

117TH CONGRESS  
1ST SESSION

# H. R. 5633

To amend the Homeland Security Act of 2002 to enhance transparency regarding reports conducted by the Inspector General of the Department of Homeland Security, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 19, 2021

Mr. THOMPSON of Mississippi introduced the following bill; which was referred to the Committee on Homeland Security

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## A BILL

To amend the Homeland Security Act of 2002 to enhance transparency regarding reports conducted by the Inspector General of the Department of Homeland Security, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Department of Home-  
5 land Security Inspector General Transparency Act”.

1 **SEC. 2. OFFICE OF INSPECTOR GENERAL OF THE DEPART-**  
2 **MENT OF HOMELAND SECURITY.**

3 (a) IN GENERAL.—Subtitle B of title VIII of the  
4 Homeland Security Act of 2002 is amended by inserting  
5 before section 812 the following new section:

6 **“SEC. 811. OFFICE OF INSPECTOR GENERAL.**

7 “(a) PUBLICATION OF REPORTS.—

8 “(1) IN GENERAL.—Beginning not later than  
9 30 days after the date of the enactment of this sec-  
10 tion, the Inspector General of the Department shall  
11 submit to the appropriate congressional committees  
12 any report finalized on and after such date that sub-  
13 stantiates—

14 “(A) a violation of paragraph (8) or (9) of  
15 section 2302(b) of title 5, United States Code,  
16 section 1034 of title 10, United States Code, or  
17 Presidential Personnel Directive-19; or

18 “(B) an allegation of misconduct, waste,  
19 fraud, abuse, or violation of policy within the  
20 Department involving a member of the Senior  
21 Executive Service or politically appointed offi-  
22 cial of the Department.

23 “(2) PUBLIC AVAILABILITY.—

24 “(A) IN GENERAL.—Concurrent with the  
25 submission to the appropriate congressional  
26 committees of reports pursuant to paragraph

1 (1), the Inspector General shall, consistent with  
2 privacy, civil rights, and civil liberties protec-  
3 tions, publish on a publicly available website of  
4 the Inspector General each such report.

5 “(B) EXCEPTION.—The requirement pur-  
6 suant to subparagraph (A) to publish reports  
7 does not apply if section (5)(e)(1) of the Inspec-  
8 tor General Act of 1978 applies to any such re-  
9 port.

10 “(3) REQUIREMENT.—

11 “(A) IN GENERAL.—The Inspector General  
12 of the Department may not redact any portion  
13 of a report submitted pursuant to paragraph  
14 (1).

15 “(B) EXCEPTION.—The requirement under  
16 subparagraph (A) shall not apply with respect  
17 to the name or any other identifying informa-  
18 tion of a whistleblower complainant who does  
19 not consent to the inclusion of such in a report  
20 of the Inspector General.

21 “(b) SEMIANNUAL REPORTING.—Beginning with the  
22 first semiannual report transmitted to the appropriate  
23 committees or subcommittees of the Congress pursuant to  
24 section 5(b) of the Inspector General Act of 1978 that  
25 is transmitted after the date of the enactment of this such,

1 each such report shall be accompanied by a list of ongoing  
2 audits, inspections, and evaluations of the Department, to-  
3 gether with a narrative description relating to each such  
4 audit, inspection, or evaluation that identifies the scope  
5 of such audit, inspection, or evaluation, as the case may  
6 be, as well as the subject office, component, or directorate  
7 of the Department. For each such ongoing audit, inspec-  
8 tion, or evaluation such narrative description shall include  
9 the following:

10           “(1) Information relating to the source of each  
11           such audit, inspection, or evaluation.

12           “(2) Information regarding whether each such  
13           audit, inspection, or evaluation is being conducted  
14           independently, jointly, concurrently, or in some other  
15           manner.

16           “(3) In the event each such audit, inspection, or  
17           evaluation was initiated due to a referral, the date  
18           on which the Inspector General notified the origi-  
19           nator of a referral of the Inspector General’s inten-  
20           tion to carry out such audit, inspection, or evalua-  
21           tion.

22           “(4) Information relating to the dates on  
23           which—

24                   “(A) each such audit, inspection, or eval-  
25                   uation was initiated;

1           “(B) a draft report relating to each such  
2           audit, inspection, or evaluation is scheduled to  
3           be submitted to the Secretary for review; and

4           “(C) a final report relating to each such  
5           audit, inspection, or evaluation is scheduled to  
6           be submitted to the appropriate congressional  
7           committees and published on the website of the  
8           Inspector General in accordance with para-  
9           graphs (1) and (2), respectively, of subsection  
10          (a).

11          “(5) An explanation for—

12           “(A) any significant changes to the nar-  
13           rative description of each such audit, inspection,  
14           or evaluation, including the identification of the  
15           subject office, component, or directorate of the  
16           Department; or

17           “(B) a delay of more than 30 days in the  
18           scheduled date for submitting to the Secretary  
19           a draft report for review or publishing on the  
20           website of the Inspector General of the Depart-  
21           ment the final report relating to each such  
22           audit, inspection, or evaluation.

23          “(c) DEFINITION.—In this section, the term ‘appro-  
24          priate congressional committees’ means the Committee on  
25          Homeland Security of the House of Representatives, the

1 Committee on Homeland Security and Governmental Af-  
2 fairs of the Senate, and any committee of the House of  
3 Representatives or the Senate, respectively, having legisla-  
4 tive or oversight jurisdiction under the Rules of the House  
5 of Representatives or the Senate, respectively, over the  
6 matter concerned.”.

7 (b) CLERICAL AMENDMENT.—The table of contents  
8 in section 1(b) of the Homeland Security Act of 2002 is  
9 amended by inserting before the item relating to section  
10 812 the following new item:

“Sec. 811. Office of Inspector General.”.

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