

(2) Procurement review capacity.—There are authorized to be appropriated to the Administrator of General Services, acting through the Federal Risk and Authorization Management Program, \$30,000,000 for each of fiscal years 2027 through 2031 to carry out subsection (d), including staffing, technical analysis, independent testing, conflict-of-interest screening, and other support necessary to maintain the capability required under such subsection.

(i) Rule of construction.—Nothing in this section shall be construed to limit or displace any stronger restriction, safeguard, or prohibition applicable under section 1033, section 1034, section 1035, subtitle F of title V, or any other provision of law.

Subtitle D—Government Transparency and Improved Rulemaking

SEC. 1041. AMENDMENT TO THE FREEDOM OF INFORMATION ACT.

(a) Amendments to section 552(a).—[Section 552\(a\) of title 5](#), United States Code (commonly known as the "Freedom of Information Act") is amended—

(1) in paragraph (2)—

(A) in subparagraph (D)(i)(II), by striking "and";

(B) in subparagraph (E), by adding after the semicolon the following: "and

"(F) (i) materials related to the operations and establishment of advisory committees (as defined in section 1001) and any subcommittee thereof, including events, timelines, agendas, minutes, transcripts, recordings, committee member names and biographies, conflict of interest waivers, committee charters, and any other related materials;

"(ii) unclassified reports submitted to Congress by the head of the agency;

"(iii) unclassified testimony submitted to Congress by the head of the agency;

"(iv) agency organization charts and directories with the contact information for all offices of the agency;

"(v) any log relating to a request for a record under paragraph (3), including any tracking number assigned to the request, the date the request was received by the head of the agency, the subject of the request, and the disposition of the request;

"(vi) any record that reflects the official calendar of the head of the agency, including a record that reflects an event, meeting, or telephone call scheduled for the head of the agency;

"(vii) a list—

"(I) identifying—

"(aa) each contract or grant of the agency with a value exceeding \$100,000,000; or

"(bb) the 10 contracts or grants of the agency with the highest value if fewer than 10 contracts or grants have a value exceeding \$100,000,000;

"(II) the award ID for each such contract or grant;

"(III) a description of each such contract or grant, including the award type of the contract or grant;

"(IV) the recipient of each such contract or grant;

"(V) the start and end date of each such contract or grant; and

"(VI) the total obligations related to the contract or grant;

"(viii) final reports or memoranda created by an entity other than the agency, including other Governmental entities, at the request of the head of the agency and used to make a final policy decision;

"(ix) any memorandum from the Office of Legal Counsel of the Department of Justice provided to the head of the agency;

"(x) any documents containing legal analysis relied upon formally or informally by the head of the agency to respond to the public;

"(xi) any documents containing legal analysis relied upon formally or informally by the head of the agency to inform policy analysis or policy determinations; and

"(xii) unclassified reports of the Inspector General of the agency.";

(2) in paragraph (3)—

(A) by redesignating subparagraphs (D) and (E) as (E) and (F), respectively;

(B) by striking subparagraph (C) and inserting the following:

"(C) In responding under this paragraph to a request for a record originally created in an electronic form or format, an agency shall make a reasonable effort to produce the record in that form or format, except when such an effort would significantly interfere with the operation of the automated information system of the agency.

"(D) For the purpose of responding under this paragraph to a request for a record, the Chief FOIA Officer of the agency may access and retrieve any such record without making a request to a document custodian of the agency for such access or retrieval."; and

(C) by adding at the end the following new subparagraph:

"(G) Not later than 2 months after the date on which the head of an agency makes a record available to a person under this paragraph, the head of the agency shall make available on the website of the agency, at no cost to the public and in a searchable, sortable, downloadable, and machine-readable format, electronic copies of the request for the record and any response provided to the person that made the request for the record (including the record made available to the person), unless the head of the agency

determines that the excessive cost of making such copies available on the website would place an undue burden on the agency.";

(3) in paragraph (4)(B) to read as follows—

"(B) (i) A person aggrieved by a failure of an agency to comply with any requirement of this section may bring an action against the agency in a district court of the United States. The district courts shall have original jurisdiction of all actions arising under this section. Venue over such an action is proper—

"(I) in the district in which the complainant resides;

"(II) in the district in which the complainant's principal place of business is located;

"(III) in the district in which the agency records that are the subject of the action are situated; or

"(IV) in the District of Columbia.

"(ii) The court in such an action may—

"(I) enjoin the agency from withholding an agency record;

"(II) order the agency to publish records in the Federal Register as required by paragraph (1), and to require such publication on a continuing basis;

"(III) order the agency to make records available for public inspection in an electronic format as required by paragraph (2), and to require such public access on a continuing basis;

"(IV) order the agency to produce agency records in response to a request under paragraph (3);

"(V) provide relief to resolve any dispute over—

"(aa) the validity of a request under paragraph (3), including whether a request reasonably describes the records sought or has been submitted in accordance with an agency's published rules and procedures;

"(bb) an agency's interpretation of the scope of a request under paragraphs (1), (2), or (3);

"(cc) the validity of an agency determination under paragraph (6);

"(dd) the reasonableness of an agency's search for records;

"(ee) the ability of an agency to reproduce a record in a particular form or format;

"(ff) the treatment of a record under paragraph (2) of subsection (f);

"(gg) any fee issue, including an agency's denial of a request for the waiver or reduction of fees; and

"(hh) the denial of a request for expedited processing;

"(VI) enjoin the agency from maintaining or applying any policy or practice that impairs lawful access to records or otherwise fails to abide by the terms of this section;

"(VII) issue a declaratory judgment, to the extent authorized by [section 2201 of title 28](#); and

"(VIII) provide any other appropriate equitable relief to remedy a violation of this section.

"(iii) In any action brought under this section, the court shall determine the matter de novo. The court may examine the contents of agency records in camera to determine whether such records or any part thereof shall be withheld under any of the exemptions set forth in subsection (b) of this section. The burden is on the agency to sustain its action. In addition to any other matters to which a court accords substantial weight, a court shall accord substantial weight to an affidavit of an agency concerning the agency's determination as to technical feasibility under paragraph (2)(C) and subsection (b), and reproducibility under paragraph (3)(B)."

(4) in paragraph (6)(C)(i) by striking "the names and titles or positions of each person responsible for the denial of such request" and inserting: "each name and title or position of each person responsible for the denial or partial denial or any decision to withhold a responsive record under subsection (b)"; and

(5) in paragraph (8)(A)(i)(I) after "described in subsection (b)" by inserting ", and such harm outweighs the public interest (including the interest in furthering public understanding of the operations or decision making of an official or employee of an agency, facilitating the ability of the public to make informed decisions with respect to electoral or democratic processes, investigating any reasonable suspicion of governmental wrongdoing, and furthering public health or safety) in making available such information".

(b) Amendments to section 552(b).—[Section 552\(b\) of title 5](#), United States Code, is amended—

(1) in paragraph (3)(B), after "specifically cites to this paragraph" by inserting "with an explanation for the exemption";

(2) in paragraph (4), by striking "trade secrets and commercial or financial information obtained from a person and privileged or confidential" and inserting "trade secrets, and commercial or financial information obtained from a person the disclosure of which would likely cause substantial harm to the competitive position of the person from whom the information was obtained";

(3) in paragraph (5), by inserting before the semicolon at the end the following: ", except for inter-agency and intra-agency memorandums or letters required to be disclosed under subsection (a), including—

"(A) opinions that are controlling interpretations of law;

"(B) final reports or memoranda created by an entity other than the agency, including other Governmental entities, at the request of the agency and used to make a final policy decision; or

"(C) guidance documents used by the agency to respond to the public.";

(4) in paragraph (6), by striking "similar files" and inserting "files that contain personal information (such as contact information or financial information of a person)"; and

(5) in the matter following paragraph (9)—

(A) by inserting before "Any reasonably segregable portion" the following: "An agency may not withhold information under this subsection unless such agency reasonably foresees that disclosure would cause specific identifiable harm to an interest protected by an exemption."; and

(B) by inserting before "If technically feasible," the following: "For each record not released in whole or in part pursuant to the exemption under paragraph (3), the agency shall, at the time the agency provides the record or a response to the request for such record, identify that the record was not released in whole or in part pursuant to such exemption.".

(c) Amendments to section 552(d).—[Section 552\(d\) of title 5](#), United States Code, is amended to read as follows:

"(d) This section—

"(1) does not authorize withholding of information or limit the availability of records to the public, except as specifically stated in this section;

"(2) does not authorize the withholding of a portion of an otherwise responsive record on the basis that the portion is nonresponsive; and

"(3) is not authority to withhold information from Congress.".

(d) Amendments to section 552(e).—[Section 552\(e\)\(1\) of title 5](#), United States Code, is amended—

(1) in subparagraph (P), by striking "; and" and inserting a semicolon;

(2) in subparagraph (Q), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(R) a detailed description of any steps taken by the agency to design or format information or records, such that such information or records may be made available to the public under subsection (a);

"(S) the number of requests for records the agency found to be not reasonably described or unduly burdensome; and

"(T) the number of requests for records with respect to which the agency could neither confirm nor deny the existence of the records.".

(e) Amendments to section 552(h).—[Section 552\(h\) of title 5](#), United States Code, is amended by adding at the end the following:

"(7) Access to agency records.—The head of an agency shall provide to the Director of the Office of Government Information Services any record requested by the Director for the purpose of carrying out mediation services pursuant to paragraph (3).".

(f) Amendments to section 552(i).—[Section 552\(i\) of title 5](#), United States Code, is amended to read as follows:

"(i) The Comptroller General shall—

"(1) not later than July 1, 2027, and every 2 years thereafter, audit each agency to determine compliance with and implementation of the requirements of this section and issue reports to the Committee on the Judiciary of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate on the results of such audit;

"(2) catalog the matters specifically exempted from disclosure by statute pursuant to subsection (b)(3), and any use of such exemptions by agencies; and

"(3) review and prepare a report on the processing of requests by agencies for information pertaining to an entity that has received assistance under title I of the Emergency Economic Stabilization Act of 2008 ([12 U.S.C. 5211 et seq.](#)) during any period in which the Federal Government owns or owned more than 50 percent of the stock of such entity.".

(g) Amendments adding section 552(n).—[Section 552 of title 5](#), United States Code, is amended by adding at the end the following:

"(n) Annual report by Congressional Research Service.—The Congressional Research Service shall, on an annual basis—

"(1) compile a list of statutes that specifically exempt records from disclosure pursuant to subsection (b)(3); and

"(2) make such list available to—

"(A) the Committee on Oversight and Accountability of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate; and

"(B) the public.".

SEC. 1042. OVERSIGHT OF DOJ LEGAL CONCLUSIONS.

(a) In general.—[Section 521 of title 28](#), United States Code, is amended—

(1) by inserting "(a) In general.—" before "The Attorney General"; and

(2) by adding at the end the following:

"(b) OLC Opinions.—

"(1) Definitions.—In this subsection, the following terms shall apply:

"(A) Final OLC opinion.—The term 'final OLC opinion' means an OLC opinion that—

"(i) the Attorney General, Assistant Attorney General for the Office of Legal Counsel, or a Deputy Assistant Attorney General for the Office of Legal Counsel, has determined is final;

"(ii) is relied upon by government officials or government contractors;

"(iii) is relied upon to formulate legal guidance; or

"(iv) is directly or indirectly cited in another OLC opinion.

"(B) OLC opinion.—The term 'OLC opinion'—

"(i) means views on a matter of legal interpretation communicated for executive branch use by the Office of Legal Counsel of the Department of Justice, or by a Department of Justice office or component that, on or after January 1, 1933, exercised Attorney General opinion, executive branch legal advice, or executive order review functions later assigned to the Office of Legal Counsel; and

"(ii) includes—

"(I) in the case of a verbal communication of a legal interpretation, a memorialization of that communication;

"(II) a final OLC opinion; and

"(III) a revised OLC opinion.

"(C) Revised OLC opinion.—The term 'revised OLC opinion' means an OLC opinion—

"(i) that is withdrawn;

"(ii) to which information is added; or

"(iii) from which information is removed.

"(2) Requirement.—Subject to paragraph (3) and in accordance with paragraph (4), the Attorney General shall publish all OLC opinions on the public website of the Department to be accessed by the public free of charge.

"(3) Redaction of classified information.—

"(A) In general.—In the case of an OLC opinion required to be published under paragraph (2) that contains information classified as confidential, secret, or top secret, the Attorney General shall—

"(i) redact the classified information from the OLC opinion before publication of the OLC opinion; and

"(ii) establish and preserve an accurate record documenting each redaction from the OLC opinion, including information describing in detail why public online disclosure of the classified information would have resulted in the associated harm that pertains to each level of classification.

"(B) Limitation.—The Attorney General may not redact information under this paragraph that is sensitive but unclassified, controlled unclassified information, or subject to any similar executive branch control marking, unless another provision of law requires withholding.

"(C) Submission to Congress.—In the case of an OLC opinion described in subparagraph (A), the Attorney General shall submit the full opinion, without redaction, to any Member of Congress and any appropriately cleared congressional staff member.

"(D) Periodic review.—To the maximum extent practicable, the Attorney General shall, on a continual basis and not less frequently than once every 90 days—

"(i) review every OLC opinion published under this subsection that contains redactions of classified information; and

"(ii) remove any redactions that no longer protect information that is classified as either confidential, secret, or top secret.

"(4) Deadline for publication.—

"(A) In general.—Each OLC opinion issued by the Office of Legal Counsel of the Department on or after the date of enactment of this Act shall be published in accordance with this section as soon as practicable, but not later than 48 hours, after the date of issuance of the opinion.

"(B) Previously issued opinions.—In the case of OLC opinions issued before the date of enactment of this Act, the Attorney General shall, subject to subparagraph (C)—

"(i) not later than 90 days after the date of enactment of this Act, publish all OLC opinions issued on or after July 4, 2019, and before the date of enactment of this Act;

"(ii) not later than March 31, 2027, publish all OLC opinions issued on or after July 4, 2000, and before July 4, 2019;

"(iii) not later than January 1, 2028, publish all OLC opinions issued on or after July 4, 1976, and before July 4, 2000; and

"(iv) not later than January 1, 2029, publish all OLC opinions issued before July 4, 1976.

"(C) Descriptions of certain opinions.—In the case of an OLC opinion issued by the Office of Legal Counsel of the Department before the date of enactment of this Act, for which the text of the OLC opinion cannot be located, the Attorney General shall—

"(i) publish a description of the OLC opinion; and

"(ii) submit a written certification to Congress, under penalty of perjury, that—

"(I) a good faith effort was made to find the text of the OLC opinion; and

"(II) the text of the OLC opinion is unavailable.

"(5) Civil action.—

"(A) In general.—On a complaint brought by a complainant who has been harmed as a result of being deprived access to an OLC opinion that is required to be made available to the public free of charge on the public website of the Department under this subsection, the district court of the United States in the district in which the complainant resides, or has the complainant's principal place of business, or in the District of Columbia, has jurisdiction to enjoin the Office of Legal Counsel from withholding information required to be made available under this subsection and to order the production of information improperly withheld from the complainant.

"(B) Review.—In a case brought under subparagraph (A)—

"(i) the court—

"(I) shall determine the matter de novo; and

"(II) may examine the contents of the opinion issued by the Office of Legal Counsel in camera to determine whether such information or any part thereof shall be withheld under paragraph (3); and

"(ii) the burden is on the Office of Legal Counsel to sustain its action."

SEC. 1043. GOVERNMENT ACCOUNTABILITY OFFICE AUDITS AND INVESTIGATIONS.

(a) Amendment.—[Section 3308 of title 50](#), United States Code, is amended by adding at the end the following:

"(e) Government Accountability Office analyses, evaluations, and investigations.—

"(1) In general.—Except as provided in paragraph (2), the Director of National Intelligence shall ensure that personnel of the Government Accountability Office designated by the Comptroller General of the United States are provided with access to all information in the possession of an element of the intelligence community that the Comptroller General determines is necessary for such personnel to conduct an analysis, evaluation, or investigation of a program or activity of an element of the intelligence community that is requested by a committee of Congress with jurisdiction over such program or activity.

"(2) Exception.—

"(A) In general.—Subject to subparagraph (B), the Director of National Intelligence may restrict access to information referred to in paragraph (1) by personnel designated in such paragraph if the Director determines that the restriction is necessary to protect vital national security interests of the United States.

"(B) Classification not sole basis.—The Director of National Intelligence may not restrict access under subparagraph (A) solely on the basis of the level of classification or compartmentation of information that the personnel designated in paragraph (1) may seek access to while conducting an analysis, evaluation, or investigation.

"(C) Notice to Congress.—If the Director exercises the authority under subparagraph (A), the Director shall submit to each committee of Congress with jurisdiction over the program or activity that is the subject of the analysis, evaluation, or investigation for which the Director restricts access to information under such subparagraph an appropriately classified statement of the reasons for the exercise of such authority within 7 days.

"(D) Notice to Comptroller General.—The Director shall notify the Comptroller General at the time a statement under subparagraph (C) is submitted, and, to the extent consistent with the protection of intelligence sources and methods, provide the Comptroller General with a copy of such statement.

"(E) Comments.—The Comptroller General shall submit to each committee of Congress to which the Director of National Intelligence submits a statement under subparagraph (C) any comments on the statement that the Comptroller General considers appropriate.

"(3) Confidentiality and procedures.—

"(A) Confidentiality and penalties.—The requirements of subsection (b) shall apply to information made available for an analysis, evaluation, or investigation under paragraph (1).

"(B) Procedures.—The Comptroller General shall establish procedures to protect from unauthorized disclosure all classified and other sensitive information furnished to the Comptroller General or any representative of the Comptroller General for conducting an analysis, evaluation, or investigation under paragraph (1).

"(C) Identification of personnel.—Before initiating an analysis, evaluation, or investigation under paragraph (1), the Comptroller General shall provide the Director of National Intelligence and the head of each relevant element of the intelligence community with the name of each officer and employee of the Government Accountability Office who has obtained appropriate security clearance and to whom, upon proper identification, records and information of the element of the intelligence community shall be made available in conducting such analysis, evaluation, or investigation.

"(4) Rule of construction.—Notwithstanding subsection (a) and any directive issued under subsection (a), the Director of National Intelligence shall ensure access required by this subsection in accordance with paragraphs (1) and (2), and no directive issued under subsection (a) may limit or condition access in a manner inconsistent with this subsection."

(b) Conforming amendment.—[Section 3308\(a\)\(1\) of title 50](#), United States Code, is amended by inserting ", subject to subsection (e)," after "shall issue a written directive".

(c) Appropriation.—In addition to amounts otherwise available, there is appropriated to the Government Accountability Office, out of any money in the Treasury not otherwise appropriated, \$250,000,000, to remain available through September 30, 2029, for salaries and expenses, audits, investigations, evaluations, technology assessment, data analysis, and other activities of the Government Accountability Office.

SEC. 1044. TRANSPARENCY AND TIMELY REVIEW OF REGULATORY ACTIONS.

(a) Definitions.—In this section:

(1) Office.—The term "Office" means the Office of Information and Regulatory Affairs of the Office of Management and Budget.

(2) Regulatory action.—The term "regulatory action" means any substantive action by an agency that promulgates or is expected to lead to the promulgation of a final rule or regulation, including a notice of inquiry, advance notice of proposed rulemaking, notice of proposed rulemaking, or final rule.

(3) Significant regulatory action.—The term "significant regulatory action" means any regulatory action that is likely to result in a rule that may—

(A) have an annual effect on the economy of \$100,000,000 or more or materially affect the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or Tribal governments or communities;

(B) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(C) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(D) raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the general principles of regulation customarily practiced by the executive branch.

(b) Disclosure of changes during centralized review.—With respect to any regulatory action submitted to the Office for centralized review, the agency shall—

(1) not later than the date on which the agency publishes a notice of proposed rulemaking with respect to the regulatory action, place in the rulemaking docket—

(A) the substance of any material change between the text of any draft regulatory action that the agency provided to the Office and the text published in the notice; and

(B) a statement regarding whether any change described in subparagraph (A) was made as a result of communication with—

(i) the Office;

(ii) another agency; or

(iii) any other Federal official; and

(2) not later than the date on which the agency publishes a final regulatory action in the Federal Register, place in the rulemaking docket—

(A) the substance of any material change between the text of the regulatory action that the agency provided to the Office and the text of the regulatory action published in the Federal Register; and

(B) a statement regarding whether any change described in subparagraph (A) was made as a result of communication with—

(i) the Office;

(ii) another agency; or

(iii) any other Federal official.

(c) Justification of withdrawn rules.—

(1) In general.—If an agency withdraws a regulatory action after submitting the regulatory action to the Office for centralized review, or after publishing a notice of proposed rulemaking with respect to the regulatory action, the agency shall publish in the Federal Register, on the public docket of the agency, and on the website of the agency a statement regarding the decision to withdraw the regulatory action.

(2) Contents.—A statement required under paragraph (1) shall include—

(A) a detailed explanation of the reasons that the agency withdrew the regulatory action; and

(B) a statement regarding whether the withdrawal was made as a result of communication with—

(i) the Office;

(ii) another agency; or

(iii) any other Federal official.

(d) Timely review by Office.—

(1) In general.—Except as provided in paragraph (2), if the Office commences a review of a significant regulatory action, the Office shall complete such review not later than 60 days after the date on which the Office receives the significant regulatory action.

(2) Extension.—The Office may extend the period described in paragraph (1) by a single additional period of not more than 60 days if the Office provides the agency with, and makes publicly available, a written justification for the extension.

(3) Publication by agency.—If the Office waives review of a significant regulatory action, does not notify the agency in writing not later than 30 days after receiving the action that the Office has commenced review, or does not notify the agency in writing of the results of review

within the period described in paragraph (1) or (2), the agency may publish the significant regulatory action in the Federal Register.

SEC. 1045. DISCLOSURE OF CONFLICTS OF INTEREST IN RULEMAKING.

(a) In general.—[Section 553 of title 5](#), United States Code, is amended—

(1) in subsection (c)—

(A) by striking "After notice required by this section, the agency shall" and inserting "(1) After notice required by this section, the agency shall, subject to subsections (f) and (h),"; and

(B) by adding at the end the following:

"(2) In the case of any submission under paragraph (1) by an interested person that includes a scientific, economic, or technical study or research (or a citation thereto) that the interested person funded directly or indirectly, or the nonpublic results of any scientific, economic, or technical study or research that the interested person funded directly or indirectly, the interested person shall disclose to the agency—

"(A) the amount of any funds that were received by the person who conducted the study or research;

"(B) the entity that provided the funds referred to in subparagraph (A);

"(C) any entity that was allowed to review or revise the study or research, and the extent of that review or revision; and

"(D) any financial relationship between the person who conducted the study or research and any person that would be affected by the proposed rule."; and

(2) by adding at the end the following new subsections:

"(f) With respect to any submission by an interested person under subsection (c), or any other submission by an interested person relating to a proposed rule or final rule, that includes a scientific, economic, or technical study or research by the interested person not published in a publicly available peer-reviewed publication, or any result of a scientific, economic, or technical study or research by the interested person not published in a publicly available peer-reviewed publication, the interested person shall disclose to the agency—

"(1) the source of any funding for the study or research, as applicable;

"(2) any entity that sponsored the study or research;

"(3) the extent to which the findings of the study or research were reviewed by a person that may be affected by the rulemaking to which the submission relates;

"(4) the identity of any person identified under paragraph (3); and

"(5) the nature of any financial relationship, including a consulting agreement, the support of any expert witness, and the funding of research, between any person that conducted the study

or research and any interested person with respect to the rulemaking to which the submission relates.

"(g) With respect to a study or research submitted by an interested person to an agency under subsection (c), the agency shall ensure that the study or research is available to the public, including on the internet website of the agency and on the public docket of the agency for the rulemaking, unless disclosure is exempted or excluded under section 552.

"(h) (1) If a study or research submitted by an interested person to an agency under subsection (c) presents a conflict described in paragraph (2), the agency shall disclose the conflict to the public on the internet website of the agency and on the public docket of the agency, and by publication in the Federal Register, unless disclosure is exempted or excluded under section 552.

"(2) A conflict described in this subsection means a study or research for which—

"(A) not less than 10 percent of the funding for the study or research is from an entity subject to the jurisdiction of the agency with respect to that rulemaking; or

"(B) an entity subject to the jurisdiction of the agency with respect to that rulemaking that is regulated by the agency exercises editorial control over the study or research.

"(i) In the case of a violation of a requirement to make a disclosure—

"(1) under subsection (c)(2) or subsection (f) with respect to a submission, the agency may exclude from consideration or otherwise disregard the submission, and the agency has no obligation to respond to the submission, except that the submission may be remade with required disclosures during the opportunity for participation referred to in subsection (c)(1); or

"(2) under subsection (h) with respect to a conflict related to a submission referred to under subsection (c), the agency shall promptly make the required disclosure, and such violation shall not provide a basis for excluding from consideration or otherwise disregarding the submission.

"Nothing in this subsection may be construed to affect the level of deference accorded to agency action by a court reviewing such action under applicable law.

"(j) (1) Any entity required to file an annual report under section 13 of the Securities Exchange Act of 1934 ([15 U.S.C. 78m](#)) that makes a submission under subsection (c) knowing the same—

"(A) to include any materially false, fictitious, or fraudulent statement or representation; or

"(B) to omit any material fact resulting in any statement or representation being false or misleading,

shall be subject to a civil penalty of not less than \$250,000 for a first violation.

"(2) Any entity that has a subsequent violation of paragraph (1) shall be subject to a civil penalty of not less than \$1,000,000 for each subsequent violation.

"(3) Any submission in violation of this subsection may be excluded from the record and from consideration by the agency or otherwise disregarded, and such submission, or any

amendment to such submission, may not be resubmitted thereafter. An exclusion or other disregard of a submission pursuant to this subsection shall not affect the level of deference, in accordance with applicable law, accorded to agency action by a court reviewing such action.

"(k) Any entity required to file an annual report pursuant to section 13 of the Securities Exchange Act of 1934 ([15 U.S.C. 78m](#)) shall include in a submission under subsection (c)(2) the annual report filed in the year previous to such submission and the quarterly report filed most recently prior to such submission.

"(l) (1) The head of each agency shall take such actions as may be necessary to—

"(A) expand public awareness of the initiation of each rulemaking proceeding;

"(B) expand public awareness of the publication of each proposed rule;

"(C) expand public awareness when a rule is published; and

"(D) establish a participation log, including all rulemaking participants, with respect to each rulemaking.

"(2) Not later than 2 business days after the date on which an agency publishes a notice of proposed rulemaking or a final rule under this section, the agency shall notify interested persons of the publication, including by using contact information that interested persons have provided to the agency and by publishing such notice on the agency's website and any social media accounts."

SEC. 1046. ESTABLISHMENT OF THE OFFICE OF THE PUBLIC ADVOCATE.

(a) [Subchapter I of chapter 5 of title 5](#), United States Code, is amended—

(1) by adding at the end the following:

"Sec. 505. Office of the Public Advocate.

"(a) Establishment.—There is established in the Office of Management and Budget an office to be known as the Office of the Public Advocate.

"(b) National Public Advocate.—The Office of the Public Advocate shall be under the supervision of an official to be known as the National Public Advocate, who shall—

"(1) be appointed by the President, by and with the advice and consent of the Senate;

"(2) report to the President;

"(3) be entitled to compensation at the same rate as the highest rate of basic pay established for the Senior Executive Service under section 5382;

"(4) have a background in customer service, consumer protection, or administrative law; and

"(5) have experience working with the public in cases involving rules, as defined in section 551.

"(c) Duties.—The duties of the Office of the Public Advocate shall include—

"(1) assisting agencies in soliciting public participation in the rulemaking process;

"(2) assisting individuals in participating in the rulemaking process;

"(3) working with agencies, Congress, and the public to identify problems and improve public participation in the rulemaking process;

"(4) conducting and publishing research on public participation in the rulemaking process;

"(5) developing and coordinating public participation best practices across the executive branch;

"(6) facilitating means by which individuals and populations that have not historically participated in the rulemaking process may be better included in the rulemaking process, including by—

"(A) recommending and implementing new outreach plans;

"(B) partnering with State, local, and Tribal governments and with community-based organizations to propagate information about rule changes; and

"(C) ensuring information about agency rulemaking and changes to rules are written in clear, accessible language and made available in multiple languages.

"(d) Rulemaking.—Not later than 180 days after the date on which the National Public Advocate is appointed under this section, the National Public Advocate shall prescribe rules to carry out this section."; and

(2) in the table of sections for such chapter, by inserting after the item relating to section 504 the following:

"505. Office of the Public Advocate.".

SEC. 1047. SCOPE OF REVIEW.

(a) In general.—[Section 706 of title 5](#), United States Code, is amended—

(1) in the first sentence of the matter preceding paragraph (1)—

(A) by striking "agency action." and inserting "agency action. If a statute that an agency administers is silent or ambiguous as to the proper construction of a particular term or provision or set of terms or provisions, and an agency has followed the applicable procedures in subchapter II of chapter 5, has otherwise lawfully adjudicated a matter, or has followed the corresponding procedural provisions of the relevant statute, as applicable, a reviewing court shall defer to the agency's reasonable or permissible interpretation of that statute, regardless of the significance of the related agency action or a possible future agency action."; and

(B) by striking "To the extent necessary" and inserting "(a) In general.—To the extent necessary"; and

(2) by adding at the end the following:

"(b) Unreasonable delay.—For purposes of subsection (a)(1), unreasonable delay shall include—

"(1) when an agency has not issued a notice of proposed rulemaking before the date that is 1 year after the date of enactment of the legislation mandating the rulemaking, where no deadline for the rulemaking was specified in the enacted law;

"(2) when an agency has not issued a final version of a proposed rule before the date that is 1 year after the date on which the proposed rule was published in the Federal Register;

"(3) when an agency has not implemented a final rule before the date that is 1 year after the implementation date published in the Federal Register or, if no implementation date was provided, before the date that is 1 year after the date on which the final rule was published in the Federal Register; and

"(4) when an agency has not issued or implemented a final rule, upon a showing of good cause therefor."

SEC. 1048. INSPECTOR GENERAL MODERNIZATION.

(a) Removal, transfer, and non-duty status protections.—[Section 403\(b\) of title 5](#), United States Code, is amended to read as follows:

"(b) Removal, Transfer, and Non-Duty Status.—

"(1) Removal or transfer.—

"(A) In general.—An Inspector General may be removed from office or transferred to another position or location only for permanent incapacity, neglect of duty, malfeasance, conviction of a felony or conduct involving moral turpitude, knowing violation of law, rule, or regulation, gross mismanagement, gross waste of funds, abuse of authority, or inefficiency.

"(B) Notice to Congress.—Not later than 30 days before removing or transferring an Inspector General under subparagraph (A), the President shall communicate in writing to both Houses of Congress, including the appropriate congressional committees, the substantive rationale, including detailed and case-specific reasons, for the removal or transfer.

"(C) Inquiry materials.—If there is an open or completed inquiry into an Inspector General that relates to the removal or transfer of the Inspector General under subparagraph (A), the written communication required under subparagraph (B) shall—

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

"(ii) in the case of a completed inquiry, include the findings made during the inquiry.

"(2) Non-duty status.—

"(A) In general.—Only the President may place an Inspector General on paid or unpaid non-duty status.

"(B) Notice to Congress.—If the President places an Inspector General on paid or unpaid non-duty status, the President shall communicate in writing to both Houses of Congress, including the appropriate congressional committees, the substantive rationale, including detailed and case-specific reasons, for the change in status not later than 15 days before the date on which the change in status takes effect.

"(C) Immediate non-duty status.—The President may submit the communication required under subparagraph (B) not later than the date on which the change in status takes effect if—

"(i) the President determines that the continued presence of the Inspector General in the workplace may pose a threat described in any of clauses (i) through (iv) of section 6329b(b)(2)(A); and

"(ii) the communication includes—

"(I) a specification of which clause of section 6329b(b)(2)(A) the President has determined applies;

"(II) the substantive rationale, including detailed and case-specific reasons, for the determination;

"(III) an identification of each entity that is conducting, or conducted, any inquiry on which the determination was made; and

"(IV) in the case of a completed inquiry, the findings made during the inquiry.

"(D) Non-duty status before removal or transfer.—The President may not place an Inspector General on paid or unpaid non-duty status during the 30-day period preceding the date on which the Inspector General is removed or transferred under paragraph (1) unless the President makes a determination described in subparagraph (C)(i) and submits the communication required under subparagraph (C)(ii) not later than the date on which the change in status takes effect.

"(3) Special Inspectors General.—For purposes of this subsection—

"(A) the term 'Inspector General' includes the Special Inspector General for Afghanistan Reconstruction, the Special Inspector General for the Troubled Asset Relief Program, and the Special Inspector General for Pandemic Recovery; and

"(B) a reference to the removal or transfer of an Inspector General under paragraph (1), or to the written communication described in paragraph (1), shall be treated as—

"(i) in the case of the Special Inspector General for Afghanistan Reconstruction, a reference to section 1229(c)(6) of the National Defense Authorization Act for Fiscal Year 2008 ([Public Law 110–181](#); 122 Stat. 378);

"(ii) in the case of the Special Inspector General for the Troubled Asset Relief Program, a reference to section 121(b)(4) of the Emergency Economic Stabilization Act of 2008 ([12 U.S.C. 5231\(b\)\(4\)](#)); and

"(iii) in the case of the Special Inspector General for Pandemic Recovery, a reference to section 4018(b)(3) of the CARES Act ([15 U.S.C. 9053\(b\)\(3\)](#)).

"(4) Rule of construction.—Nothing in this subsection shall prohibit a personnel action otherwise authorized by law, other than removal, transfer, or placement on paid or unpaid non-duty status."

(b) Vacancy in position of Inspector General.—[Section 403\(h\) of title 5](#), United States Code, is amended to read as follows:

"(h) Vacancy in Position of Inspector General.—

"(1) Definitions.—In this subsection:

"(A) First assistant.—The term 'first assistant to the position of Inspector General' means, with respect to an Office of Inspector General—

"(i) an individual who, as of the day before the date on which the Inspector General dies, resigns, is removed, is transferred, or otherwise becomes unable to perform the functions and duties of the position—

"(I) is serving in a position in that Office; and

"(II) has been designated in writing by the Inspector General, through an order of succession or otherwise, as the first assistant to the position of Inspector General; or

"(ii) if the Inspector General has not made a designation described in clause (i)(II)—

"(I) the Principal Deputy Inspector General of that Office, as of the day before the date on which the Inspector General dies, resigns, is removed, is transferred, or otherwise becomes unable to perform the functions and duties of the position; or

"(II) if there is no Principal Deputy Inspector General of that Office, the Deputy Inspector General of that Office, as of the day before the date on which the Inspector General dies, resigns, is removed, is transferred, or otherwise becomes unable to perform the functions and duties of the position.

"(B) Inspector General.—The term 'Inspector General' means an Inspector General who is appointed by the President, by and with the advice and consent of the Senate, and includes the Inspector General of an establishment, the Inspector General of the Intelligence Community, the Inspector General of the Central Intelligence Agency, the Special Inspector General for the Troubled Asset Relief Program, and the Special Inspector General for Pandemic Recovery.

"(2) Vacancy, removal, transfer, or inability.—If an Inspector General dies, resigns, is removed, is transferred, or otherwise becomes unable to perform the functions and duties of the position—

"(A) section 3345(a) and section 103(e) of the National Security Act of 1947 ([50 U.S.C. 3025\(e\)](#)) shall not apply;

"(B) subject to paragraph (4), the first assistant to the position of Inspector General shall perform the functions and duties of the Inspector General temporarily in an acting capacity subject to the time limitations of section 3346; and

"(C) notwithstanding subparagraph (B), and subject to paragraphs (4) and (5), the President, and only the President, may direct an officer or employee of an Office of Inspector General to perform the functions and duties of the Inspector General temporarily in an acting capacity subject to the time limitations of section 3346 only if—

"(i) during the 365-day period preceding the date of death, resignation, removal, transfer, or beginning of inability to serve of the Inspector General, the officer or employee served in a position in an Office of Inspector General for not fewer than 90 days, except that—

"(I) the requirement under this clause shall not apply if the officer is an Inspector General; and

"(II) for purposes of this subparagraph, performing the functions and duties of an Inspector General temporarily in an acting capacity does not qualify as service in a position in an Office of Inspector General;

"(ii) the rate of pay for the position of the officer or employee is equal to or greater than the minimum rate of pay payable for a position at GS-15 of the General Schedule;

"(iii) the officer or employee has demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations; and

"(iv) not later than 30 days before the direction takes effect, the President communicates in writing to both Houses of Congress, including the appropriate congressional committees, the substantive rationale, including detailed and case-specific reasons, for the direction, including the reason for directing someone other than the individual performing the functions and duties of the Inspector General temporarily in an acting capacity as of the date on which the President issues the direction to perform those functions and duties temporarily in an acting capacity.

"(3) Non-duty status.—Notwithstanding section 3345(a) and subparagraphs (B) and (C) of paragraph (2), and subject to paragraph (4), during any period in which an Inspector General is on paid or unpaid non-duty status—

"(A) the first assistant to the position of Inspector General shall perform the functions and duties of the Inspector General temporarily in an acting capacity subject to the time limitations of section 3346; and

"(B) if the first assistant described in subparagraph (A) dies, resigns, or becomes otherwise unable to perform those functions and duties, the President, and only the President, may direct an officer or employee in that Office of Inspector General to perform those functions and duties temporarily in an acting capacity subject to the time limitations of section 3346 if—

"(i) the direction satisfies the requirements under clauses (ii), (iii), and (iv) of paragraph (2)(C); and

"(ii) the officer or employee served in a position in that Office of Inspector General for not fewer than 90 of the 365 days preceding the date on which the President makes the direction.

"(4) One acting position.—An individual may perform the functions and duties of an Inspector General temporarily in an acting capacity under subparagraph (B) or (C) of paragraph (2), or under paragraph (3), with respect to only 1 Inspector General position at any given time.

"(5) Interim service before alternative presidential designation.—If the President makes a direction under paragraph (2)(C), during the 30-day period preceding the date on which the direction of the President takes effect, the functions and duties of the position of the applicable Inspector General shall be performed by—

"(A) the first assistant to the position of Inspector General; or

"(B) the individual performing those functions and duties temporarily in an acting capacity, as of the date on which the President issues the direction, if that individual is an individual other than the first assistant to the position of Inspector General."

(c) Temporary appointment authority after expiration of acting-service period.—[Section 403 of title 5](#), United States Code, as amended by subsection (b), is amended by adding at the end the following:

"(i) Temporary Appointment After Expiration of Acting-Service Period.—

"(1) CIGIE candidate list.—The Council of the Inspectors General on Integrity and Efficiency shall maintain a list of qualified individuals who may perform the functions and duties of an Inspector General temporarily in an acting capacity after the expiration of the applicable time limitation under section 3346.

"(2) Qualifications.—An individual may be included on the list under paragraph (1) only if the individual—

"(A) has demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations;

"(B) has substantial experience in an Office of Inspector General, the Government Accountability Office, the Office of Special Counsel, or another Federal oversight or accountability entity;

"(C) has not, during the 2-year period preceding inclusion on the list, been employed by the establishment or designated Federal entity for which the individual may be designated as acting Inspector General, other than in an Office of Inspector General; and

"(D) satisfies any additional qualification standards prescribed by the Council.

"(3) CIGIE designation.—If the applicable time limitation under section 3346 has expired with respect to service under subsection (h), no individual is authorized to perform the functions

and duties of the Inspector General temporarily in an acting capacity under subsection (h), and no individual has been confirmed by the Senate to fill the vacancy, the Chairperson of the Council of the Inspectors General on Integrity and Efficiency, with the concurrence of a majority of the Council, shall designate an individual from the list maintained under paragraph (1) to perform the functions and duties of the Inspector General temporarily in an acting capacity.

"(4) Priority for relevant oversight experience.—In making a designation under paragraph (3), the Chairperson shall give priority to individuals with experience in an Office of Inspector General or oversight entity with jurisdiction, mission, or subject matter experience substantially related to the establishment or designated Federal entity in which the vacancy exists.

"(5) Termination of designation.—A designation under paragraph (3) shall terminate upon the earlier of—

"(A) the date on which an Inspector General is confirmed by the Senate and appointed to fill the vacancy;

"(B) the date on which the individual designated under paragraph (3) resigns, dies, or is unable to perform the functions and duties of the position;

"(C) the date on which the Council designates another individual under paragraph (3);

"(D) the date on which an individual becomes authorized to perform the functions and duties of the Inspector General temporarily in an acting capacity under subsection (h); or

"(E) the date on which the vacancy no longer exists.

"(6) Judicial fallback.—If a court of competent jurisdiction enters a final judgment holding paragraph (3) unconstitutional or otherwise unenforceable, or enjoins implementation of paragraph (3), the United States District Court for the District of Columbia may, upon application by the Council of the Inspectors General on Integrity and Efficiency or any Member of Congress, designate an acting Inspector General from the list maintained under paragraph (1) for any vacancy described in paragraph (3).

"(7) No limitation on nomination.—Nothing in this subsection shall be construed to limit the authority of the President to nominate an individual to serve as Inspector General by and with the advice and consent of the Senate."

(d) Presidential explanation of failure to nominate.—[Section 403 of title 5](#), United States Code, as amended by subsections (b) and (c), is amended by adding at the end the following:

"(j) Presidential Explanation of Failure To Nominate.—If the President fails to make a formal nomination for a vacant Inspector General position by the date that is 210 days after the date on which the vacancy occurred, and every 90 days thereafter until a nomination is made, the President shall communicate to both Houses of Congress, including the appropriate congressional committees—

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

"(2) a target date for making a formal nomination."

(e) Access to information and notice of refusal.—[Section 406\(c\) of title 5](#), United States Code, is amended to read as follows:

"(c) Requests for Information.—

"(1) Compliance in general.—Upon request of an Inspector General for information or assistance under subsection (a)(3), the head of any Federal agency involved shall, insofar as is practicable and not in contravention of any existing statutory restriction or regulation of the Federal agency from which the information is requested, furnish to the Inspector General, or to an authorized designee, the requested information or assistance.

"(2) Unreasonable refusal or delay.—

"(A) Report to head of establishment.—Whenever information or assistance requested under subsection (a)(1) or (a)(3) is, in the judgment of an Inspector General, unreasonably refused, delayed, restricted, conditioned, or not provided, the Inspector General shall report the circumstances to the head of the establishment or designated Federal entity involved without delay.

"(B) Notice to Congress.—If the information or assistance described in subparagraph (A) is not provided not later than 7 days after the report under subparagraph (A), the Inspector General shall submit a report to both Houses of Congress, including the appropriate congressional committees, describing—

"(i) the information or assistance requested;

"(ii) the office, officer, employee, contractor, or other person responsible for refusing, delaying, restricting, conditioning, or failing to provide the information or assistance;

"(iii) the effect of the refusal, delay, restriction, condition, or failure on the audit, investigation, inspection, evaluation, review, or other oversight matter; and

"(iv) any explanation provided by the establishment or designated Federal entity.

"(C) Form of report.—A report under subparagraph (B) may include a classified annex or other protected annex if necessary to protect classified information, sensitive law enforcement information, whistleblower-identifying information, or information the disclosure of which is otherwise prohibited by law."

(f) Testimonial subpoena authority.—[Section 406 of title 5](#), United States Code, is amended by adding at the end the following:

"(l) Testimonial Subpoena Authority.—

"(1) Definitions.—In this subsection:

"(A) Chairperson.—The term 'Chairperson' means the Chairperson of the Council of the Inspectors General on Integrity and Efficiency.

"(B) Inspector General.—The term 'Inspector General' means an Inspector General of an establishment or designated Federal entity and includes the Inspector General of the Central Intelligence Agency, the Inspector General of the Intelligence Community, the

Special Inspector General for Afghanistan Reconstruction, the Special Inspector General for the Troubled Asset Relief Program, and the Special Inspector General for Pandemic Recovery.

"(C) Subpoena Panel.—The term 'Subpoena Panel' means the panel established under paragraph (5).

"(2) Authority.—In addition to the authority otherwise provided by this chapter, each Inspector General may require by subpoena the attendance and testimony of witnesses as necessary in the performance of an audit, inspection, evaluation, or investigation.

"(3) Enforcement.—In the case of contumacy or refusal to obey a subpoena issued under paragraph (2), the subpoena shall be enforceable by order of any appropriate United States district court.

"(4) Federal employees.—An Inspector General may not require by subpoena under this subsection the attendance and testimony of a current Federal employee or current employee of a designated Federal entity, but may use other authorized procedures.

"(5) Subpoena Panel.—

"(A) Establishment.—There is established within the Council a panel to approve requests by Inspectors General to issue subpoenas under this subsection.

"(B) Membership.—The Subpoena Panel shall consist of 3 Inspectors General designated by the Chairperson for renewable terms of 1 year.

"(C) Approval required.—An Inspector General may not issue a subpoena under this subsection unless the Subpoena Panel approves the request to issue the subpoena.

"(6) Notice to Attorney General.—Not later than 10 days before submitting a request for approval to issue a subpoena to the Subpoena Panel, an Inspector General shall notify the Attorney General of the intent of the Inspector General to issue the subpoena.

"(7) Attorney General objection.—If the Attorney General determines that issuing the subpoena would interfere with an ongoing criminal investigation, the Attorney General may object in writing to the Subpoena Panel during the 10-day period described in paragraph (6), and the Subpoena Panel may not approve the subpoena unless the objection is withdrawn or the Attorney General later determines that the subpoena will not interfere with the ongoing criminal investigation.

"(8) Delegation.—The authority to issue a subpoena under this subsection may be delegated only to an official performing the functions and duties of an Inspector General when the Inspector General position is vacant or when the Inspector General is unable to perform the functions and duties of the Office of Inspector General.

"(9) Semiannual reporting.—Each Inspector General shall include in the semiannual report required under section 405 a description of each subpoena issued under this subsection during the reporting period, except that information may be provided in a classified annex or other protected annex if necessary to protect classified information, sensitive law enforcement

information, whistleblower-identifying information, or information the disclosure of which is otherwise prohibited by law.

"(10) Guidelines.—The Council, in consultation with the Attorney General, shall issue guidelines governing the use of testimonial subpoena authority under this subsection.

"(11) GAO review.—Not later than July 1, 2029, the Comptroller General of the United States shall submit to Congress a report reviewing the use of testimonial subpoena authority under this subsection, including the number of subpoena requests submitted, approved, denied, issued, enforced, withdrawn, or challenged, and any recommendations for improving the use, oversight, or protection of such authority."

(g) Department of Justice Inspector General jurisdiction.—[Section 413 of title 5](#), United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (2), by striking "except as specified in subsection (a) and paragraph (3)," and inserting "except as specified in subsection (a),";

(B) by striking paragraph (3); and

(C) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively; and

(2) in subsection (d), by striking ", except with respect to allegations described in subsection (b)(3),".

(h) Inspector General for the Office of Management and Budget.—

(1) Establishment.—[Section 401 of title 5](#), United States Code, is amended—

(A) in paragraph (1), by inserting "the Office of Management and Budget," after "the Office of Personnel Management,"; and

(B) in paragraph (2), by inserting "the Director of the Office of Management and Budget," after "the Director of the Office of Personnel Management,".

(2) Special provisions.—[Chapter 4 of title 5](#), United States Code, is amended by adding at the end the following:

"Sec. 425. Special provisions concerning the Office of Management and Budget

"(a) Jurisdiction.—The Inspector General of the Office of Management and Budget shall have jurisdiction over the Office of Management and Budget and over any program, function, duty, or activity specifically assigned to the Office of Management and Budget by law, regulation, executive order, or other Presidential directive.

"(b) No limitation on review of centralized functions.—The jurisdiction of the Inspector General of the Office of Management and Budget includes audits, investigations, inspections, evaluations, and reviews of budget, management, procurement, information policy, regulatory review, statistical policy, performance, and interagency coordination functions assigned to the Office of Management and Budget.

"(c) Rule of construction.—Nothing in this section shall be construed to limit the jurisdiction of another Inspector General over the establishment or designated Federal entity with respect to which that Inspector General has responsibilities under this chapter."

(3) Clerical amendment.—The table of sections for [chapter 4 of title 5](#), United States Code, is amended by adding at the end the following:

"425. Special provisions concerning the Office of Management and Budget."

(i) CIGIE Integrity Committee transparency.—[Section 424\(d\) of title 5](#), United States Code, is amended—

(1) by amending paragraph (9) to read as follows:

"(9) Semiannual report.—On or before May 31 and November 30 of each year, the Council shall submit to Congress and the President a report on the activities of the Integrity Committee during the immediately preceding 6-month periods ending March 31 and September 30, which shall include the following with respect to allegations of wrongdoing that are made against Inspectors General and staff members of the various Offices of Inspector General described under paragraph (4)(C):

"(A) An overview and analysis of allegations of wrongdoing disposed of by the Integrity Committee, including—

"(i) an analysis of the positions held by individuals against whom allegations were made, including the duties associated with such positions;

"(ii) an analysis of the categories or types of allegations of wrongdoing; and

"(iii) a summary of the disposition of such allegations.

"(B) The number of allegations received by the Integrity Committee.

"(C) The number of allegations referred to the Department of Justice or the Office of Special Counsel, including the number of allegations referred for criminal investigation.

"(D) The number of allegations referred to the Chairperson of the Integrity Committee for investigation, a general description of the status of such investigations, and a summary of the findings of investigations completed.

"(E) An overview and analysis of allegations of wrongdoing received by the Integrity Committee during any previous reporting period that remained pending during any part of the 6-month period covered by the report, including—

"(i) an analysis of the positions held by individuals against whom allegations were made, including the duties associated with such positions;

"(ii) an analysis of the categories or types of allegations of wrongdoing; and

"(iii) a summary of the disposition of such allegations.

"(F) The number and category or type of pending investigations.

"(G) For each allegation received—

"(i) the date on which the investigation was opened;

"(ii) the date on which the allegation was disposed of, as applicable; and

"(iii) the case number associated with the allegation.

"(H) The nature and number of allegations closed without referral by the Integrity Committee, including the justification for why each allegation was closed without referral.

"(I) A brief description of any difficulty encountered by the Integrity Committee when receiving, evaluating, investigating, or referring for investigation an allegation received by the Integrity Committee, including a brief description of—

"(i) any attempt to prevent or hinder an investigation; or

"(ii) any concern about the integrity or operations of an Office of Inspector General.

"(J) Other matters that the Council considers appropriate."; and

(2) by adding at the end the following:

"(14) Additional congressional access to closed allegations and final dispositions.—

"(A) Closed allegations.—Upon request of any Member of Congress, the Integrity Committee shall make available information regarding an allegation of wrongdoing that the Integrity Committee closed without referral, including the date on which the allegation was received, a general description of the allegation, the reason the allegation was closed without referral, and any conflict of interest or recusal determination relating to the allegation, except that the Integrity Committee may withhold information that is classified, law enforcement sensitive, whistleblower identifying, or otherwise protected from disclosure by law.

"(B) Final disposition reports.—Not later than 30 days after the final disposition of an allegation of wrongdoing concerning an Inspector General or a senior staff member of an Office of Inspector General, the Integrity Committee shall submit to Congress a report describing the final disposition, including whether disciplinary action, referral, corrective action, or no action resulted.

"(15) Investigations of Offices of Inspector General.—The Integrity Committee may conduct, direct, or coordinate an investigation of an Office of Inspector General if the allegation concerns systemic misconduct, a pattern or practice of retaliation, obstruction of oversight, or other conduct affecting the integrity or operations of the Office.".

(j) Office of Inspector General whistleblower complaints and anti-retaliation.—[Section 407 of title 5](#), United States Code, is amended—

(1) in subsection (a), by inserting "or any employee of an Office of Inspector General" after "employee of the establishment";

(2) by amending subsection (b) to read as follows:

"(b) Prohibition on Disclosure of Identity.—The Inspector General shall not, after receipt of a complaint or information from an employee of the establishment or an employee of an Office of Inspector General, disclose the identity of the employee without the consent of the employee, unless the Inspector General determines the disclosure is unavoidable during the course of the investigation or is otherwise required by law.";

(3) by amending subsection (c) to read as follows:

"(c) Prohibition on Reprisal.—Any employee who has authority to take, direct others to take, recommend, or approve any personnel action may not, with respect to that authority, take or threaten to take any action against any employee of an establishment or any employee of an Office of Inspector General as a reprisal for making a complaint or disclosing information to an Inspector General, the Integrity Committee of the Council of the Inspectors General on Integrity and Efficiency, the Office of Special Counsel, or Congress, unless the complaint was made or the information was disclosed with knowledge that the complaint or information was false or with willful disregard for its truth or falsity."; and

(4) by adding at the end the following:

"(d) Office of Inspector General Whistleblower Complaints.—

"(1) Direct submission.—An employee of an Office of Inspector General may submit a complaint or information concerning wrongdoing, retaliation, gross mismanagement, gross waste of funds, abuse of authority, violation of law, rule, or regulation, or danger to public health or safety directly to the Integrity Committee of the Council of the Inspectors General on Integrity and Efficiency, the Office of Special Counsel, or Congress.

"(2) Protection of identity.—The identity of an employee of an Office of Inspector General who submits a complaint or information under paragraph (1) may not be disclosed without the consent of the employee, unless disclosure is unavoidable in the course of an investigation or is otherwise required by law.

"(3) Anti-retaliation.—No officer or employee of an Office of Inspector General may take or threaten to take a personnel action against an employee of an Office of Inspector General because of a complaint or disclosure described in paragraph (1).

"(4) Referral.—The Integrity Committee shall establish procedures for receiving, reviewing, referring, and resolving complaints submitted under paragraph (1), including procedures for referral to the Office of Special Counsel, the Department of Justice, another Office of Inspector General, or Congress, as appropriate."

(k) CIGIE resources and reporting.—

(1) Appropriation.—In addition to amounts otherwise available, there is appropriated to the Council of the Inspectors General on Integrity and Efficiency, out of any money in the Treasury not otherwise appropriated, \$100,000,000, to remain available through September 30, 2029, to carry out [section 424 of title 5](#), United States Code, and this section, including Integrity Committee operations, training, data systems, temporary appointment administration, subpoena-panel support, and oversight workforce development.

(2) Expenditure report.—Not later than January 1, 2027, and annually thereafter through fiscal year 2029, the Chairperson of the Council of the Inspectors General on Integrity and Efficiency shall submit to Congress and make publicly available a report describing the use of amounts appropriated under paragraph (1), including expenditures for Integrity Committee operations, training, data systems, temporary appointment administration, subpoena-panel support, and oversight workforce development.

(I) Functions and duties of Council.—[Section 424\(c\)\(1\) of title 5](#), United States Code, is amended to read as follows:

"(1) In general.—The Council shall—

"(A) continually identify, review, and discuss areas of weakness and vulnerability in Federal programs and operations with respect to fraud, waste, and abuse;

"(B) develop plans for coordinated, Governmentwide activities that address these problems and promote economy and efficiency in Federal programs and operations, including interagency and interentity audit, investigation, inspection, and evaluation programs and projects to deal efficiently and effectively with those problems concerning fraud and waste that exceed the capability or jurisdiction of an individual agency or entity;

"(C) develop policies that will aid in the maintenance of a corps of well trained and highly skilled Office of Inspector General personnel;

"(D) maintain an internet website and other electronic systems for the benefit of all Inspectors General, as the Council determines are necessary or desirable;

"(E) support the professional development of Inspectors General, including by developing, maintaining, and making available training resources and training opportunities on the duties, responsibilities, and authorities of Inspectors General, including independence, access to information, whistleblower protection, testimonial subpoena authority, congressional reporting, conflicts of interest, and the handling of allegations involving Offices of Inspector General;

"(F) maintain 1 or more academies as the Council considers desirable for the professional training of auditors, investigators, inspectors, evaluators, and other personnel of the various Offices of Inspector General;

"(G) submit recommendations of individuals to the appropriate appointing authority for any appointment to an office of Inspector General described under subsection (b)(1)(A) or (B);

"(H) make such reports to Congress as the Chairperson determines are necessary or appropriate;

"(I) except for matters coordinated among Inspectors General under section 103H of the National Security Act of 1947 ([50 U.S.C. 3033](#)), receive, review, and mediate any disputes submitted in writing to the Council by an Office of Inspector General regarding an audit, investigation, inspection, evaluation, or project that involves the jurisdiction of more than 1 Office of Inspector General; and

"(J) perform other duties within the authority and jurisdiction of the Council, as appropriate."

(m) Rule of construction.—Nothing in this section or the amendments made by this section shall be construed to limit any authority of an Inspector General, the Council of the Inspectors General on Integrity and Efficiency, the Integrity Committee of the Council, the Government Accountability Office, the Office of Special Counsel, Congress, or any committee of Congress under any other provision of law.

SEC. 1049. REGULATORY RECUSAL AND CONFLICTED LEGAL LEADERSHIP.

(a) Definitions.—In this section:

(1) Antitrust laws.—The term "antitrust laws" has the meaning given the term in subsection (a) of the first section of the Clayton Act ([15 U.S.C. 12\(a\)](#)) and includes section 5 of the Federal Trade Commission Act ([15 U.S.C. 45](#)) to the extent such section prohibits unfair methods of competition.

(2) Covered matter.—The term "covered matter" means a particular matter involving specific parties, a particular matter of general applicability, rulemaking, guidance document, enforcement policy, supervisory policy, licensing determination, adjudication, investigation, request for a ruling or other determination, settlement, consent order, or other agency action that may directly and predictably affect the legal, regulatory, competitive, or financial interests of an identifiable person, entity, industry, or discrete and identifiable class of persons or entities.

(3) Disqualifying determination.—The term "disqualifying determination" means a final judgment, final order, consent decree, administrative order, deferred prosecution agreement, nonprosecution agreement, written settlement agreement, or other written final resolution that has not been reversed, rescinded, or vacated and that—

(A) finds, concludes, admits, or resolves a claim alleging that a person violated an antitrust law or securities law; or

(B) imposes a sanction for litigation misconduct.

(4) Legal leadership position.—The term "legal leadership position" means a position at a regulatory agency as general counsel, deputy general counsel, associate general counsel, assistant general counsel, chief counsel, director of enforcement, deputy director of enforcement, director of litigation, deputy director of litigation, director of legal policy, deputy director of legal policy, or any substantially similar senior legal, enforcement, litigation, adjudicatory, or regulatory-policy position.

(5) Litigation misconduct.—The term "litigation misconduct" means discovery abuse, spoliation of evidence, a false statement to a court or adjudicatory body, a material misrepresentation, bad faith litigation conduct, a frivolous claim or defense, violation of a protective order, violation of a discovery order, or other conduct for which a court or adjudicatory body imposes a sanction.

(6) Recent employer or client.—The term "recent employer or client" means, with respect to the 5-year period preceding an individual's appointment to, assignment to, or service in a regulatory agency, any person that—

(A) employed, retained, or paid the individual for services; or

(B) the individual personally represented or materially assisted as an attorney, consultant, contractor, agent, lobbyist, paid advocate, or paid representative.

(7) Regulatory agency.—The term "regulatory agency" means an executive agency, independent regulatory agency, bureau, division, office, commission, board, or administration that administers, enforces, supervises, or adjudicates compliance with Federal statutes or regulations applicable to private persons.

(8) Securities law.—The term "securities law" has the meaning given the term "securities laws" in section 3(a) of the Securities Exchange Act of 1934 ([15 U.S.C. 78c\(a\)](#)).

(b) Strengthened recusal requirement.—An officer or employee of a regulatory agency may not participate personally and substantially in a covered matter if a recent employer or client of the officer or employee is a party, represents a party, or has a financial interest that would be directly and predictably affected by the matter.

(c) Notice of recusal.—An officer or employee subject to subsection (b) shall provide written notice of the recusal to the designated agency ethics official or another senior ethics official designated by the head of the regulatory agency, and the regulatory agency shall include the recusal in the public log required under subsection (d).

(d) Public recusal log.—Each regulatory agency shall maintain on the public website of the agency a searchable, downloadable log of recusals under this section, including the name and title of the officer or employee, the covered matter, the recent employer or client requiring recusal, the date of recusal, and the duration of the recusal, except that the agency may withhold classified information, sensitive law enforcement information, confidential supervisory information, trade secrets, personally identifiable information, or information the disclosure of which is otherwise prohibited by law.

(e) Prohibition on conflicted legal leadership.—An individual may not serve in a legal leadership position if a recent employer or client of the individual was subject to a disqualifying determination during the 5-year period preceding the individual's appointment to, assignment to, or service in the legal leadership position.

(f) Removal from legal leadership position.—If a recent employer or client of an individual serving in a legal leadership position becomes subject to a disqualifying determination, the regulatory agency shall remove the individual from the legal leadership position not later than 30 days after the disqualifying determination becomes final.

(g) No waiver.—The requirements of this section may not be waived.

(h) Rule of construction.—Nothing in this section shall be construed to limit any recusal, disqualification, ethics, financial conflict, professional responsibility, or post-employment restriction under any other provision of law, regulation, or agency policy.