

118TH CONGRESS  
1ST SESSION

# H. R. 3846

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

JUNE 6, 2023

Mr. THOMPSON of Mississippi (for himself and Mr. IVEY) 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 the conditions specified in sec-  
8 tion 405(f)(1) of title 5, United States Code,  
9 applies to any such report.

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, including any contextual details not rel-  
19 evant to the audit, inspection, or evaluation at  
20 issue that may be used by other employees or  
21 officers of the Department to determine the  
22 identity of a whistleblower complainant, of a  
23 whistleblower complainant who does not consent  
24 to the inclusion of such in a report of the In-  
25 spector General.

1           “(b) SEMIANNUAL REPORTING.—Beginning with the  
2 first semiannual report transmitted to the appropriate  
3 committees or subcommittees of the Congress pursuant to  
4 section 405(b) of title 5, United States Code, that is trans-  
5 mitted after the date of the enactment of this section, each  
6 such report shall be accompanied by a list of ongoing au-  
7 dits, inspections, and evaluations of the Department, to-  
8 gether with a narrative description relating to each such  
9 audit, inspection, or evaluation that identifies the scope  
10 of such audit, inspection, or evaluation, as the case may  
11 be, as well as the subject office, component, or directorate  
12 of the Department. For each such ongoing audit, inspec-  
13 tion, or evaluation such narrative description shall include  
14 the following:

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

17           “(2) Information regarding whether each such  
18 audit, inspection, or evaluation is being conducted  
19 independently, jointly, concurrently, or in some other  
20 manner.

21           “(3) In the event each such audit, inspection, or  
22 evaluation was initiated due to a referral, the date  
23 on which the Inspector General notified the origi-  
24 nator of a referral of the Inspector General’s inten-

1       tion to carry out such audit, inspection, or evalua-  
2       tion.

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

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

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

10          “(C) a final report relating to each such  
11       audit, inspection, or evaluation is scheduled to  
12       be submitted to the appropriate congressional  
13       committees and published on the website of the  
14       Inspector General in accordance with para-  
15       graphs (1) and (2), respectively, of subsection  
16       (a).

17          “(5) An explanation for—

18          “(A) any significant changes since the pre-  
19       vious semiannual report regarding the narrative  
20       description of each such audit, inspection, or  
21       evaluation, including the identification of the  
22       subject office, component, or directorate of the  
23       Department;

24          “(B) a delay of more than 30 days in the  
25       scheduled date for submitting to the Secretary

1 a draft report for review or publishing on the  
2 website of the Inspector General of the Depart-  
3 ment the final report relating to each such  
4 audit, inspection, or evaluation; or

5 “(C) any such audit, inspection, or evalua-  
6 tion terminated.

7 “(6) Data regarding tips and complaints made  
8 to the Inspector General Hotline of the Department  
9 or otherwise referred to the Department, including  
10 the following:

11 “(A) The number and type of tips and  
12 complaints regarding fraud, waste, abuse, cor-  
13 ruption, financial crimes, or civil rights and  
14 civil liberty abuse, or other complaints regard-  
15 ing criminal or non-criminal activity associated  
16 with fraud, waste, or abuse.

17 “(B) Actions taken by the Department to  
18 address or resolve each substantiated tip or  
19 complaint.

20 “(C) The total amount of time it took the  
21 Department to so address or resolve each such  
22 substantiated tip or complaint.

23 “(D) The total number of tips and com-  
24 plaints that are substantiated, compared with

1           the number of tips and complaints that are un-  
2           substantiated.

3           “(E) The percentage of audits, inspections,  
4           and evaluations that are initiated as a result of  
5           tips and complaints made to the Inspector Gen-  
6           eral Hotline.

7           “(c) NOTIFICATION TO CONGRESS.—The Inspector  
8           General of the Department shall notify the Committee on  
9           Homeland Security of the House of Representatives and  
10          the Committee on Homeland Security and Governmental  
11          Affairs of the Senate if the head of an office, component,  
12          or directorate of the Department does not provide in a  
13          timely manner to the Inspector General information or as-  
14          sistance that is requested by the Inspector General to con-  
15          duct an audit, inspection, or evaluation.

16          “(d) DEFINITION.—In this section, the term ‘appro-  
17          priate congressional committees’ means the Committee on  
18          Homeland Security of the House of Representatives, the  
19          Committee on Homeland Security and Governmental Af-  
20          fairs of the Senate, and any committee of the House of  
21          Representatives or the Senate, respectively, having legisla-  
22          tive or oversight jurisdiction under the Rules of the House  
23          of Representatives or the Senate, respectively, over the  
24          matter concerned.”.

1 (b) CLERICAL AMENDMENT.—The table of contents  
2 in section 1(b) of the Homeland Security Act of 2002 is  
3 amended by amending the item relating to section 811 to  
4 read as follows:

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

5 (c) REPORTS.—

6 (1) INSPECTOR GENERAL OF DHS.—Not later  
7 than one year after the date of the enactment of this  
8 Act, the Inspector General of the Department of  
9 Homeland Security shall submit to the Committee  
10 on Homeland Security of the House of Representa-  
11 tives, the Committee on Homeland Security and  
12 Governmental Affairs of the Senate, and the Comp-  
13 troller General of the United States a report on the  
14 policies, procedures, and internal controls established  
15 that ensure compliance with the Quality Standards  
16 for Federal Offices of Inspector General from the  
17 Council of Inspectors General on Integrity and Effi-  
18 ciency.

19 (2) COMPTROLLER GENERAL.—Not later than  
20 one year after receipt of the report required under  
21 paragraph (1), the Comptroller General of the  
22 United States shall submit to the Committee on  
23 Homeland Security of the House of Representatives  
24 and the Committee on Homeland Security and Gov-



1       ernmental Affairs of the Senate an evaluation of  
2       such report.

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