

119TH CONGRESS
1ST SESSION

S. _____

To amend the Inspector General Act of 1978 to establish an Office of Inspector General in the Executive Office of the President, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. SCHIFF introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To amend the Inspector General Act of 1978 to establish an Office of Inspector General in the Executive Office of the President, 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 “Bringing Executive
5 Accountability, Clarity, and Oversight Now Act” or the
6 “BEACON Act”.

7 **SEC. 2. OFFICE OF INSPECTOR GENERAL IN THE EXECU-**
8 **TIVE OFFICE OF THE PRESIDENT.**

9 (a) ESTABLISHMENT.—

1 (1) IN GENERAL.—Section 401 of title 5,
2 United States Code, (commonly referred to as the
3 “Inspector General Act of 1978”) is amended—

4 (A) in paragraph (1), by striking “or the
5 National Reconnaissance Office” and inserting
6 “the National Reconnaissance Office, or the
7 Executive Office of the President”; and

8 (B) in paragraph (3), by striking “or the
9 Director of the National Reconnaissance Of-
10 fice” and inserting “the Director of the Na-
11 tional Reconnaissance Office; or the President
12 (with respect to the Executive Office of the
13 President)”.

14 (2) APPOINTMENT OF INSPECTOR GENERAL.—
15 Not later than 120 days after the date of enactment
16 of this Act, the President shall appoint an individual
17 as the Inspector General of the Executive Office of
18 the President in accordance with the requirements of
19 section 403(a) of title 5, United States Code.

20 (b) SPECIAL PROVISIONS.—Chapter 4 of title 5,
21 United States Code, is amended by inserting after section
22 424 the following:

1 **“SEC. 425. SPECIAL PROVISIONS CONCERNING THE EXECU-**
2 **TIVE OFFICE OF THE PRESIDENT.**

3 “(a) AUDITS, INVESTIGATIONS, AND ISSUANCE OF
4 SUBPOENAS.—

5 “(1) AUTHORITY, DIRECTION, AND CONTROL.—

6 Notwithstanding the last 2 sentences of section
7 403(a), the Inspector General of the Executive Of-
8 fice of the President shall be under the authority, di-
9 rection, and control of the President with respect to
10 audits or investigations, or the issuance of sub-
11 poenas, that require access to information con-
12 cerning any of the following:

13 “(A) The identity of a confidential source,
14 including a protected witness.

15 “(B) An intelligence or counterintelligence
16 matter.

17 “(C) An undercover operation.

18 “(2) PROHIBITION IN CERTAIN SITUATIONS.—

19 With respect to the information described in para-
20 graph (1), the President may prohibit the Inspector
21 General of the Executive Office of the President
22 from initiating, carrying out, or completing any
23 audit or investigation, or from issuing any subpoena,
24 after the Inspector General has decided to initiate,
25 carry out, or complete such audit or investigation, or
26 to issue such subpoena, if the President determines

1 that such prohibition is necessary to prevent the dis-
2 closure of any information described in paragraph
3 (1).

4 “(3) NOTICE AFTER PROHIBITION.—

5 “(A) TO INSPECTOR GENERAL.—If the
6 President exercises any power under paragraph
7 (2), not later than 30 days after exercising any
8 such power, the President shall notify the In-
9 specter General of the Executive Office of the
10 President in writing, stating the reasons for ex-
11 ercising that power.

12 “(B) TO CONGRESS.—Not later than 30
13 days after receiving a notice under subpara-
14 graph (A), the Inspector General of the Execu-
15 tive Office of the President shall transmit a
16 copy of the notice to the chair and ranking
17 member of each of the following:

18 “(i) The Committee on Homeland Se-
19 curity and Governmental Affairs of the
20 Senate.

21 “(ii) The Committee on the Judiciary
22 of the Senate.

23 “(iii) The Committee on Oversight
24 and Government Reform of the House of
25 Representatives.

1 “(iv) The Committee on the Judiciary
2 of the House of Representatives.

3 “(v) Any other appropriate committee
4 or subcommittee of Congress.

5 “(b) SEMIANNUAL REPORTS.—

6 “(1) ADDITIONAL INFORMATION TO BE IN-
7 CLUDED.—Any semiannual report prepared by the
8 Inspector General of the Executive Office of the
9 President under section 405(b) shall also include the
10 following:

11 “(A) With respect to each significant rec-
12 ommendation on which corrective action has
13 been completed, a description of the corrective
14 action.

15 “(B) A certification of whether the Inspec-
16 tor General of the Executive Office of the Presi-
17 dent has had full and direct access to all infor-
18 mation relevant to the performance of the func-
19 tions of the Inspector General.

20 “(C) A description of any audit, inspection,
21 or evaluation occurring during the reporting pe-
22 riod in which the Inspector General of the Ex-
23 ecutive Office of the President could not obtain
24 relevant information due to an exercise of power
25 by the President under subsection (a)(2).

1 “(D) Such recommendations as the Inspec-
2 tor General of the Executive Office of the Presi-
3 dent considers appropriate with respect to effi-
4 ciency in the administration of programs and
5 operations undertaken by the President, and
6 the detection and elimination of fraud, waste,
7 and abuse in such programs and operations.

8 “(2) SUBMISSION TO PRESIDENT.—Notwith-
9 standing section 405(c), the Inspector General of the
10 Executive Office of the President shall submit to the
11 President the semiannual reports prepared under
12 section 405(b), including the additional information
13 required under paragraph (1), not later than April
14 30 and October 31 of each year.

15 “(3) TRANSMISSION TO CONGRESS.—Not later
16 than 30 days after submitting the semiannual report
17 to the President under paragraph (2), the Inspector
18 General of the Executive Office of the President
19 shall transmit the semiannual report to the chair
20 and ranking member of each of the following:

21 “(A) The Committee on Homeland Secu-
22 rity and Governmental Affairs of the Senate.

23 “(B) The Committee on the Judiciary of
24 the Senate.

1 “(C) The Committee on Oversight and
2 Government Reform of the House of Represent-
3 atives.

4 “(D) The Committee on the Judiciary of
5 the House of Representatives.

6 “(c) AUDIT OF THE OFFICE OF THE INSPECTOR
7 GENERAL OF THE EXECUTIVE OFFICE OF THE PRESI-
8 DENT.—

9 “(1) IN GENERAL.—Not later than 120 days
10 after the President appoints an individual as the In-
11 specter General of the Executive Office of the Presi-
12 dent, and annually thereafter, the Council of Inspec-
13 tors General on Integrity and Efficiency shall con-
14 duct an audit of the Office of the Inspector General
15 of the Executive Office of the President to ensure
16 that the office is able to effectively provide oversight
17 of the Executive Office of the President.

18 “(2) REPORT.—Not later than October 31 after
19 the first audit is completed under paragraph (1),
20 and annually thereafter, the Council of Inspectors
21 General on Integrity and Efficiency shall submit to
22 Congress a report on the findings of the audit.”.

23 (c) TECHNICAL AND CONFORMING AMENDMENTS.—

24 (1) IN GENERAL.—Chapter 4 of title 5, United
25 States Code, is amended—

1 (A) in section 415(a)(2)—

2 (i) by striking subparagraph (C); and

3 (ii) by redesignating subparagraphs

4 (D) through (F) as subparagraphs (C)

5 through (E), respectively; and

6 (B) in section 418, by striking “or 421”

7 and inserting “, 421, or 425”.

8 (2) TABLE OF SECTIONS.—The table of sections
9 for chapter 4 of title 5, United States Code, is
10 amended by adding at the end the following:

“425. Special provisions concerning the Executive Office of the President.”.

11 (d) OVER-CLASSIFICATION AUDIT.—

12 (1) EVALUATIONS REQUIRED.—The Inspector
13 General of the Executive Office of the President, in
14 consultation with the Information Security Oversight
15 Office of the National Archives and Records Admin-
16 istration, shall carry out 2 evaluations of the Execu-
17 tive Office of the President—

18 (A) to assess whether applicable classifica-
19 tion policies, procedures, rules, and regulations
20 have been adopted, followed, and effectively ad-
21 ministered within the Executive Office of the
22 President; and

23 (B) to identify policies, procedures, rules,
24 regulations, or management practices that may
25 be contributing to persistent misclassification of

1 material within the Executive Office of the
2 President.

3 (2) DEADLINES FOR EVALUATIONS.—

4 (A) INITIAL EVALUATION.—The first eval-
5 uation required under paragraph (1) shall be
6 completed not later than 1 year after the date
7 of enactment of this Act.

8 (B) SECOND EVALUATION.—The second
9 evaluation required under paragraph (1) shall
10 review progress made pursuant to the results of
11 the first evaluation and shall be completed not
12 later than 1 year after the date on which the
13 first evaluation is completed.

14 (3) COORDINATION.—The Inspector General of
15 the Executive Office of the President shall coordi-
16 nate with other Inspectors General and the Informa-
17 tion Security Oversight Office to ensure that evalua-
18 tions follow a consistent methodology, as appro-
19 priate, that allows for cross-agency comparisons.

20 (4) REPORTS REQUIRED.—

21 (A) IN GENERAL.—Not later than 45 days
22 after the completion of an evaluation, the In-
23 spector General of the Executive Office of the
24 President shall submit to the appropriate enti-
25 ties a report on that evaluation.

1 (B) CONTENT.—Each report submitted
2 under subparagraph (A) shall include a descrip-
3 tion of—

4 (i) the policies, procedures, rules, reg-
5 ulations, or management practices, if any,
6 identified by the Inspector General under
7 paragraph (1)(B); and

8 (ii) the recommendations, if any, of
9 the Inspector General to address any such
10 identified policies, procedures, rules, regu-
11 lations, or management practices.

12 (5) APPROPRIATE ENTITIES DEFINED.—In this
13 subsection, the term “appropriate entities” means
14 each of the following:

15 (A) The Committee on Homeland Security
16 and Governmental Affairs of the Senate.

17 (B) The Committee on the Judiciary of the
18 Senate.

19 (C) The Committee on Oversight and Gov-
20 ernment Reform of the House of Representa-
21 tives.

22 (D) The Committee on the Judiciary of the
23 House of Representatives.

24 (E) Any other appropriate committee or
25 subcommittee of Congress.

1 (F) The President.

2 (G) The Director of the Information Secu-

3 rity Oversight Office.