

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 2195  
OFFERED BY MR. BLUM OF IOWA**

Strike all after the enacting clause and insert the following:

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “OSC Access Act”.

3 **SEC. 2. ADEQUATE ACCESS OF SPECIAL COUNSEL TO IN-**  
4 **FORMATION.**

5 Section 1212(b) of title 5, United States Code, is  
6 amended by adding at the end the following:

7 “(5)(A) Except as provided in subparagraph (B), the  
8 Special Counsel, in carrying out this subchapter, is au-  
9 thorized to—

10 “(i) have timely access to all records, data, re-  
11 ports, audits, reviews, documents, papers, rec-  
12 ommendations, or other material available to the ap-  
13 plicable agency that relate to an investigation, re-  
14 view, or inquiry conducted under—

15 “(I) section 1213, 1214, 1215, or 1216 of  
16 this title; or

17 “(II) section 4324(a) of title 38;

1           “(ii) request from any agency the information  
2           or assistance that may be necessary for the Special  
3           Counsel to carry out the duties and responsibilities  
4           of the Special Counsel under this subchapter; and

5           “(iii) require, during an investigation, review, or  
6           inquiry of an agency, the agency to provide to the  
7           Special Counsel any record or other information that  
8           relates to an investigation, review, or inquiry con-  
9           ducted under—

10           “(I) section 1213, 1214, 1215, or 1216 of  
11           this title; or

12           “(II) section 4324(a) of title 38.

13           “(B)(i) The authorization of the Special Counsel  
14           under subparagraph (A) shall not apply with respect to  
15           any entity listed in section 2302(a)(2)(C)(ii) or (iii) unless  
16           the Special Counsel is investigating, or otherwise carrying  
17           out activities relating to the enforcement of, an action  
18           under subchapter III of chapter 73.

19           “(ii) The Attorney General or an Inspector General  
20           may withhold from the Special Counsel material described  
21           in subparagraph (A) if—

22           “(I) disclosing the material could reasonably be  
23           expected to interfere with a criminal investigation or  
24           prosecution that is ongoing as of the date on which  
25           the Special Counsel submits a request for the mate-

1       rial, or the material may not be disclosed pursuant  
2       to court order or has been filed under seal pursuant  
3       to section 3730 of title 31; and

4               “(II) the Attorney General or the Inspector  
5       General, as applicable, submits to the Special Coun-  
6       sel a written report that describes—

7                       “(aa) the material being withheld; and

8                       “(bb) the reason that the material is being  
9       withheld.

10       “(C)(i) A claim of common law privilege by an agen-  
11      cy, or an officer or employee of an agency, shall not pre-  
12      vent the Special Counsel from obtaining any material de-  
13      scribed in subparagraph (A) with respect to the agency.

14       “(ii) The submission of material described in sub-  
15      paragraph (A) by an agency to the Special Counsel may  
16      not be deemed to waive any assertion of privilege by the  
17      agency against a non-Federal entity or against an indi-  
18      vidual in any other proceeding.

19       “(iii) With respect to any record or other information  
20      made available to the Special Counsel by an agency under  
21      subparagraph (A), the Special Counsel may only disclose  
22      the record or information for a purpose that is in further-  
23      ance of any authority provided to the Special Counsel in  
24      this subchapter.

1       “(6) The Special Counsel shall submit to the Com-  
2 mittee on Homeland Security and Governmental Affairs  
3 of the Senate, the Committee on Oversight and Govern-  
4 ment Reform of the House of Representatives, and each  
5 committee of Congress with jurisdiction over the applica-  
6 ble agency a report regarding any case of contumacy or  
7 failure to comply with a request submitted by the Special  
8 Counsel under paragraph (5)(A).”.

Amend the title so as to read: “A bill to amend title  
5, United States Code, to provide for access of the Spe-  
cial Counsel to certain information, and for other pur-  
poses.”.

