II

117TH CONGRESS
1ST SESSION

S. 3148

To modify the semiannual reports submitted by Inspectors General, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 3, 2021

Ms. HASSAN (for herself and Mr. GRASSLEY) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

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A BILL

To modify the semiannual reports submitted by Inspectors General, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Inspector General Reporting Modernization Act of 2021''.

SEC. 2. SEMIANNUAL REPORTS.

The Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in section 4(a)(2)—

(A) by inserting ", including" after "to make recommendations"; and

(B) by inserting a comma after "section 5(a)";

(2) in section 5—

(A) in subsection (a)—

(i) by striking paragraphs (1) through (12) and inserting the following:

"(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;";

(ii) by redesignating paragraphs (13) through (22) as paragraphs (7) through (16), respectively;

(iii) by amending paragraph (13), as so redesignated, to read as follows:

"(11) 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 or senior official, 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;";

(iv) in paragraph (14)(B), as so redesignated, by adding "and" at the end; and

(v) in paragraph (15), as so redesignated—

(I) by striking subparagraphs (A) and (B) and inserting the following:

"(A) 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 6(c)(2) during the reporting period."; and

(B) in subsection (b)—

(i) by striking paragraphs (2) and (3) and inserting the following:

"(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;'';

(ii) by redesignating paragraph (4) as paragraph (3);

(iii) in paragraph (3), as so redesignated, by striking ''subsection (a)(20)(A)'' and inserting ''subsection (a)(14)(A)''; and

(iv) by striking paragraph (5) and inserting the following:

"(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 such 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.";

(C) by redesignating subsection (f) as subsection (g); and

(D) by inserting after subsection (e) the following:

"(f) If an Office has published any portion of the report or information required under subsection (a) 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 (a) in lieu of including the information in that report.".

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