

DAV15D98

David A. Perdue
S.J.C.

AMENDMENT NO. _____ Calendar No. _____

Purpose: To enable more responsible and efficient spending on Department of State activities and foreign operations.

IN THE SENATE OF THE UNITED STATES—114th Cong., 1st Sess.

(no.) _____

(title) _____

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. PERDUE (for himself and Mr. KAINE)

Viz:

1 At the appropriate place, insert the following:

2 **TITLE __ —MANAGEMENT AND**
3 **ACCOUNTABILITY**

4 **SEC. ____ . SHORT TITLE.**

5 This title may be cited at the “Improving Depart-
6 ment of State Oversight Act of 2015”.

7 **SEC. ____ . COMPETITIVE HIRING STATUS FOR FORMER**
8 **EMPLOYEES OF THE SPECIAL INSPECTOR**
9 **GENERAL FOR IRAQ RECONSTRUCTION.**

10 Notwithstanding any other provision of law, any em-
11 ployee of the Special Inspector General for Iraq Recon-
12 struction who completes at least 12 months of service at

1 any time prior to the date of the termination of the Special
2 Inspector General for Iraq Reconstruction, October 5,
3 2013, and was not terminated for cause shall acquire com-
4 petitive status for appointment to any position in the com-
5 petitive service for which the employee possesses the re-
6 quired qualifications.

7 **SEC. ____ . ASSURANCE OF INDEPENDENCE OF IT SYS-**
8 **TEMS.**

9 (a) **IN GENERAL.**—The Secretary of State, with the
10 concurrence of the Inspector General of the Department
11 of State, shall certify to the appropriate congressional
12 committees that the Department has made reasonable ef-
13 forts to ensure the integrity and independence of the Of-
14 fice of the Inspector General Information Technology sys-
15 tems.

16 (b) **APPROPRIATE CONGRESSIONAL COMMITTEES**
17 **DEFINED.**—In this section, the term “appropriate con-
18 gressional committees” means—

19 (1) the Committee on Foreign Relations and
20 the Committee on Appropriations of the Senate; and

21 (2) The Committee on Foreign Affairs and the
22 Committee on Appropriations of the House of Rep-
23 resentatives.

1 **SEC. ____ . PROTECTING THE INTEGRITY OF INTERNAL IN-**
2 **VESTIGATIONS.**

3 Section 209(c)(5) of the Foreign Service Act of 1980
4 (22 U.S.C. 3929(c)(5)) is amended by inserting at the end
5 the following new subparagraph:

6 “(C) REQUIRED REPORTING OF ALLEGA-
7 TIONS AND INVESTIGATIONS AND INSPECTOR
8 GENERAL AUTHORITY.—

9 “(i) IN GENERAL.—Each bureau, post
10 or other office (in this subparagraph, an
11 ‘entity’) of the Department of State shall,
12 within five business days, report to the In-
13 spector General any allegations of—

14 “(I) waste, fraud, or abuse in a
15 Department program or operation;

16 “(II) criminal or serious mis-
17 conduct on the part of a Department
18 employee at the FS-1, GS-15, GM-
19 15 level or higher;

20 “(III) criminal misconduct on the
21 part of any Department employee;
22 and

23 “(IV) serious, noncriminal mis-
24 conduct on the part of any individual
25 who is authorized to carry a weapon,
26 make arrests, or conduct searches,

1 such as conduct that, if proved, would
2 constitute perjury or material dishon-
3 esty, warrant suspension as discipline
4 for a first offense, or result in loss of
5 law enforcement authority.

6 “(ii) INSPECTOR GENERAL AUTHOR-
7 ITY.—The Inspector General may, pursu-
8 ant to existing authority, investigate mat-
9 ters covered by clause (i).

10 “(iii) LIMITATION ON INVESTIGATIONS
11 OUTSIDE OF OFFICE OF INSPECTOR GEN-
12 ERAL.—No entity in the Department of
13 State with concurrent jurisdiction over
14 matters covered by clause (i), including the
15 Bureau of Diplomatic Security, may ini-
16 tiate an investigation of such matter unless
17 it has first reported the allegations to the
18 Inspector General as required by clause (i),
19 except as provided in clause (v) and (vi).

20 “(iv) COOPERATION.—If an entity in
21 the Department of State initiates an inves-
22 tigation of a matter covered in clause (i)
23 the entity must, except as provided in
24 clause (v), fully cooperate with the Inspec-
25 tor General, including—

1 “(I) by providing to the Inspector
2 General all data and records obtained
3 in connection with its investigation
4 upon request of the Inspector General;

5 “(II) by coordinating, at the re-
6 quest of the Inspector General, such
7 entity’s investigation with the Inspec-
8 tor General; and

9 “(III) by providing to the Inspec-
10 tor General requested support in aid
11 of the Inspector General’s oversight
12 and investigative responsibilities.

13 “(v) EXCEPTIONS.—The Inspector
14 General may prescribe general rules under
15 which any requirement of clause (iii) or
16 clause (iv) may be dispensed with.

17 “(vi) EXIGENT CIRCUMSTANCES.—
18 Compliance with clauses (i), (iii), and (iv)
19 of this subparagraph may be dispensed
20 with by an entity of the Department of
21 State if complying with them in an exigent
22 circumstance would pose an imminent
23 threat to human life, health or safety, or
24 result in the irretrievable loss or destruc-
25 tion of critical evidence or witness testi-

1 mony, in which case a report of the allega-
2 tion shall be made not later than 48 hours
3 after an entity begins an investigation
4 under the authority of this clause and co-
5 operation required under clause (iv) shall
6 commence not later than 48 hours after
7 the relevant exigent circumstance has
8 ended.

9 “(vii) RULE OF CONSTRUCTION.—
10 Nothing in this subparagraph may be in-
11 terpreted to affect any duty or authority of
12 the Inspector General under any provision
13 of law, including the Inspector General’s
14 duties or authorities under the Inspector
15 General Act.”.

16 **SEC. ____ . REPORT ON INSPECTOR GENERAL INSPECTION**
17 **AND AUDITING OF FOREIGN SERVICE POSTS**
18 **AND BUREAUS AND OPERATING UNITS DE-**
19 **PARTMENT OF STATE.**

20 (a) IN GENERAL.—Not later than 180 days after the
21 date of the enactment of this Act, the Secretary of State
22 shall submit a report to Congress on the requirement
23 under section 209(a)(1) of the Foreign Service Act of
24 1980 (22 U.S.C. 3929(a)(1)) that the Inspector General
25 of the Department of State inspect and audit, at least

1 every 5 years, the administration of activities and oper-
2 ations of each Foreign Service post and each bureau and
3 other operating unit of the Department of State.

4 (b) CONSIDERATION OF MULTI-TIER SYSTEM.—The
5 report required under subsection (a) shall assess the advis-
6 ability and feasibility of implementing a multi-tier system
7 for inspecting Foreign Service posts featuring more (or
8 less) frequent inspections and audits of posts based on
9 risk, including security risk, as may be determined by the
10 Inspector General.

11 (c) COMPOSITION.—The report required under sub-
12 section (a) shall include separate portions prepared by the
13 Inspector General of the Department of State, and the
14 Comptroller General of the United States, respectively.