

AMENDMENT TO
RULES COMMITTEE PRINT 117-20
OFFERED BY MR. COMER OF KENTUCKY

Page 1, strike line 1 and all that follows and insert the following:

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Inspector General Sta-
3 bility Act”.

4 **SEC. 2. REMOVAL OR TRANSFER OF INSPECTORS GENERAL;**

5 **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 Special Inspector General for
12 Afghanistan Reconstruction, the Special Inspec-
13 tor General for the Troubled Asset Relief Pro-
14 gram, and the Special Inspector General for
15 Pandemic Recovery; and

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

20 “(I) in the case of the Special Inspector
21 General for Afghanistan Reconstruction, a ref-
22 erence to section 1229(c)(6) of the National
23 Defense Authorization Act for Fiscal Year 2008
24 (Public Law 110–181; 122 Stat. 379);

1 “(II) in the case of the Special Inspector
2 General for the Troubled Asset Relief Program,
3 a reference to section 121(b)(4) of the Emer-
4 gency Economic Stabilization Act of 2008 (12
5 U.S.C. 5231(b)(4)); and

6 “(III) in the case of the Special Inspector
7 General for Pandemic Recovery, a reference to
8 section 4018(b)(3) of the CARES Act (15
9 U.S.C. 9053(b)(3)).”; and
10 (2) in section 8G(e)—

11 (A) in paragraph (1), by inserting “or
12 placement on non-duty status” after “a re-
13 moval”;

14 (B) in paragraph (2)—

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

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

18 (I) by striking “reasons” and in-
19 serting the following: “substantive ra-
20 tionale, including detailed and case-
21 specific reasons,”; and

22 (II) by inserting “(including to
23 the Committee on Homeland Security
24 and Governmental Affairs of the Sen-
25 ate, the Committee on Oversight and

1 Reform of the House of Representa-
2 tives, and any other congressional
3 committee that has jurisdiction with
4 respect to that Inspector General)”
5 after “Houses of Congress”; and

6 (iii) by adding at the end the fol-
7 lowing:

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

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

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

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

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

22 “(B) If a covered official places an Inspector General
23 on non-duty status, the covered official shall communicate
24 in writing the substantive rationale, including detailed and
25 case-specific reasons, for the change in status to both

1 Houses of Congress (including to the Committee on
2 Homeland Security and Governmental Affairs of the Sen-
3 ate, the Committee on Oversight and Reform of the House
4 of Representatives, and any other congressional committee
5 that has jurisdiction with respect to that Inspector Gen-
6 eral) not later than 15 days before the date on which the
7 change in status takes effect, except that the covered offi-
8 cial may submit that communication on the date on which
9 the change in status takes effect if—

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

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

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

22 “(II) the substantive rationale, including
23 detailed and case-specific reasons, for the deter-
24 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) A covered official may not place an Inspector
9 General 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 (2)(A) unless the covered
12 official—

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) Nothing in this paragraph may be construed to
5 limit or otherwise modify—

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

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

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

15 **SEC. 3. CHANGE IN STATUS OF INSPECTOR GENERAL OF-**
16 **FICES.**

17 (a) CHANGE IN STATUS OF INSPECTOR GENERAL OF
18 OFFICE.—Paragraph (1) of section 3(b) of the Inspector
19 General Act of 1978 (5 U.S.C. App.) is amended—

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

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

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

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

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

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

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

11 (c) EXCEPTION TO REQUIREMENT TO SUBMIT COM-
12 MUNICATION RELATING TO CERTAIN CHANGES IN STA-
13 TUS.—

14 (1) COMMUNICATION RELATING TO CHANGE IN
15 STATUS OF INSPECTOR GENERAL OF OFFICE.—Sec-
16 tion 3(b) of the Inspector General Act of 1978 (5
17 U.S.C. App.), as amended by section 2(1), is further
18 amended—

19 (A) in paragraph (1), by striking “If” and
20 inserting “Except as provided in paragraph (4),
21 if”; and

22 (B) by adding at the end the following:

23 “(4) If an Inspector General is placed on paid
24 or unpaid non-duty status, the President may sub-
25 mit the communication described in paragraph (1)

1 to Congress later than 30 days before the Inspector
2 General is placed on paid or unpaid non-duty status,
3 but in any case not later than the date on which the
4 placement takes effect, if—

5 “(A) the President determines that a delay
6 in placing the Inspector General on paid or un-
7 paid non-duty status would—

8 “(i) pose a threat to the Inspector
9 General or others;

10 “(ii) result in the destruction of evi-
11 dence relevant to an investigation; or

12 “(iii) result in loss of or damage to
13 Government property;

14 “(B) in the communication, the President
15 includes—

16 “(i) a specification of which clause the
17 President relied on to make the determina-
18 tion under subparagraph (A);

19 “(ii) the substantive rationale, includ-
20 ing detailed and case-specific reasons, for
21 such determination;

22 “(iii) if the President relied on an in-
23 quiry to make such determination, an iden-
24 tification of each entity that is conducting,
25 or that conducted, such inquiry; and

1 “(iv) if an inquiry described in clause
2 (iii) is completed, the findings of that in-
3 quiry.

4 “(5) The President may not place an Inspector
5 General on paid or unpaid non-duty status during
6 the 30-day period preceding the date on which the
7 Inspector General is removed or transferred under
8 paragraph (1) unless the President—

9 “(A) determines that not placing the In-
10 specter General on paid or unpaid non-duty sta-
11 tus would—

12 “(i) pose a threat to the Inspector
13 General or others;

14 “(ii) result in the destruction of evi-
15 dence relevant to an investigation; or

16 “(iii) result in loss of or damage to
17 Government property; and

18 “(B) on or before the date on which the
19 placement takes effect, submits to the Com-
20 mittee in the House of Representatives and the
21 Committee in the Senate that has jurisdiction
22 over the Inspector General involved, the Com-
23 mittee on Oversight and Reform of the House
24 of Representatives, and the Committee on
25 Homeland Security and Governmental Affairs

1 of the Senate, a written communication that
2 contains the following information—

3 “(i) a specification of which clause
4 under subparagraph (A) the President re-
5 lied on to make the determination under
6 such subparagraph;

7 “(ii) the substantive rationale, includ-
8 ing detailed and case-specific reasons, for
9 such determination;

10 “(iii) if the President relied on an in-
11 quiry to make such determination, an iden-
12 tification of each entity that is conducting,
13 or that conducted, such inquiry; and

14 “(iv) if an inquiry described in clause
15 (iii) is completed, the findings of that in-
16 quiry.”.

17 (2) COMMUNICATION RELATING TO CHANGE IN
18 STATUS OF INSPECTOR GENERAL OF DESIGNATED
19 FEDERAL ENTITY.—Section 8G(e) of the Inspector
20 General Act Inspector General Act of 1978 (5
21 U.S.C. App.), as amended by section 2(2), is further
22 amended—

23 (A) in paragraph (2), by striking “If” and
24 inserting “Except as provided in paragraph (4),
25 if”; and

1 (B) by adding at the end the following:

2 “(4) If an Inspector General is placed on paid
3 or unpaid non-duty status, the head of a designated
4 Federal entity may submit the communication de-
5 scribed in paragraph (2) to Congress later than 30
6 days before the Inspector General is placed on paid
7 or unpaid non-duty status, but in any case not later
8 than the date on which the placement takes effect,
9 if—

10 “(A) the head determines that a delay in
11 placing the Inspector General on paid or unpaid
12 non-duty status would—

13 “(i) pose a threat to the Inspector
14 General or others;

15 “(ii) result in the destruction of evi-
16 dence relevant to an investigation; or

17 “(iii) result in loss of or damage to
18 Government property;

19 “(B) in the communication, the head in-
20 cludes—

21 “(i) a specification of which clause
22 under subparagraph (A) the head relied on
23 to make the determination under such sub-
24 paragraph;

1 “(ii) the substantive rationale, includ-
2 ing detailed and case-specific reasons, for
3 such determination;

4 “(iii) if the head relied on an inquiry
5 to make such determination, an identifica-
6 tion of each entity that is conducting, or
7 that conducted, such inquiry; and

8 “(iv) if an inquiry described in clause
9 (iii) is completed, the findings of that in-
10 quiry.

11 “(5) The head may not place an Inspector Gen-
12 eral on paid or unpaid non-duty status during the
13 30-day period preceding the date on which the In-
14 specter General is removed or transferred under
15 paragraph (2) unless the head—

16 “(A) determines that not placing the In-
17 specter General on paid or unpaid non-duty sta-
18 tus would—

19 “(i) pose a threat to the Inspector
20 General or others;

21 “(ii) result in the destruction of evi-
22 dence relevant to an investigation; or

23 “(iii) result in loss of or damage to
24 Government property; and

1 “(B) on or before the date on which the
2 placement takes effect, submits to the Com-
3 mittee in the House of Representatives and the
4 Committee in the Senate that has jurisdiction
5 over the Inspector General involved, the Com-
6 mittee on Oversight and Reform of the House
7 of Representatives, and the Committee on
8 Homeland Security and Governmental Affairs
9 of the Senate, a written communication that
10 contains the following information—

11 “(i) a specification of which clause
12 under subparagraph (A) the head relied on
13 to make the determination under such sub-
14 paragraph;

15 “(ii) the substantive rationale, includ-
16 ing detailed and case-specific reasons, for
17 such determination;

18 “(iii) if the head relied on an inquiry
19 to make such determination, an identifica-
20 tion of each entity that is conducting, or
21 that conducted, such inquiry; and

22 “(iv) if an inquiry described in clause
23 (iii) is completed, the findings of that in-
24 quiry.”.

1 (d) APPLICATION.—The amendments made by this
2 section shall apply with respect to removals, transfers, and
3 changes of status occurring on or after the date that is
4 30 days after the date of the enactment of this Act.

5 **SEC. 4. PRESIDENTIAL EXPLANATION OF FAILURE TO**
6 **NOMINATE AN INSPECTOR GENERAL.**

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

10 **“§ 3349e. Presidential explanation of failure to nomi-**
11 **nate an Inspector General**

12 “If the President fails to make a formal nomination
13 for a vacant Inspector General position that requires a for-
14 mal nomination by the President to be filled within the
15 period beginning on the date on which the vacancy oc-
16 curred and ending on the day that is 210 days after that
17 date, the President shall communicate, within 30 days
18 after the end of such period, to Congress in writing—

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

21 “(2) a target date for making a formal nomina-
22 tion.”.

23 (b) CLERICAL AMENDMENT.—The table of sections
24 for chapter 33 of title 5, United States Code, is amended

1 by inserting after the item relating to 3349d the following
2 new item:

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

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

