

113TH CONGRESS
2D SESSION

S. 1953

To amend certain provisions of the Inspector General Act of 1978 and the Inspector General Improvement Act of 2008, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 16, 2014

Mr. TESTER (for himself and Mrs. MCCASKILL) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To amend certain provisions of the Inspector General Act of 1978 and the Inspector General Improvement Act of 2008, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Oversight Workforce
5 Improvement Act of 2014”.

1 **SEC. 2. INVESTIGATIONS, AUDITS, INSPECTIONS, EVALUA-**
2 **TIONS, AND REVIEWS CONDUCTED BY IN-**
3 **SPECTORS GENERAL.**

4 Section 3518(c) of title 44, United States Code, is
5 amended—

6 (1) in paragraph (1), in the matter preceding
7 subparagraph (A), by striking “paragraph (2)” and
8 inserting “paragraph (3)”;

9 (2) by redesignating paragraph (2) as para-
10 graph (3); and

11 (3) by inserting after paragraph (1) the fol-
12 lowing:

13 “(2) Notwithstanding paragraph (3), this sub-
14 chapter shall not apply to the collection of informa-
15 tion during the conduct of any evaluation, or other
16 review conducted by the Federal Accountability and
17 Spending Transparency Board, or during the con-
18 duct of any audit, investigation, inspection, evalua-
19 tion, or any other review conducted by the Council
20 of the Inspectors General on Integrity and Efficiency
21 or any Office of Inspector General, including any Of-
22 fice of Special Inspector General.”.

23 **SEC. 3. EXEMPTION FROM DISCLOSURE UNDER FOIA.**

24 (a) DEFINITION.—In this section, the term “agency”
25 shall have the meaning given the term in section 551 of
26 title 5, United States Code.

1 (b) EXEMPTION.—Information relating to the infor-
 2 mation security program or practices of an agency shall
 3 be exempt from disclosure under section 552(b)(3) of title
 4 5, United States Code, if disclosure could reasonably be
 5 expected to lead to or result in unauthorized access, use,
 6 disclosure, disruption, modification, or destruction of such
 7 information system or the information such information
 8 system controls, processes, stores, or transmits.

9 (c) NON-EXEMPT INFORMATION.—Each agency that
 10 withholds information subject to the exemption in sub-
 11 section (b) shall act in accordance with the obligation of
 12 the Federal agency to reasonably segregate and disclose
 13 non-exempt information under section 552(b) of title 5,
 14 United States Code.

15 **SEC. 4. AMENDMENTS TO THE INSPECTOR GENERAL ACT**
 16 **OF 1978 AND THE INSPECTOR GENERAL RE-**
 17 **FORM ACT OF 2008.**

18 (a) INCORPORATION OF PROVISIONS FROM THE IN-
 19 SPECTOR GENERAL REFORM ACT OF 2008 INTO THE IN-
 20 SPECTOR GENERAL ACT OF 1978.—

21 (1) CLASSIFICATION AND PAY.—

22 (A) AMENDMENT.—Section 8G of the In-
 23 spector General Act of 1978 (5 U.S.C. App.) is
 24 amended by adding at the end the following:

1 “(i) Notwithstanding any other provision of law, the
 2 Inspector General of each designated Federal entity shall,
 3 for pay and all other purposes be classified at a grade,
 4 level or rank designation, as the case may be, at or above
 5 those of a majority of the senior level executives of the
 6 designated Federal entity (such as General Counsel, Chief
 7 Information Officer, Chief Financial Officer, Chief
 8 Human Capital Officer, or Chief Acquisition Officer). The
 9 pay of an Inspector General of a designated Federal entity
 10 shall not be less than the average total compensation (in-
 11 cluding bonuses) of the senior level executives of the des-
 12 ignated Federal entity calculated on an annual basis.”.

13 (B) CONFORMING REPEAL.—Section 4(b)
 14 of the Inspector General Reform Act of 2008
 15 (Public Law 110–409; 5 U.S.C. App. note) is
 16 repealed.

17 (2) PAY RETENTION.—

18 (A) AMENDMENT.—The Inspector General
 19 Act of 1978 (5 U.S.C. App.) is amended by
 20 adding after section 8M the following:

21 **“SEC. 8N. PAY RETENTION.**

22 “(a) IN GENERAL.—The provisions of section 3392
 23 of title 5, United States Code, other than the term ‘per-
 24 formance awards’ and ‘awarding of ranks’ in subsection
 25 (c)(1) of such section, shall apply to career appointees of

1 the Senior Executive Service who are appointed to the po-
 2 sition of Inspector General.

3 “(b) NONREDUCTION IN PAY.—Notwithstanding any
 4 other provision of law, career Federal employees serving
 5 on an appointment made pursuant to statutory authority
 6 found other than in section 3392 of title 5, United States
 7 Code, shall not suffer a reduction in pay, not including
 8 any bonus or performance award, as a result of being ap-
 9 pointed to the position of Inspector General.”.

10 (B) CONFORMING REPEAL.—Section 4(c)
 11 of the Inspector General Reform Act of 2008
 12 (Public Law 110–409; 5 U.S.C. App. note) is
 13 repealed.

14 (3) ALLEGATIONS OF WRONGDOING AGAINST
 15 SPECIAL COUNSEL OR DEPUTY SPECIAL COUNSEL.—

16 (A) AMENDMENTS.—Section 11(d) of the
 17 Inspector General Act of 1978 (5 U.S.C. App.)
 18 is amended—

19 (i) in paragraph (2)—

20 (I) in subparagraph (C), by in-
 21 serting “or their designee” before the
 22 period; and

23 (II) in subparagraph (D), by in-
 24 serting “or their designee” before the
 25 period; and

1 (ii) by adding at the end the fol-
 2 lowing:

3 “(12) ALLEGATIONS OF WRONGDOING AGAINST
 4 SPECIAL COUNSEL OR DEPUTY SPECIAL COUNSEL.—

5 “(A) SPECIAL COUNSEL DEFINED.—In this
 6 paragraph, the term ‘Special Counsel’ means
 7 the Special Counsel appointed under section
 8 1211(b) of title 5, United States Code.

9 “(B) AUTHORITY OF INTEGRITY COM-
 10 MITTEE.—

11 “(i) IN GENERAL.—An allegation of
 12 wrongdoing against the Special Counsel or
 13 Deputy Special Counsel may be received,
 14 reviewed and referred for investigation by
 15 the Integrity Committee to the same extent
 16 and in the same manner as in the case of
 17 an allegation against an Inspector General
 18 (or a member of the staff of an Office of
 19 Inspector General), subject to the require-
 20 ment that the Special Counsel recuse him-
 21 self or herself from the consideration of
 22 any allegation brought under this para-
 23 graph.

24 “(ii) COORDINATION WITH EXISTING
 25 PROVISION OF LAW.—This paragraph does

not eliminate access to the Merit Systems Protection Board for review under section 7701 of title 5, United States Code. To the extent that an allegation brought under this subsection involves section 2302(b)(8) of that title, a failure to obtain corrective action within 120 days after the date on which the allegation is received by the Integrity Committee shall, for purposes of section 1221 of such title, be considered to satisfy section 1214(a)(3)(B) of such title.

“(C) REGULATIONS.—The Integrity Committee may prescribe any rules or regulations necessary to carry out this paragraph, subject to such consultation or other requirements as might otherwise apply.”.

(B) CONFORMING REPEAL.—Section 7(b) of the Inspector General Reform Act of 2008 (Public Law 110–409; 5 U.S.C. 1211 note) is repealed.

(b) AGENCY APPLICABILITY.—

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

(A) in section 8M—

(i) in subsection (a)(1)—

1 (I) by striking “Each agency”
 2 and inserting “ Each Federal agency
 3 and designated Federal entity”; and

4 (II) by striking “that agency”
 5 and inserting “the Federal agency or
 6 designated Federal entity” each place
 7 it appears; and

8 (ii) in subsection (b)—

9 (I) in paragraph (1), in the mat-
 10 ter preceding subparagraph (A), by
 11 striking “agency” and inserting “Fed-
 12 eral agency and designated Federal
 13 entity”; and

14 (II) in paragraph (2)—

15 (aa) in subparagraph (A),
 16 by striking “agency” and insert-
 17 ing “Federal agency and des-
 18 ignated Federal entity”; and

19 (bb) in subparagraph (B),
 20 by striking “agency” and insert-
 21 ing “Federal agency and des-
 22 ignated Federal entity”; and

23 (B) in section 11(c)(3)(A)(ii), by striking
 24 “department, agency, or entity of the executive

branch which” and inserting “Federal agency or designated Federal entity that”.

(2) IMPLEMENTATION.—Not later than 180 days after the date of enactment of this Act, the head and the Inspector General of each Federal agency (as defined in section 12 of the Inspector General Act of 1978 (5 U.S.C. App.)) and each designated Federal entity (as defined in section 8G of the Inspector General Act of 1978 (5 U.S.C. App.)) shall implement the amendments made by this subsection.

(c) CORRECTIONS.—

(1) EXECUTIVE ORDER NUMBER.—Section 7(c)(2) of the Inspector General Reform Act of 2008 (Public Law 110-409; 31 U.S.C. 501 note) is amended by striking “12933” and inserting “12993”.

(2) PUNCTUATION AND CROSS-REFERENCES.—The Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(A) in section 4(b)(2)—

(i) by striking “8F(a)(2)” and inserting “8G(a)(2)” each place it appears; and

(ii) by striking “8F(a)(1)” and inserting “8G(a)(1)”;

1 (B) in section 6(a)(4), by striking “infor-
 2 mation, as well as any tangible thing)” and in-
 3 serting “information), as well as any tangible
 4 thing”; and

5 (C) in section 8G(g)(3), by striking “8C”
 6 and inserting “8D”.

7 (3) SPELLING.—The Inspector General Act of
 8 1978 (5 U.S.C. App.) is amended—

9 (A) in section 3(a), by striking “subpena”
 10 and inserting “subpoena”;

11 (B) in section 6(a)(4)—

12 (i) by striking “subpena” and insert-
 13 ing “subpoena”; and

14 (ii) by striking “subpenas” and insert-
 15 ing “subpoenas”;

16 (C) in section 8D(a)—

17 (i) in paragraph (1), by striking “sub-
 18 penas” and inserting “subpoenas”; and

19 (ii) in paragraph (2), by striking
 20 “subpena” and inserting “subpoena”, each
 21 place it appears;

22 (D) in section 8E(a)—

23 (i) in paragraph (1), by striking “sub-
 24 penas” and inserting “subpoenas”; and

1 (ii) in paragraph (2), by striking
2 “subpena” and inserting “subpoena” each
3 place it appears; and

4 (E) in section 8G(d), by striking “sub-
5 pena” and inserting “subpoena”.

6 (d) REPEAL.—Section 744 of the Financial Services
7 and General Government Appropriations Act, 2009 (Pub-
8 lic Law 111–8; 123 Stat. 693) is repealed.

9 **SEC. 5. INSPECTOR GENERAL OF THE INTELLIGENCE COM-**
10 **MUNITY.**

11 Section 11(b)(1)(B) of the Inspector General Act of
12 1978 (5 U.S.C. App.) is amended to read as follows:

13 “(B) The Inspectors General of the Intel-
14 ligence Community and the Central Intelligence
15 Agency.”.

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