change in status takes effect if—

21                 “(i) the covered official has made a determina-  
22                 tion that the continued presence of the Inspector  
23                 General in the workplace poses a threat described in  
24                 any of clauses (i) through (iv) of section  
25                 6329b(b)(2)(A) of title 5, United States Code; and



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

4           “(I) a specification of which clause of sec-  
5 tion 6329b(b)(2)(A) of title 5, United States  
6 Code, the covered official has determined ap-  
7 plies under clause (i) of this subparagraph;

8           “(II) the substantive rationale, including  
9 detailed and case-specific reasons, for the deter-  
10 mination made under clause (i);

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

15           “(IV) in the case of an inquiry described  
16 in subclause (III) that is completed, the find-  
17 ings made during that inquiry.

18           “(C) A covered official may not place an Inspector  
19 General on non-duty status during the 30-day period pre-  
20 ceding the date on which the Inspector General is removed  
21 or transferred under paragraph (2)(A) unless the covered  
22 official—

23           “(i) has made a determination that the contin-  
24 ued presence of the Inspector General in the work-  
25 place poses a threat described in any of clauses (i)

1 through (iv) of section 6329b(b)(2)(A) of title 5,  
2 United States Code; and

3 “(ii) not later than the date on which the  
4 change in status takes effect, submits to both  
5 Houses of Congress (including to the Committee on  
6 Homeland Security and Governmental Affairs of the  
7 Senate, the Committee on Oversight and Reform of  
8 the House of Representatives, and any other con-  
9 gressional committee that has jurisdiction with re-  
10 spect to that Inspector General) a written commu-  
11 nication that contains the information required  
12 under subparagraph (B), including the report re-  
13 quired under clause (ii) of that subparagraph.

14 “(D) Nothing in this paragraph may be construed to  
15 limit or otherwise modify—

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

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

21 (b) TECHNICAL AND CONFORMING AMENDMENT.—  
22 Section 12(3) of the Inspector General Act of 1978 (5  
23 U.S.C. App.) is amended by inserting “except as otherwise  
24 expressly provided,” before “the term”.

