

113TH CONGRESS
2D SESSION

S. 2875

To codify in law the establishment and duties of the Office of Complex Administrative Investigations in the National Guard Bureau, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 18, 2014

Mr. BEGICH introduced the following bill; which was read twice and referred to the Committee on Armed Services

A BILL

To codify in law the establishment and duties of the Office of Complex Administrative Investigations in the National Guard Bureau, 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 “National Guard Inves-
5 tigations Transparency and Improvement Act of 2014”.

1 **SEC. 2. CODIFICATION IN LAW OF ESTABLISHMENT AND**
2 **DUTIES OF THE OFFICE OF COMPLEX ADMIN-**
3 **ISTRATIVE INVESTIGATIONS IN THE NA-**
4 **TIONAL GUARD BUREAU.**

5 (a) IN GENERAL.—There is in the Office of the Chief
6 of the National Guard Bureau the Office of Complex Ad-
7 ministrative Investigations (in this section referred to as
8 the “Office”).

9 (b) DIRECTION AND SUPERVISION.—The Office shall
10 be under the direction and supervision of the Chief of the
11 National Guard Bureau.

12 (c) DUTIES.—

13 (1) IN GENERAL.—The duties of the Office
14 shall be to undertake complex administrative inves-
15 tigations of matters relating to members of the Na-
16 tional Guard when in State status, including inves-
17 tigations of sexual assault involving a member of the
18 National Guard in such status, upon the request of
19 any of the following:

20 (A) The Chief of the National Guard Bu-
21 reau.

22 (B) An adjutant general of a State or ter-
23 ritory or the District of Columbia.

24 (C) The governor of a State or territory, or
25 the Commanding General of the National
26 Guard of the District of Columbia.

1 (2) COMPLEX ADMINISTRATIVE INVESTIGA-
2 TIONS.—For purposes of this subsection, a complex
3 administrative investigation is any investigation (as
4 specified by the Chief of the National Guard Bureau
5 for purposes of this section) involving factors giving
6 rise to unusual complexity in investigation, including
7 the following:

8 (A) Questions of jurisdiction between the
9 United States and a State or territory.

10 (B) Matters requiring specialized training
11 among investigating officers.

12 (C) Matters raising the need for an inde-
13 pendent investigation in order to ensure fair-
14 ness and impartiality in investigation.

15 (3) MATTERS RELATING TO MEMBERS OF THE
16 NATIONAL GUARD IN STATE STATUS.—The deter-
17 mination whether or not a matter relates to a mem-
18 ber of the National Guard when in State status for
19 purposes of this section shall be made by the Chief
20 of the National Guard Bureau in accordance with
21 criteria specified by the Chief of the National Guard
22 Bureau for purposes of this section.

23 (d) CHIEF OF NATIONAL GUARD BUREAU TREAT-
24 MENT OF FINAL REPORTS.—The Chief of the National
25 Guard Bureau shall treat any final report of the Office

1 on a matter under this section as if such report were the
2 report of an Inspector General of the Department of De-
3 fense or a military department on such matter.

4 (e) REPORTS TO CONGRESS.—

5 (1) SUBMITTAL OF FINAL REPORTS TO CON-
6 GRESSIONAL DELEGATIONS.—Upon the adoption by
7 the Office of a final report on an investigation un-
8 dertaken by the Office pursuant to this section, the
9 Chief of the National Guard Bureau shall submit
10 such report (with any personally identifying informa-
11 tion appropriately redacted) to the members of Con-
12 gress from the State or territory concerned.

13 (2) ANNUAL REPORTS.—The Chief of the Na-
14 tional Guard Bureau shall submit to Congress each
15 year a report on the investigations undertaken by
16 the Office pursuant to this section during the pre-
17 ceding year. Each report shall include, for the year
18 covered by such report, the following:

19 (A) A summary description of the inves-
20 tigations undertaken during such year, includ-
21 ing any trends in matters subject to investiga-
22 tion and in findings as a result of investiga-
23 tions.

24 (B) Information, set forth by State and
25 territory, on the investigations undertaken dur-

1 ing such year involving allegations of sexual as-
2 sault involving a member of the National
3 Guard.

4 (C) Such other information and matters on
5 the investigations undertaken during such year
6 as the Chief of the National Guard Bureau con-
7 siders appropriate.

8 (f) PERSONNEL AND OTHER CAPABILITIES.—The
9 Chief of the National Guard Bureau shall ensure that the
10 Office maintains the personnel and other capabilities nec-
11 essary for the discharge of the duties of the Office under
12 this section.

13 (g) PROCEDURES AND INSTRUCTIONS.—The Chief of
14 the National Guard Bureau shall issue, and may from
15 time to time update, procedures and instructions nec-
16 essary for the discharge of the duties of the Office under
17 this section.

18 (h) REPEAL OF SUPERSEDED INSTRUCTION.—Chief
19 of the National Guard Bureau Instruction CNGBI
20 0400.01, dated July 30, 2012, shall have no further force
21 or effect.

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