help us move important, noncontroversial legislation before we adjourn that will receive overwhelming bipartisan support.

I urge a ''yes'' vote on the rule and on the previous question, Madam Speaker.

I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid upon the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later today.

INSPECTOR GENERAL REFORM ACT OF 2008

Mr. TOWNS. Madam Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 928) to amend the Inspector General Act of 1978 to enhance the independence of the Inspectors General, to create a Council of the Inspectors General on Integrity and Efficiency, and for other purposes.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Inspector General Reform Act of 2008''.

SEC. 2. APPOINTMENT AND QUALIFICATIONS OF INSPECTORS GENERAL.

Section 8G(c) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by adding at the end ''Each Inspector General shall be appointed without regard to political affiliation and solely on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations.''.

SEC. 3. REMOVAL OF INSPECTORS GENERAL.

(a) ESTABLISHMENTS.—Section 3(b) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking the second sentence and inserting ''If an Inspector General is removed from office or is transferred to another position or location within an establishment, the President shall communicate in writing the reasons for any such removal or transfer to both Houses of Congress, not later than 30 days before the removal or transfer. Nothing in this subsection shall prohibit a personnel action otherwise authorized by law, other than transfer or removal.''.

(b) DESIGNATED FEDERAL ENTITIES.—Section 8G(e) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking ''shall promptly communicate in writing the reasons for any such removal or transfer to both Houses of the Congress.'' and inserting ''shall communicate in writing the reasons for any such removal or transfer to both Houses of Congress, not later than 30 days before the removal or transfer. Nothing in this subsection shall prohibit a personnel action otherwise authorized by law, other than transfer or removal.''.

SEC. 4. PAY OF INSPECTORS GENERAL.

(a) INSPECTORS GENERAL AT LEVEL III OF EXECUTIVE SCHEDULE.—

(1) IN GENERAL.—Section 3 of the Inspector General Act of 1978 (5 U.S.C. App.), is amended by adding at the end the following:

''(e) The annual rate of basic pay for an Inspector General (as defined under section 12(3)) shall be the rate payable for level III of the Executive Schedule under section 5314 of title 5, United States Code, plus 3 percent.''.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—Section 5315 of title 5, United States Code, is amended by striking the item relating to each of the following positions:

(A) Inspector General, Department of Education.

(B) Inspector General, Department of Energy.

(C) Inspector General, Department of Health and Human Services.

(D) Inspector General, Department of Agriculture.

(E) Inspector General, Department of Housing and Urban Development.

(F) Inspector General, Department of Labor.

(G) Inspector General, Department of Transportation.

(H) Inspector General, Department of Veterans Affairs.

(I) Inspector General, Department of Homeland Security.

(J) Inspector General, Department of Defense.

(K) Inspector General, Department of State.

(L) Inspector General, Department of Commerce.

(M) Inspector General, Department of the Interior.

(N) Inspector General, Department of Justice.

(O) Inspector General, Department of the Treasury.

(P) Inspector General, Agency for International Development.

(Q) Inspector General, Environmental Protection Agency.

(R) Inspector General, Export-Import Bank.

(S) Inspector General, Federal Emergency Management Agency.

(T) Inspector General, General Services Administration.

(U) Inspector General, National Aeronautics and Space Administration.

(V) Inspector General, Nuclear Regulatory Commission.

(W) Inspector General, Office of Personnel Management.

(X) Inspector General, Railroad Retirement Board.

(Y) Inspector General, Small Business Administration.

(Z) Inspector General, Tennessee Valley Authority.

(AA) Inspector General, Federal Deposit Insurance Corporation.

(BB) Inspector General, Resolution Trust Corporation.

(CC) Inspector General, Central Intelligence Agency.

(DD) Inspector General, Social Security Administration.

(EE) Inspector General, United States Postal Service.

(3) APPLICABILITY TO OTHER INSPECTORS GENERAL.—

(A) IN GENERAL.—Notwithstanding any other provision of law, the annual rate of basic pay of the Inspector General of the Central Intelligence Agency, the Special Inspector General for Iraq Reconstruction, and the Special Inspector General for Afghanistan Reconstruction shall be that of an Inspector General as defined under section 12(3) of the Inspector General Act of 1978 (5 U.S.C. App.) (as amended by section 7(a) of this Act).

(B) PROHIBITION OF CASH BONUS OR AWARDS.—Section 3(f) of the Inspector General Act of 1978 (5 U.S.C. App.) (as amended by section 5 of this Act) shall apply to the Inspectors General described under subparagraph (A).

(4) ADDITIONAL TECHNICAL AND CONFORMING AMENDMENT.—Section 194(b) of the National and Community Service Act of 1990 (42 U.S.C. 12651e(b)) is amended by striking paragraph (3).

(b) INSPECTORS GENERAL OF DESIGNATED FEDERAL ENTITIES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Inspector General of each designated Federal entity (as those terms are defined under section 8G of the Inspector General Act of 1978 (5 U.S.C. App.)) shall, for pay and all other purposes, be classified at a grade, level, or rank designation, as the case may be, at or above those of a majority of the senior level executives of that designated Federal entity (such as a General Counsel, Chief Information Officer, Chief Financial Officer, Chief Human Capital Officer, or Chief Acquisition Officer). The pay of an Inspector General of a designated Federal entity (as those terms are defined under section 8G of the Inspector General Act of 1978 (5 U.S.C. App.)) shall be not less than the average total compensation (including bonuses) of the senior level executives of that designated Federal entity calculated on an annual basis.

(2) LIMITATION ON ADJUSTMENT.—

(A) IN GENERAL.—In the case of an Inspector General of a designated Federal entity whose pay is adjusted under paragraph (1), the total increase in pay in any fiscal year resulting from that adjustment may not exceed 25 percent of the average total compensation (including bonuses) of the Inspector General of that entity for the preceding 3 fiscal years.

(B) SUNSET OF LIMITATION.—The limitation under subparagraph (A) shall not apply to any adjustment made in fiscal year 2013 or each fiscal year thereafter.

(c) SAVINGS PROVISION FOR NEWLY APPOINTED INSPECTORS GENERAL.—

(1) IN GENERAL.—The provisions of section 3392 of title 5, United States Code, other than the terms ''performance awards'' and ''awarding of ranks'' in subsection (c)(1) of such section, shall apply to career appointees of the Senior Executive Service who are appointed to the position of Inspector General.

(2) NONREDUCTION IN PAY.—Notwithstanding any other provision of law, career Federal employees serving on an appointment made pursuant to statutory authority found other than in section 3392 of title 5, United States Code, shall not suffer a reduction in pay, not including any bonus or performance award, as a result of being appointed to the position of Inspector General.

(d) SAVINGS PROVISION.—Nothing in this section shall have the effect of reducing the rate of pay of any individual serving on the date of enactment of this section as an Inspector General of—

(1) an establishment as defined under section 12(2) of the Inspector General Act of 1978 (5 U.S.C. App.) (as amended by section 7(a) of this Act);

(2) a designated Federal entity as defined under section 8G(2) of the Inspector General Act of 1978 (5 U.S.C. App.);

(3) a legislative agency for which the position of Inspector General is established by statute; or

(4) any other entity of the Government for which the position of Inspector General is established by statute.

SEC. 5. PROHIBITION OF CASH BONUS OR AWARDS.

Section 3 of the Inspector General Act of 1978 (5 U.S.C. App.) (as amended by section 4 of this Act) is further amended by adding at the end the following:

''(f) An Inspector General (as defined under section 8G(a)(6) or 12(3)) may not receive any cash award or cash bonus, including any cash award under chapter 45 of title 5, United States Code.''.

SEC. 6. SEPARATE COUNSEL TO SUPPORT INSPECTORS GENERAL.

(a) COUNSELS TO INSPECTORS GENERAL OF ESTABLISHMENT.—Section 3 of the Inspector General Act of 1978 (5 U.S.C. App.) (as amended by sections 4 and 5 of this Act) is further amended by adding at the end the following:

''(g) Each Inspector General shall, in accordance with applicable laws and regulations governing the civil service, obtain legal advice from a counsel either reporting directly to the Inspector General or another Inspector General.''.

(b) COUNSELS TO INSPECTORS GENERAL OF DESIGNATED FEDERAL ENTITIES.—Section 8G(g) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by adding at the end the following:

''(4) Each Inspector General shall—

''(A) in accordance with applicable laws and regulations governing appointments within the designated Federal entity, appoint a Counsel to the Inspector General who shall report to the Inspector General;

''(B) obtain the services of a counsel appointed by and directly reporting to another Inspector General on a reimbursable basis; or

''(C) obtain the services of appropriate staff of the Council of the Inspectors General on Integrity and Efficiency on a reimbursable basis.''.

(c) RULE OF CONSTRUCTION.—Nothing in the amendments made by this section shall be construed to alter the duties and responsibilities of the counsel for any establishment or designated Federal entity, except for the availability of counsel as provided under sections 3(g) and 8G(g) of the Inspector General Act of 1978 (5 U.S.C. App.) (as amended by this section). The Counsel to the Inspector General shall perform such functions as the Inspector General may prescribe.

SEC. 7. ESTABLISHMENT OF COUNCIL OF THE INSPECTORS GENERAL ON INTEGRITY AND EFFICIENCY.

(a) ESTABLISHMENT.—The Inspector General Act of 1978 (5 U.S.C. App.) is amended by redesignating sections 11 and 12 as sections 12 and 13, respectively, and by inserting after section 10 the following:

''SEC. 11. ESTABLISHMENT OF THE COUNCIL OF THE INSPECTORS GENERAL ON INTEGRITY AND EFFICIENCY.

''(a) ESTABLISHMENT AND MISSION.—

''(1) ESTABLISHMENT.—There is established as an independent entity within the executive branch the Council of the Inspectors General on Integrity and Efficiency (in this section referred to as the 'Council').

''(2) MISSION.—The mission of the Council shall be to—

''(A) address integrity, economy, and effectiveness issues that transcend individual Government agencies; and

''(B) increase the professionalism and effectiveness of personnel by developing policies, standards, and approaches to aid in the establishment of a well-trained and highly skilled workforce in the offices of the Inspectors General.

''(b) MEMBERSHIP.—

''(1) IN GENERAL.—The Council shall consist of the following members:

''(A) All Inspectors General whose offices are established under—

''(i) section 2; or

''(ii) section 8G.

''(B) The Inspectors General of the Office of the Director of National Intelligence and the Central Intelligence Agency.

''(C) The Controller of the Office of Federal Financial Management.

''(D) A senior level official of the Federal Bureau of Investigation designated by the Director of the Federal Bureau of Investigation.

''(E) The Director of the Office of Government Ethics.

''(F) The Special Counsel of the Office of Special Counsel.

''(G) The Deputy Director of the Office of Personnel Management.

''(H) The Deputy Director for Management of the Office of Management and Budget.

''(I) The Inspectors General of the Library of Congress, Capitol Police, Government Printing Office, Government Accountability Office, and the Architect of the Capitol.

''(2) CHAIRPERSON AND EXECUTIVE CHAIRPERSON.—

''(A) EXECUTIVE CHAIRPERSON.—The Deputy Director for Management of the Office of Management and Budget shall be the Executive Chairperson of the Council.

''(B) CHAIRPERSON.—The Council shall elect 1 of the Inspectors General referred to in paragraph (1)(A) or (B) to act as Chairperson of the Council. The term of office of the Chairperson shall be 2 years.

''(3) FUNCTIONS OF CHAIRPERSON AND EXECUTIVE CHAIRPERSON.—

''(A) EXECUTIVE CHAIRPERSON.—The Executive Chairperson shall—

''(i) preside over meetings of the Council;

''(ii) provide to the heads of agencies and entities represented on the Council summary reports of the activities of the Council; and

''(iii) provide to the Council such information relating to the agencies and entities represented on the Council as assists the Council in performing its functions.

''(B) CHAIRPERSON.—The Chairperson shall—

''(i) convene meetings of the Council—

''(I) at least 6 times each year;

''(II) monthly to the extent possible; and

''(III) more frequently at the discretion of the Chairperson;

''(ii) carry out the functions and duties of the Council under subsection (c);

''(iii) appoint a Vice Chairperson to assist in carrying out the functions of the Council and act in the absence of the Chairperson, from a category of Inspectors General described in subparagraph (A)(i), (A)(ii), or (B) of paragraph (1), other than the category from which the Chairperson was elected;

''(iv) make such payments from funds otherwise available to the Council as may be necessary to carry out the functions of the Council;

''(v) select, appoint, and employ personnel as needed to carry out the functions of the Council subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates;

''(vi) to the extent and in such amounts as may be provided in advance by appropriations Acts, made available from the revolving fund established under subsection (c)(3)(B), or as otherwise provided by law, enter into contracts and other arrangements with public agencies and private persons to carry out the functions and duties of the Council;

''(vii) establish, in consultation with the members of the Council, such committees as determined by the Chairperson to be necessary and appropriate for the efficient conduct of Council functions; and

''(viii) prepare and transmit a report annually on behalf of the Council to the President on the activities of the Council.

''(c) FUNCTIONS AND DUTIES OF COUNCIL.—

''(1) IN GENERAL.—The Council shall—

''(A) continually identify, review, and discuss areas of weakness and vulnerability in Federal programs and operations with respect to fraud, waste, and abuse;

''(B) develop plans for coordinated, Governmentwide activities that address these problems and promote economy and efficiency in Federal programs and operations, including interagency and interentity audit, investigation, inspection, and evaluation programs and projects to deal efficiently and effectively with those problems concerning fraud and waste that exceed the capability or jurisdiction of an individual agency or entity;

''(C) develop policies that will aid in the maintenance of a corps of well-trained and highly skilled Office of Inspector General personnel;

''(D) maintain an Internet website and other electronic systems for the benefit of all Inspectors General, as the Council determines are necessary or desirable;

''(E) maintain 1 or more academies as the Council considers desirable for the professional training of auditors, investigators, inspectors, evaluators, and other personnel of the various offices of Inspector General;

''(F) submit recommendations of individuals to the appropriate appointing authority for any appointment to an office of Inspector General described under subsection (b)(1)(A) or (B);

''(G) make such reports to Congress as the Chairperson determines are necessary or appropriate; and

''(H) perform other duties within the authority and jurisdiction of the Council, as appropriate.

''(2) ADHERENCE AND PARTICIPATION BY MEMBERS.—To the extent permitted under law, and to the extent not inconsistent with standards established by the Comptroller General of the United States for audits of Federal establishments, organizations, programs, activities, and functions, each member of the Council, as appropriate, shall—

''(A) adhere to professional standards developed by the Council; and

''(B) participate in the plans, programs, and projects of the Council, except that in the case of a member described under subsection (b)(1)(I), the member shall participate only to the extent requested by the member and approved by the Executive Chairperson and Chairperson.

''(3) ADDITIONAL ADMINISTRATIVE AUTHORITIES.—

''(A) INTERAGENCY FUNDING.—Notwithstanding section 1532 of title 31, United States Code, or any other provision of law prohibiting the interagency funding of activities described under subclause (I), (II), or (III) of clause (i), in the performance of the responsibilities, authorities, and duties of the Council—

''(i) the Executive Chairperson may authorize the use of interagency funding for—

''(I) Governmentwide training of employees of the Offices of the Inspectors General;

''(II) the functions of the Integrity Committee of the Council; and

''(III) any other authorized purpose determined by the Council; and

''(ii) upon the authorization of the Executive Chairperson, any department, agency, or entity of the executive branch which has a member on the Council shall fund or participate in the funding of such activities.

''(B) REVOLVING FUND.—

''(i) IN GENERAL.—The Council may—

''(I) establish in the Treasury of the United States a revolving fund to be called the Inspectors General Council Fund; or

''(II) enter into an arrangement with a department or agency to use an existing revolving fund.

''(ii) AMOUNTS IN REVOLVING FUND.—

''(I) IN GENERAL.—Amounts transferred to the Council under this subsection shall be deposited in the revolving fund described under clause (i)(I) or (II).

''(II) TRAINING.—Any remaining unexpended balances appropriated for or otherwise available to the Inspectors General Criminal Investigator Academy and the Inspectors General Auditor Training Institute shall be transferred to the revolving fund described under clause (i)(I) or (II).

''(iii) USE OF REVOLVING FUND.—

''(I) IN GENERAL.—Except as provided under subclause (II), amounts in the revolving fund described under clause (i)(I) or (II) may be used to carry out the functions and duties of the Council under this subsection.

''(II) TRAINING.—Amounts transferred into the revolving fund described under clause (i)(I) or (II) may be used for the purpose of maintaining any training academy as determined by the Council.

''(iv) AVAILABILITY OF FUNDS.—Amounts in the revolving fund described under clause (i)(I) or (II) shall remain available to the Council without fiscal year limitation.

''(C) SUPERSEDING PROVISIONS.—No provision of law enacted after the date of enactment of this subsection shall be construed to limit or supersede any authority under subparagraph (A) or (B), unless such provision makes specific reference to the authority in that paragraph.

''(4) EXISTING AUTHORITIES AND RESPONSIBILITIES.—The establishment and operation of the Council shall not affect—

''(A) the role of the Department of Justice in law enforcement and litigation;

''(B) the authority or responsibilities of any Government agency or entity; and

''(C) the authority or responsibilities of individual members of the Council.

''(d) INTEGRITY COMMITTEE.—

''(1) ESTABLISHMENT.—The Council shall have an Integrity Committee, which shall receive, review, and refer for investigation allegations of wrongdoing that are made against Inspectors General and staff members of the various Offices of Inspector General described under paragraph (4)(C).

''(2) MEMBERSHIP.—The Integrity Committee shall consist of the following members:

''(A) The official of the Federal Bureau of Investigation serving on the Council, who shall serve as Chairperson of the Integrity Committee, and maintain the records of the Committee.

''(B) Four Inspectors General described in subparagraph (A) or (B) of subsection (b)(1) appointed by the Chairperson of the Council, representing both establishments and designated Federal entities (as that term is defined in section 8G(a)).

''(C) The Special Counsel of the Office of Special Counsel.

''(D) The Director of the Office of Government Ethics.

''(3) LEGAL ADVISOR.—The Chief of the Public Integrity Section of the Criminal Division of the Department of Justice, or his designee, shall serve as a legal advisor to the Integrity Committee.

''(4) REFERRAL OF ALLEGATIONS.—

''(A) REQUIREMENT.—An Inspector General shall refer to the Integrity Committee any allegation of wrongdoing against a staff member of the office of that Inspector General, if—

''(i) review of the substance of the allegation cannot be assigned to an agency of the executive branch with appropriate jurisdiction over the matter; and

''(ii) the Inspector General determines that—

''(I) an objective internal investigation of the allegation is not feasible; or

''(II) an internal investigation of the allegation may appear not to be objective.

''(B) DEFINITION.—In this paragraph the term 'staff member' means any employee of an Office of Inspector General who—

''(i) reports directly to an Inspector General; or

''(ii) is designated by an Inspector General under subparagraph (C).

''(C) DESIGNATION OF STAFF MEMBERS.—Each Inspector General shall annually submit to the Chairperson of the Integrity Committee a designation of positions whose holders are staff members for purposes of subparagraph (B).

''(5) REVIEW OF ALLEGATIONS.—The Integrity Committee shall—

''(A) review all allegations of wrongdoing the Integrity Committee receives against an Inspector General, or against a staff member of an Office of Inspector General described under paragraph (4)(C);

''(B) refer any allegation of wrongdoing to the agency of the executive branch with appropriate jurisdiction over the matter; and

''(C) refer to the Chairperson of the Integrity Committee any allegation of wrongdoing determined by the Integrity Committee under subparagraph (A) to be potentially meritorious that cannot be referred to an agency under subparagraph (B).

''(6) AUTHORITY TO INVESTIGATE ALLEGATIONS.—

''(A) REQUIREMENT.—The Chairperson of the Integrity Committee shall cause a thorough and timely investigation of each allegation referred under paragraph (5)(C) to be conducted in accordance with this paragraph.

''(B) RESOURCES.—At the request of the Chairperson of the Integrity Committee, the head of each agency or entity represented on the Council—

''(i) may provide resources necessary to the Integrity Committee; and

''(ii) may detail employees from that agency or entity to the Integrity Committee, subject to the control and direction of the Chairperson, to conduct an investigation under this subsection.

''(7) PROCEDURES FOR INVESTIGATIONS.—

''(A) STANDARDS APPLICABLE.—Investigations initiated under this subsection shall be conducted in accordance with the most current Quality Standards for Investigations issued by the Council or by its predecessors (the President's Council on Integrity and Efficiency and the Executive Council on Integrity and Efficiency).

''(B) ADDITIONAL POLICIES AND PROCEDURES.—

''(i) ESTABLISHMENT.—The Integrity Committee, in conjunction with the Chairperson of the Council, shall establish additional policies and procedures necessary to ensure fairness and consistency in—

''(I) determining whether to initiate an investigation;

''(II) conducting investigations;

''(III) reporting the results of an investigation; and

''(IV) providing the person who is the subject of an investigation with an opportunity to respond to any Integrity Committee report.

''(ii) SUBMISSION TO CONGRESS.—The Council shall submit a copy of the policies and procedures established under clause (i) to the congressional committees of jurisdiction.

''(C) REPORTS.—

''(i) POTENTIALLY MERITORIOUS ALLEGATIONS.—For allegations described under paragraph (5)(C), the Chairperson of the Integrity Committee shall make a report containing the results of the investigation of the Chairperson and shall provide such report to members of the Integrity Committee.

''(ii) ALLEGATIONS OF WRONGDOING.—For allegations referred to an agency under paragraph (5)(B), the head of that agency shall make a report containing the results of the investigation and shall provide such report to members of the Integrity Committee.

''(8) ASSESSMENT AND FINAL DISPOSITION.—

''(A) IN GENERAL.—With respect to any report received under paragraph (7)(C), the Integrity Committee shall—

''(i) assess the report;

''(ii) forward the report, with the recommendations of the Integrity Committee, including those on disciplinary action, within 30 days (to the maximum extent practicable) after the completion of the investigation, to the Executive Chairperson of the Council and to the President (in the case of a report relating to an Inspector General of an establishment or any employee of that Inspector General) or the head of a designated Federal entity (in the case of a report relating to an Inspector General of such an entity or any employee of that Inspector General) for resolution; and

''(iii) submit to the Committee on Government Oversight and Reform of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and other congressional committees of jurisdiction an executive summary of such report and recommendations within 30 days after the submission of such report to the Executive Chairperson under clause (ii).

''(B) DISPOSITION.—The Executive Chairperson of the Council shall report to the Integrity Committee the final disposition of the matter, including what action was taken by the President or agency head.

''(9) ANNUAL REPORT.—The Council shall submit to Congress and the President by December 31 of each year a report on the activities of the Integrity Committee during the preceding fiscal year, which shall include the following:

''(A) The number of allegations received.

''(B) The number of allegations referred to other agencies, including the number of allegations referred for criminal investigation.

''(C) The number of allegations referred to the Chairperson of the Integrity Committee for investigation.

''(D) The number of allegations closed without referral.

''(E) The date each allegation was received and the date each allegation was finally disposed of.

''(F) In the case of allegations referred to the Chairperson of the Integrity Committee, a summary of the status of the investigation of the allegations and, in the case of investigations completed during the preceding fiscal year, a summary of the findings of the investigations.

''(G) Other matters that the Council considers appropriate.

''(10) REQUESTS FOR MORE INFORMATION.—With respect to paragraphs (8) and (9), the Council shall provide more detailed information about specific allegations upon request from any of the following:

''(A) The chairperson or ranking member of the Committee on Homeland Security and Governmental Affairs of the Senate.

''(B) The chairperson or ranking member of the Committee on Oversight and Government Reform of the House of Representatives.

''(C) The chairperson or ranking member of the congressional committees of jurisdiction.

''(11) NO RIGHT OR BENEFIT.—This subsection is not intended to create any right or benefit, substantive or procedural, enforceable at law by a person against the United States, its agencies, its officers, or any person.''.

(b) ALLEGATIONS OF WRONGDOING AGAINST SPECIAL COUNSEL OR DEPUTY SPECIAL COUNSEL.—

(1) DEFINITIONS.—In this section—

(A) the term ''Integrity Committee'' means the Integrity Committee established under section 11(d) of the Inspector General Act of 1978 (5 U.S.C. App), as amended by this Act; and

(B) the term ''Special Counsel'' refers to the Special Counsel appointed under section 1211(b) of title 5, United States Code.

(2) AUTHORITY OF INTEGRITY COMMITTEE.—

(A) IN GENERAL.—An allegation of wrongdoing against the Special Counsel or the Deputy Special Counsel may be received, reviewed, and referred for investigation by the Integrity Committee to the same extent and in the same manner as in the case of an allegation against an Inspector General (or a member of the staff of an Office of Inspector General), subject to the requirement that the Special Counsel recuse himself or herself from the consideration of any allegation brought under this paragraph.

(B) COORDINATION WITH EXISTING PROVISIONS OF LAW.—This subsection 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 that 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 that title.

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

(c) EFFECTIVE DATE AND EXISTING EXECUTIVE ORDERS.—

(1) COUNCIL.—Not later than 180 days after the date of the enactment of this Act, the Council of the Inspectors General on Integrity and Efficiency established under this section shall become effective and operational.

(2) EXECUTIVE ORDERS.—Executive Order No. 12805, dated May 11, 1992, and Executive Order No. 12933, dated March 21, 1996 (as in effect before the date of the enactment of this Act) shall have no force or effect on and after the earlier of—

(A) the date on which the Council of the Inspectors General on Integrity and Efficiency becomes effective and operational as determined by the Executive Chairperson of the Council; or

(B) the last day of the 180-day period beginning on the date of enactment of this Act.

(d) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) INSPECTOR GENERAL ACT OF 1978.—The Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(A) in sections 2(1), 4(b)(2), and 8G(a)(1)(A) by striking ''section 11(2)'' each place it appears and inserting ''section 12(2)''; and

(B) in section 8G(a), in the matter preceding paragraph (1), by striking ''section 11'' and inserting ''section 12''.

(2) SEPARATE APPROPRIATIONS ACCOUNT.—Section 1105(a) of title 31, United States Code, is amended by striking the first paragraph (33) and inserting the following:

''(33) a separate appropriation account for appropriations for the Council of the Inspectors General on Integrity and Efficiency, and, included in that account, a separate statement of the aggregate amount of appropriations requested for each academy maintained by the Council of the Inspectors General on Integrity and Efficiency.''.

SEC. 8. SUBMISSION OF BUDGET REQUESTS TO CONGRESS.

Section 6 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by adding at the end the following:

''(f)(1) For each fiscal year, an Inspector General shall transmit a budget estimate and request to the head of the establishment or designated Federal entity to which the Inspector General reports. The budget request shall specify the aggregate amount of funds requested for such fiscal year for the operations of that Inspector General and shall specify the amount requested for all training needs, including a certification from the Inspector General that the amount requested satisfies all training requirements for the Inspector General's office for that fiscal year, and any resources necessary to support the Council of the Inspectors General on Integrity and Efficiency. Resources necessary to support the Council of the Inspectors General on Integrity and Efficiency shall be specifically identified and justified in the budget request.

''(2) In transmitting a proposed budget to the President for approval, the head of each establishment or designated Federal entity shall include—

''(A) an aggregate request for the Inspector General;

''(B) amounts for Inspector General training;

''(C) amounts for support of the Council of the Inspectors General on Integrity and Efficiency; and

''(D) any comments of the affected Inspector General with respect to the proposal.

''(3) The President shall include in each budget of the United States Government submitted to Congress—

''(A) a separate statement of the budget estimate prepared in accordance with paragraph (1);

''(B) the amount requested by the President for each Inspector General;

''(C) the amount requested by the President for training of Inspectors General;

''(D) the amount requested by the President for support for the Council of the Inspectors General on Integrity and Efficiency; and

''(E) any comments of the affected Inspector General with respect to the proposal if the Inspector General concludes that the budget submitted by the President would substantially inhibit the Inspector General from performing the duties of the office.''.

SEC. 9. SUBPOENA POWER.

Section 6(a)(4) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) by inserting ''in any medium (including electronically stored information, as well as any tangible thing)'' after ''other data''; and

(2) by striking ''subpena'' and inserting ''subpoena''.

SEC. 10. PROGRAM FRAUD CIVIL REMEDIES ACT.

Section 3801(a)(1) of title 31, United States Code, is amended—

(1) in subparagraph (D), by striking ''and'' after the semicolon;

(2) in subparagraph (E), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(F) a designated Federal entity (as such term is defined under section 8G(a)(2) of the Inspector General Act of 1978);''.

SEC. 11. LAW ENFORCEMENT AUTHORITY FOR DESIGNATED FEDERAL ENTITIES.

Section 6(e) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in paragraph (1) by striking ''appointed under section 3''; and

(2) by adding at the end the following:

''(9) In this subsection, the term 'Inspector General' means an Inspector General appointed under section 3 or an Inspector General appointed under section 8G.''.

SEC. 12. APPLICATION OF SEMIANNUAL REPORTING REQUIREMENTS WITH RESPECT TO INSPECTION REPORTS AND EVALUATION REPORTS.

Section 5 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in each of subsections (a)(6), (a)(8), (a)(9), (b)(2), and (b)(3)—

(A) by inserting '', inspection reports, and evaluation reports'' after ''audit reports'' the first place it appears; and

(B) by striking ''audit'' the second place it appears; and

(2) in subsection (a)(10) by inserting '', inspection reports, and evaluation reports'' after ''audit reports''.

SEC. 13. INFORMATION ON WEBSITES OF OFFICES OF INSPECTORS GENERAL.

(a) IN GENERAL.—The Inspector General Act of 1978 (5 U.S.C. App.) is amended by inserting after section 8K the following:

''SEC. 8L. INFORMATION ON WEBSITES OF OFFICES OF INSPECTORS GENERAL.

''(a) DIRECT LINKS TO INSPECTORS GENERAL OFFICES.—

''(1) IN GENERAL.—Each agency shall establish and maintain on the homepage of the website of that agency, a direct link to the website of the Office of the Inspector General of that agency.

''(2) ACCESSIBILITY.—The direct link under paragraph (1) shall be obvious and facilitate accessibility to the website of the Office of the Inspector General.

''(b) REQUIREMENTS FOR INSPECTORS GENERAL WEBSITES.—

''(1) POSTING OF REPORTS AND AUDITS.—The Inspector General of each agency shall—

''(A) not later than 3 days after any report or audit (or portion of any report or audit) is made publicly available, post that report or audit (or portion of that report or audit) on the website of the Office of Inspector General; and

''(B) ensure that any posted report or audit (or portion of that report or audit) described under subparagraph (A)—

''(i) is easily accessible from a direct link on the homepage of the website of the Office of the Inspector General;

''(ii) includes a summary of the findings of the Inspector General; and

''(iii) is in a format that—

''(I) is searchable and downloadable; and

''(II) facilitates printing by individuals of the public accessing the website.

''(2) REPORTING OF FRAUD, WASTE, AND ABUSE.—

''(A) IN GENERAL.—The Inspector General of each agency shall establish and maintain a direct link on the homepage of the website of the Office of the Inspector General for individuals to report fraud, waste, and abuse. Individuals reporting fraud, waste, or abuse using the direct link established under this paragraph shall not be required to provide personally identifying information relating to that individual.

''(B) ANONYMITY.—The Inspector General of each agency shall not disclose the identity of any individual making a report under this paragraph without the consent of the individual unless the Inspector General determines that such a disclosure is unavoidable during the course of the investigation.''.

(b) REPEAL.—Section 746(b) of the Financial Services and General Government Appropriations Act, 2008 (5 U.S.C. App. note; 121 Stat. 2034) is repealed.

(c) IMPLEMENTATION.—Not later than 180 days after the date of enactment of this Act, the head of each agency and the Inspector General of each agency shall implement the amendment made by this section.

SEC. 14. OTHER ADMINISTRATIVE AUTHORITIES.

(a) IN GENERAL.—Section 6(d) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended to read as follows:

''(d)(1)(A) For purposes of applying the provisions of law identified in subparagraph (B)—

''(i) each Office of Inspector General shall be considered to be a separate agency; and

''(ii) the Inspector General who is the head of an office referred to in clause (i) shall, with respect to such office, have the functions, powers, and duties of an agency head or appointing authority under such provisions.

''(B) This paragraph applies with respect to the following provisions of title 5, United States Code:

''(i) Subchapter II of chapter 35.

''(ii) Sections 8335(b), 8336, 8344, 8414, 8468, and 8425(b).

''(iii) All provisions relating to the Senior Executive Service (as determined by the Office of Personnel Management), subject to paragraph (2).

''(2) For purposes of applying section 4507(b) of title 5, United States Code, paragraph (1)(A)(ii) shall be applied by substituting 'the Council of the Inspectors General on Integrity and Efficiency (established by section 11 of the Inspector General Act) shall' for 'the Inspector General who is the head of an office referred to in clause (i) shall, with respect to such office,'.''.

(b) AUTHORITY OF TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION TO PROTECT INTERNAL REVENUE SERVICE EMPLOYEES.—Section 8D(k)(1)(C) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking ''physical security'' and inserting ''protection to the Commissioner of Internal Revenue''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. TOWNS) and the gentleman from Connecticut (Mr. SHAYS) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. TOWNS. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. TOWNS. I yield myself such time as I may consume.

H.R. 928, the Inspector General Reform Act of 2008, focuses on the important role of the Inspectors General in providing independent oversight within Federal agencies. By investigating and reporting waste, fraud and abuse to both agency leaders and to the Congress, Inspectors General play a critical role in maintaining checks and balances in the Federal Government.

This bill strengthens and reforms the Inspector General system by providing greater independence and accountability for IG offices. H.R. 928 first passed this House last October with more than 400 votes. The other body passed a similar bill sponsored by Senator MCCASKILL earlier this year. We have worked with the Senate to resolve the differences between the two bills and produce the amended bill now under consideration. It passed the Senate by unanimous consent last night.

H.R. 928 enhances the rank and pay of IGs within their agencies, and requires that Congress be promptly informed if an IG is transferred or removed from office. It provides a mechanism for IGs to report to Congress if their budgets are inadequate to perform their responsibilities and sets aside funding for training. And the bill establishes an Inspectors General Council, and sets procedures for investigating potential IG misconduct.

I would like to commend the sponsor of this bill, my good friend Mr. COOPER from the great State of Tennessee, for his work in crafting this legislation. He has worked on it for several years as part of his work on improving government accountability.

I also thank Chairman WAXMAN and Ranking Member DAVIS as well as the subcommittee Ranking Member BILBRAY for their work in moving this bill forward.

H.R. 928 will make sure that the IGs have the legal authority and tools necessary to continue their role as nonpartisan, professional, honest brokers on behalf of the people.

I reserve the balance of my time.

Mr. SHAYS. I yield myself such time as I may consume.

I'm rising in support of this legislation. The Government Oversight and Reform Committee works very closely with both the general accountability office and the Inspector General's office. The Inspector Generals play a major role in our ability to weed out waste, abuse and fraud. We need to strengthen this office.

And we appreciate the work that Mr. COOPER has been involved in to bring this legislation forward.

I will insert my full statement into the RECORD.

Madam Speaker, today, we take up H.R. 928, the Improving Government Accountability Act. This legislation is intended to enhance the independence of inspectors general throughout government to improve their ability to monitor and oversee executive branch operations.

Since the enactment of the Inspector General Act of 1978, inspectors general throughout government have played an integral role in identifying waste and mismanagement in government. IGs have also been instrumental in aiding Congress and the executive branch to make government more efficient and effective.

We all agree IGs should operate independently, free from political interference. After all, both agency heads and Congress often rely on IG reports to provide frank assessments of the effectiveness of Federal programs.

However, inspectors general should also be part of an agency's management structure—albeit with some independence—rather than a "fourth branch" of the Federal Government. We must be careful not to separate the IGs from the day-to-day operations of the agencies they oversee so they may continue to perform a constructive, integrated role and not just "second-guess" the decisions made by agencies.

I believe the compromise legislation we are taking up today strikes the right balance between IG independence and the appropriate management role of inspectors general.

I reserve the balance of my time.

Mr. TOWNS. I would like to yield 5 minutes to the gentleman from Tennessee, who is a person who came to us early on with this idea which, I think, is an excellent one, so I am delighted to yield 5 minutes to the gentleman from Tennessee (Mr. COOPER).

Mr. COOPER. Thanks to my friend and colleague Mr. TOWNS of New York and my friend from Connecticut, Mr. SHAYS.

This is a very important bill for cleaning up the mess in government. Inspectors General are the watchdogs on behalf of the U.S. taxpayer to make sure that the waste, fraud and abuse that can occur in any Federal agency is cleaned up.

This bill is long overdue. We've been working on it for a long time. Sadly, it took many years for it to be brought up for a vote. But now with the Democratic majority, it passed, as my friend from New York noted, overwhelmingly. It has been passed in the Senate, and now will soon be enacted into law.

The key points are these: We needed to professionalize the IGs. These are wonderful public servants, but due to historical accident, some of them are appointed by the President, some are appointed by the agency heads, some of them are more independent than others. There's been a lot of confusion there, and they simply haven't had the independence and the accountability that they need to have to serve the U.S. taxpayer.

I want to thank, in particular, previous legislative directors that I've had who've worked on this bill for literally many years. Anne Kim deserves great credit. Cicely Simpson deserves great credit. And my current Legislative Director, James Leuschen, deserves great credit because these are the folks who really carried the ball during the years in which we were, literally, unable to get a vote.

Believe it or not, this bill even faced, this year, a Presidential veto threat; they were so worried about reducing the patronage that they had had in past appointments.

But now, finally, the IGs of America will be professionalized. That is good news, not only for every Federal agency, but also, most importantly, for the Federal taxpayer.

No matter how much oversight we conduct in this Congress, and I'm proud to see the Oversight and Government Reform Committee revitalized under HENRY WAXMAN's leadership, because we are conducting the hearings that really should have been held over many years.

□ 1100

But no matter how watchful Congress is in looking over Federal agencies, we can't be on the ground in the agency every day the way Inspectors General can be.

So I want to congratulate my friends from New York and Connecticut because these two gentlemen are true public servants. Their hearts are in the right place when it comes to protecting the taxpayer, and now we've even persuaded the majority of the House and the Senate and the White House to do the right thing.

I hope we can have a substantial vote on the suspension for professionalizing Inspectors General of the United States of America.

Mr. SHAYS. Madam Speaker, this legislation is essential if the United States Congress is going to do its job. Our job is not just writing legislation; our job is to do proper oversight of all of the various departments and agencies.

We have Inspectors General that are assigned for each of our departments. We have some who do a really outstanding job, and we have some who do a good job, and some who, frankly, need to do a better job.

I think this legislation will help professionalize this agency in a way that's important for our people, for our country, and for the majority and the minority in this Congress. We want a more efficient government. We want a better-run government. Inspectors General help us do that.

I yield back my time.

Mr. TOWNS. Madam Speaker, I really feel that this legislation is so timely, because when you talk to people, when we had hearings that Inspectors General would come in and talk about the fact that sometimes they would be in the middle of an investigation of some type and that the budget would be cut, or in some instances they were actually fired.

So I think this kind of brings about the independence that they need regardless in terms of the fact that if there is an investigation, if there's problems, it gives them the freedom to be able to move and get the things they need to get done.

I would like to commend all of my colleagues that have been involved in this issue. I would like to commend the staff for bringing us where we are today.

Mrs. MALONEY of New York. Madam Speaker, I rise today in strong support of H.R.

928, the ''Inspector General Reform Act'' This legislation includes provisions of a bill that I introduced last year, along with Ranking Member TOM DAVIS, which will provide for the enhanced protection of the Internal Revenue Service and its employees.

In 1998, Congress passed the Internal Revenue Service Restructuring and Reform Act, which created the Treasury Inspector General for Tax Administration (TIGTA). The legislation gave TIGTA the responsibility for protecting the Internal Revenue Service (IRS) against external attempts to corrupt or threaten IRS employees. At the same time, it excluded the provision of providing ''physical security'' from TIGTA's responsibilities

Prior to the enactment of this law, the former IRS Inspection Service had been responsible for protecting the IRS against external attempts to corrupt or threaten IRS employees. The IRS Inspection Service was responsible for providing armed escorts for IRS employees who were specifically threatened or who were contacting individuals designated as ''Potentially Dangerous Taxpayers.'' The law transferred most of those duties to the new Treasury Inspector General for Tax Administration. Inexplicably, ''physical security'' was excluded from TIGTA's statutory responsibilities.

In its current statutory mission, TIGTA investigates all allegations of threats or assaults involving IRS employees and assists U.S. Attorneys' offices with appropriate prosecutions. However, if TIGTA determines that any of the threats or assaults it investigates call for the provision of physical security, the language of the 1998 law precludes TIGTA from taking action.

Authorizing TIGTA to have armed escort authority would be both more efficient and more effective in advancing tax administration and ensuring the safety of IRS employees.

I am pleased that upon passage of H.R. 928 today, this bill will be sent to the president for his signature. I want to thank Chairman WAXMAN and Ranking Member DAVIS for their support of this provision, and I urge my colleagues to support H.R. 928.

Mr. DAVIS of Virginia. Madam Speaker, today, we take up H.R. 928, the Improving Government Accountability Act. This legislation is intended to enhance the independence of inspectors general throughout government to improve their ability to monitor and oversee executive branch operations.

Since the enactment of the Inspector General Act of 1978, inspectors general throughout government have played an integral role in identifying waste and mismanagement in government. IGs have also been instrumental in aiding Congress and the executive branch to make government more efficient and effective.

We all agree IGs should operate independently, free from political interference. After all, both agency heads and Congress often rely on IG reports to provide frank assessments of the effectiveness of federal programs.

However, inspectors general should also be part of an agency's management structure—albeit with some independence—rather than a ''fourth branch'' of the Federal Government. If we separate the IGs from the day-to-day operations of the agencies they oversee, IGs will cease to perform a constructive, integrated role and instead would become a ''Monday morning quarterback'' with their function solely second-guessing decisions made by agencies.

The House passed its version of this bill last October. At the time, while I supported the bill, I remained concerned that several of the provisions went too far in isolating inspectors general, removing them from the agency decision-making process.

After the Senate passed its bill in April, we began discussions with the Senate Homeland Security and Governmental Affairs Committee and developed a compromise to both bills—which we are taking up today.

I will support the compromise bill as I believe it adequately addresses my remaining concerns by striking the right balance between IG independence and the appropriate management role of inspectors general.

Mr. WAXMAN. Madam Speaker, I rise in support of the Senate amendments to H.R. 928, the Improving Government Accountability Act. This bill, introduced by Representative COOPER, was favorably reported by the Oversight Committee on August 2, 2007, with strong support from members across the political spectrum.

There is a simple reason why this bill has so much support: it strengthens the Inspectors General, who are the first line of defense against waste, fraud, and abuse in federal programs.

The last six years have given us examples of Inspectors General at their best and at their worst.

Stuart Bowen, the Special Inspector General for Iraq Reconstruction, has uncovered fraud and saved American taxpayers hundreds of millions of dollars. Clark Kent Erving and Richard Skinner, the former and current IGs for the Department of Homeland Security, have identified billions in wasteful spending in the new Department. Glenn Fine at the Department of Justice; Earl Delvaney at Interior; and Brian Miller at the General Services Administration have all reported courageously on abuses within the agencies they oversee.

These and other IGs have fought waste, fraud, and abuse and saved the taxpayers billions of dollars.

Yet there are also IGs who seem more intent on protecting their departments from political embarrassment than on doing their job. The Oversight Committee is investigating allegations that the State Department IG has blocked investigations into contract fraud in Iraq and Afghanistan. The Energy and Commerce Committee documented serious abuses by the former IG in the Commerce Department. And the Science Committee has identified serious questions raised about the close relationship of the NASA IG to agency management.

This bill strengthens the good IGs by giving them greater independence. Under this legislation, they will have new budgetary independence, and the President or agency head will have to inform Congress 30 days before any IG is removed.

At the same time, the legislation enacts in statute new mechanisms for holding bad IGs to account. The legislation establishes an ''Integrity Committee'' that will investigate allegations that IGs have abused the public trust.

There have been several key champions of the legislation. Representative COOPER has worked tirelessly on this issue for years and deserves our thanks for his efforts. I would also like to acknowledge Subcommittee Chairman TOWNS for his tremendous leadership in moving this legislation forward and Ranking Member TOM DAVIS for his commitment to strong IGs and his many helpful contributions.

H.R. 928 would make needed improvements to the IG Act and I urge members to support it.

Mr. TOWNS. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. TOWNS) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 928.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SHAYS. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

SENIOR PROFESSIONAL PERFORMANCE ACT OF 2008

Mr. TOWNS. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 1046) to modify pay provisions relating to certain senior-level positions in the Federal Government, and for other purposes.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 1046

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Senior Professional Performance Act of 2008''.

SEC. 2. PAY PROVISIONS RELATING TO CERTAIN SENIOR-LEVEL POSITIONS.

(a) LOCALITY PAY.—Section 5304 of title 5, United States Code, is amended—

(1) in subsection (g), by amending paragraph (2) to read as follows:

''(2) The applicable maximum under this subsection shall be level III of the Executive Schedule for—

''(A) positions under subparagraphs (A) and (B) of subsection (h)(1); and

''(B) any positions under subsection (h)(1)(C) as the President may determine.''; and

(2) in subsection (h)—

(A) in paragraph (1)—

(i) by striking subparagraph (A);

(ii) in subparagraph (D)—

(I) in clause (v), by striking ''or'' at the end;

(II) in clause (vi), by striking the period at the end and inserting ''; or''; and

(III) by adding at the end the following:

''(vii) a position to which section 5376 applies (relating to certain senior-level and scientific and professional positions).''; and

(iii) by redesignating subparagraphs (B), (C), and (D) as subparagraphs (A), (B), and (C), respectively; and

(B) in paragraph (2)(B)—

(i) in clause (i)—