

DOE Organization Act

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Effective:[See Text Amendments]

United States Code Annotated Currentness

Title 42. The Public Health and Welfare

Chapter 84. Department of Energy (Refs & Annos)

Subchapter II. Establishment of Department

→ § 7131. Establishment

There is established at the seat of government an executive department to be known as the Department of Energy. There shall be at the head of the Department a Secretary of Energy (hereinafter in this chapter referred to as the "Secretary"), who shall be appointed by the President by and with the advice and consent of the Senate. The Department shall be administered, in accordance with the provisions of this chapter, under the supervision and direction of the Secretary.

CREDIT(S)

DOE Organization Act
(Pub.L. 95-91, Title II, § 201, Aug. 4, 1977, 91 Stat. 569.)

HISTORICAL AND STATUTORY NOTES

Revision Notes and Legislative Reports

1977 Acts. Senate Report No. 95-164 and House Conference Report No. 95-539, see 1977 U.S. Code Cong. and Adm. News, p. 854.

Transfer of Functions

For transfer of the functions, personnel, assets, and liabilities of the United States Department of Energy, including the functions of the Secretary of Energy relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see 6 U.S.C.A. §§ 121(g)(4), 183(1), 551(d), 552(d), and 557, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under 6 U.S.C.A. § 542.

LIBRARY REFERENCES

American Digest System

United States 29, 35, 36, 40, 41.
Key Number System Topic No. 393.

RESEARCH REFERENCES

Encyclopedias

Am. Jur. 2d Energy and Power Sources § 21, Establishment of Department; Principal Officers.

Treatises and Practice Aids

P

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United States Code Annotated Currentness

Title 42. The Public Health and Welfare

⌘ Chapter 84. Department of Energy (Refs & Annos)

⌘ Subchapter II. Establishment of Department

→ § 7132. **Principal officers**

(a) Deputy Secretary

There shall be in the Department a Deputy Secretary, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall be compensated at the rate provided for level II of the Executive Schedule under section 5313 of Title 5. The Deputy Secretary shall act for and exercise the functions of the Secretary during the absence or disability of the Secretary or in the event the office of Secretary becomes vacant. The Secretary shall designate the order in which the Under Secretary and other officials shall act for and perform the functions of the Secretary during the absence or disability of both the Secretary and Deputy Secretary or in the event of vacancies in both of those offices.

(b)(1) There shall be in the Department an Under Secretary for Science, who shall be appointed by the President, by and with the advice and consent of the Senate.

(2) The Under Secretary shall be compensated at the rate provided for level III of the Executive Schedule under section 5314 of Title 5.

(3) The Under Secretary for Science shall be appointed from among persons who--

(A) have extensive background in scientific or engineering fields; and

(B) are well qualified to manage the civilian research and development programs of the Department.

(4) The Under Secretary for Science shall--

(A) serve as the Science and Technology Advisor to the Secretary;

(B) monitor the research and development programs of the Department in order to advise the Secretary with respect to any undesirable duplication or gaps in the programs;

(C) advise the Secretary with respect to the well-being and management of the multipurpose laboratories under the jurisdiction of the Department;

(D) advise the Secretary with respect to education and training activities required for effective short- and long-term basic and applied research activities of the Department;

(E) Advise the Secretary with respect to grants and other forms of financial assistance required for effective short- and long-term basic and applied research activities of the Department;

(F) advise the Secretary with respect to long-term planning, coordination, and development of a strategic

framework for Department research and development activities; and

(G) carry out such additional duties assigned to the Under Secretary by the Secretary relating to basic and applied research, including supervision or support of research activities carried out by any of the Assistant Secretaries designated by section 7133 of this title, as the Secretary considers advantageous.

(c) Under Secretary for Nuclear Security

(1) There shall be in the Department an Under Secretary for Nuclear Security, who shall be appointed by the President, by and with the advice and consent of the Senate. The Under Secretary shall be compensated at the rate provided for at level III of the Executive Schedule under section 5314 of Title 5.

(2) The Under Secretary for Nuclear Security shall be appointed from among persons who

(A) have extensive background in national security, organizational management, and appropriate technical fields; and

(B) are well qualified to manage the nuclear weapons, nonproliferation, and materials disposition programs of the National Nuclear Security Administration in a manner that advances and protects the national security of the United States.

(3) The Under Secretary for Nuclear Security shall serve as the Administrator for Nuclear Security under section 2402 of Title 50. In carrying out the functions of the Administrator, the Under Secretary shall be subject to the authority, direction, and control of the Secretary. Such authority, direction, and control may be delegated only to the Deputy Secretary of Energy, without redelegation.

(d)(1) There shall be in the Department an Under Secretary, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall perform such functions and duties as the Secretary shall prescribe, consistent with this section.

(2) The Under Secretary shall be compensated at the rate provided for level III of the Executive Schedule under section 5314 of Title 5.

(e)(1) There shall be in the Department a General Counsel, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall perform such functions and duties as the Secretary shall prescribe.

(2) The General Counsel shall be compensated at the rate provided for level IV of the Executive Schedule under section 5315 of Title 5.

CREDIT(S)

(Pub.L. 95-91, Title II, § 202, Aug. 4, 1977, 91 Stat. 569; Pub.L. 106-65, Div. C, Title XXXII, § 3202, Oct. 5, 1999, 113 Stat. 954; Pub.L. 109-58, Title X, § 1006(a), (c)(1), Aug. 8, 2005, 119 Stat. 930, 931.)

HISTORICAL AND STATUTORY NOTES

Revision Notes and Legislative Reports

1977 Acts. Senate Report No. 95-164 and House Conference Report No. 95-539, see 1977 U.S. Code Cong. and

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Title 42. The Public Health and Welfare

Chapter 84. Department of Energy (Refs & Annos)

Subchapter II. Establishment of Department

→ § 7133. Assistant Secretaries; appointment and confirmation; identification of responsibilities

(a) There shall be in the Department 7 Assistant Secretaries, each of whom shall be appointed by the President, by and with the advice and consent of the Senate; who shall be compensated at the rate provided for at level IV of the Executive Schedule under section 5315 of Title 5; and who shall perform, in accordance with applicable law, such of the functions transferred or delegated to, or vested in, the Secretary as he shall prescribe in accordance with the provisions of this chapter. The functions which the Secretary shall assign to the Assistant Secretaries include, but are not limited to, the following:

(1) Energy resource applications, including functions dealing with management of all forms of energy production and utilization, including fuel supply, electric power supply, enriched uranium production, energy technology programs, and the management of energy resource leasing procedures on Federal lands.

(2) Energy research and development functions, including the responsibility for policy and management of research and development for all aspects of--

(A) solar energy resources;

(B) geothermal energy resources;

(C) recycling energy resources;

(D) the fuel cycle for fossil energy resources; and

(E) the fuel cycle for nuclear energy resources.

(3) Environmental responsibilities and functions, including advising the Secretary with respect to the conformance of the Department's activities to environmental protection laws and principles, and conducting a comprehensive program of research and development on the environmental effects of energy technologies and programs.

(4) International programs and international policy functions, including those functions which assist in carrying out the international energy purposes described in section 7112 of this title.

(5) Repealed. Pub.L. 106-65, Div. C, Title XXXII, § 3294(b), Oct. 5, 1999, 113 Stat. 970.

(6) Intergovernmental policies and relations, including responsibilities for assuring that national energy policies are reflective of and responsible to the needs of State and local governments, and for assuring that other components of the Department coordinate their activities with State and local governments, where appropriate, and develop intergovernmental communications with State and local governments.

(7) Competition and consumer affairs, including responsibilities for the promotion of competition in the energy industry and for the protection of the consuming public in the energy policymaking processes, and assisting the

Secretary in the formulation and analysis of policies, rules, and regulations relating to competition and consumer affairs.

(8) Nuclear waste management responsibilities, including--

(A) the establishment of control over existing Government facilities for the treatment and storage of nuclear wastes, including all containers, casks, buildings, vehicles, equipment, and all other materials associated with such facilities;

(B) the establishment of control over all existing nuclear waste in the possession or control of the Government and all commercial nuclear waste presently stored on other than the site of a licensed nuclear power electric generating facility, except that nothing in this paragraph shall alter or effect title to such waste;

(C) the establishment of temporary and permanent facilities for storage, management, and ultimate disposal of nuclear wastes;

(D) the establishment of facilities for the treatment of nuclear wastes;

(E) the establishment of programs for the treatment, management, storage, and disposal of nuclear wastes;

(F) the establishment of fees or user charges for nuclear waste treatment or storage facilities, including fees to be charged Government agencies; and

(G) the promulgation of such rules and regulations to implement the authority described in this paragraph,

except that nothing in this section shall be construed as granting to the Department regulatory functions presently within the Nuclear Regulatory Commission, or any additional functions than those already conferred by law.

(9) Energy conservation functions, including the development of comprehensive energy conservation strategies for the Nation, the planning and implementation of major research and demonstration programs for the development of technologies and processes to reduce total energy consumption, the administration of voluntary and mandatory energy conservation programs, and the dissemination to the public of all available information on energy conservation programs and measures.

(10) Power marketing functions, including responsibility for marketing and transmission of Federal power.

(11) Public and congressional relations functions, including responsibilities for providing a continuing liaison between the Department and the Congress and the Department and the public.

(b) At the time the name of any individual is submitted for confirmation to the position of Assistant Secretary, the President shall identify with particularity the function or functions described in subsection (a) of this section (or any portion thereof) for which such individual will be responsible.

CREDIT(S)

(Pub.L. 95-91, Title II, § 203, Aug. 4, 1977, 91 Stat. 570; Pub.L. 106-65, Div. C, Title XXXII, § 3294(a)(2), (b), Oct. 5, 1999, 113 Stat. 970; Pub.L. 109-58, Title X, § 1006(b)(1), Aug. 8, 2005, 119 Stat. 931.)

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Title 42. The Public Health and Welfare

Chapter 84. Department of Energy (Refs & Annos)

Subchapter II. Establishment of Department

→ § 7135. Energy Information Administration

EIA

(a) Establishment; appointment of Administrator; compensation; qualifications; duties

(1) There shall be within the Department an Energy Information Administration to be headed by an Administrator who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall be compensated at the rate provided for in level IV of the Executive Schedule under section 5315 of Title 5. The Administrator shall be a person who, by reason of professional background and experience, is specially qualified to manage an energy information system.

(2) The Administrator shall be responsible for carrying out a central, comprehensive, and unified energy data and information program which will collect, evaluate, assemble, analyze, and disseminate data and information which is relevant to energy resource reserves, energy production, demand, and technology, and related economic and statistical information, or which is relevant to the adequacy of energy resources to meet demands in the near and longer term future for the Nation's economic and social needs.

(b) Delegation of functions

The Secretary shall delegate to the Administrator (which delegation may be on a nonexclusive basis as the Secretary may determine may be necessary to assure the faithful execution of his authorities and responsibilities under law) the functions vested in him by law relating to gathering, analysis, and dissemination of energy information (as defined in section 796 of Title 15) and the Administrator may act in the name of the Secretary for the purpose of obtaining enforcement of such delegated functions.

(c) Functions of Director of Office of Energy Information and Analysis

In addition to, and not in limitation of the functions delegated to the Administrator pursuant to other subsections of this section, there shall be vested in the Administrator, and he shall perform, the functions assigned to the Director of the Office of Energy Information and Analysis under part B of the Federal Energy Administration Act of 1974 [15 U.S.C.A. § 790 et seq.], and the provisions of sections 53(d) and 59 thereof [15 U.S.C.A. §§ 790b(d) and 790h] shall be applicable to the Administrator in the performance of any function under this chapter.

(d) Collection or analysis of information and preparation of reports without approval

The Administrator shall not be required to obtain the approval of any other officer or employee of the Department in connection with the collection or analysis of any information; nor shall the Administrator be required, prior to publication, to obtain the approval of any other officer or employee of the United States with respect to the substance of any statistical or forecasting technical reports which he has prepared in accordance with law.

(e) Annual audit

The Energy Information Administration shall be subject to an annual professional audit review of performance as

described in section 55 of part B of the Federal Energy Administration Act of 1974.

(f) Furnishing information or analysis to any other administration, commission, or office within Department

The Administrator shall, upon request, promptly provide any information or analysis in his possession pursuant to this section to any other administration, commission, or office within the Department which such administration, commission, or office determines relates to the functions of such administration, commission, or office.

(g) Availability of information to public

Information collected by the Energy Information Administration shall be cataloged and, upon request, any such information shall be promptly made available to the public in a form and manner easily adaptable for public use, except that this subsection shall not require disclosure of matters exempted from mandatory disclosure by section 552(b) of Title 5. The provisions of section 796(d) of Title 15, and section 5916 of this title, shall continue to apply to any information obtained by the Administrator under such provisions.

(h) Identification and designation of "major energy producing companies"; format for financial report; accounting practices; filing of financial report; annual report of Department; definitions; confidentiality

(1)(A) In addition to the acquisition, collection, analysis, and dissemination of energy information pursuant to this section, the Administrator shall identify and designate "major energy-producing companies" which alone or with their affiliates are involved in one or more lines of commerce in the energy industry so that the energy information collected from such major energy-producing companies shall provide a statistically accurate profile of each line of commerce in the energy industry in the United States.

(B) In fulfilling the requirements of this subsection the Administrator shall--

(i) utilize, to the maximum extent practicable, consistent with the faithful execution of his responsibilities under this chapter, reliable statistical sampling techniques; and

(ii) otherwise give priority to the minimization of the reporting of energy information by small business.

(2) The Administrator shall develop and make effective for use during the second full calendar year following August 4, 1977, the format for an energy-producing company financial report. Such report shall be designed to allow comparison on a uniform and standardized basis among energy-producing companies and shall permit for the energy-related activities of such companies--

(A) an evaluation of company revenues, profits, cash flow, and investments in total, for the energy-related lines of commerce in which such company is engaged and for all significant energy-related functions within such company;

(B) an analysis of the competitive structure of sectors and functional groupings within the energy industry;

(C) the segregation of energy information, including financial information, describing company operations by energy source and geographic area;

(D) the determination of costs associated with exploration, development, production, processing, transportation, and marketing and other significant energy-related functions within such company; and

(E) such other analyses or evaluations as the Administrator finds is necessary to achieve the purposes of this chapter.

(3) The Administrator shall consult with the Chairman of the Securities and Exchange Commission with respect to the development of accounting practices required by the Energy Policy and Conservation Act [42 U.S.C.A. § 6201 et seq.] to be followed by persons engaged in whole or in part in the production of crude oil and natural gas and shall endeavor to assure that the energy-producing company financial report described in paragraph (2) of this subsection, to the extent practicable and consistent with the purposes and provisions of this chapter, is consistent with such accounting practices where applicable.

(4) The Administrator shall require each major energy-producing company to file with the Administrator an energy-producing company financial report on at least an annual basis and may request energy information described in such report on a quarterly basis if he determines that such quarterly report of information will substantially assist in achieving the purposes of this chapter.

(5) A summary of information gathered pursuant to this section, accompanied by such analysis as the Administrator deems appropriate, shall be included in the annual report of the Department required by subsection (a) [FN1] of section 7267 of this title.

(6) As used in this subsection the term--

(A) "energy-producing company" means a person engaged in:

- (i) ownership or control of mineral fuel resources or nonmineral energy resources;
- (ii) exploration for, or development of, mineral fuel resources;
- (iii) extraction of mineral fuel or nonmineral energy resources;
- (iv) refining, milling, or otherwise processing mineral fuels or nonmineral energy resources;
- (v) storage of mineral fuels or nonmineral energy resources;
- (vi) the generation, transmission, or storage of electrical energy;
- (vii) transportation of mineral fuels or nonmineral energy resources by any means whatever; or
- (viii) wholesale or retail distribution of mineral fuels, nonmineral energy resources or electrical energy;

(B) "energy industry" means all energy-producing companies; and

(C) "person" has the meaning as set forth in section 796 of Title 15.

(7) The provisions of section 1905 of Title 18 shall apply in accordance with its terms to any information obtained by the Administration pursuant to this subsection.

(i) Manufacturers energy consumption survey

(1) The Administrator shall conduct and publish the results of a survey of energy consumption in the manufacturing industries in the United States at least once every two years and in a manner designed to protect the confidentiality of individual responses. In conducting the survey, the Administrator shall collect information, including--

(A) quantity of fuels consumed;

(B) energy expenditures;

(C) fuel switching capabilities; and

(D) use of nonpurchased sources of energy, such as solar, wind, biomass, geothermal, waste by-products, and cogeneration.

(2) This subsection does not affect the authority of the Administrator to collect data under section 52 of the Federal Energy Administration Act of 1974 (15 U.S.C. 790a).

(j) Collection and publication of survey results

(1) The Administrator shall annually collect and publish the results of a survey of electricity production from domestic renewable energy resources, including production in kilowatt hours, total installed capacity, capacity factor, and any other measure of production efficiency. Such results shall distinguish between various renewable energy resources.

(2) In carrying out this subsection, the Administrator shall--

(A) utilize, to the maximum extent practicable and consistent with the faithful execution of his responsibilities under this chapter, reliable statistical sampling techniques; and

(B) otherwise take into account the reporting burdens of energy information by small businesses.

(3) As used in this subsection, the term "renewable energy resources" includes energy derived from solar thermal, geothermal, biomass, wind, and photovoltaic resources.

(k) Survey procedure

Pursuant to section 52(a) of the Federal Energy Administration Act of 1974 (15 U.S.C. 790a(a)), the Administrator shall--

(1) conduct surveys of residential and commercial energy use at least once every 3 years, and make such information available to the public;

(2) when surveying electric utilities, collect information on demand-side management programs conducted by such utilities, including information regarding the types of demand-side management programs being operated, the quantity of measures installed, expenditures on demand-side management programs, estimates of energy savings resulting from such programs, and whether the savings estimates were verified; and

(3) in carrying out this subsection, take into account reporting burdens and the protection of proprietary information as required by law.

(l) Data collection

In order to improve the ability to evaluate the effectiveness of the Nation's energy efficiency policies and programs, the Administrator shall, in carrying out the data collection provisions of subsections (i) and (k) of this section, consider--

- (1) expanding the survey instruments to include questions regarding participation in Government and utility conservation programs;
- (2) expanding fuel-use surveys in order to provide greater detail on energy use by user subgroups; and
- (3) expanding the scope of data collection on energy efficiency and load-management programs, including the effects of building construction practices such as those designed to obtain peak load shifting.

(m) Renewable fuels survey

(1) In order to improve the ability to evaluate the effectiveness of the Nation's renewable fuels mandate, the Administrator shall conduct and publish the results of a survey of renewable fuels demand in the motor vehicle fuels market in the United States monthly, and in a manner designed to protect the confidentiality of individual responses. In conducting the survey, the Administrator shall collect information both on a national and regional basis, including each of the following:

(A) The quantity of renewable fuels produced.

(B) The quantity of renewable fuels blended.

(C) The quantity of renewable fuels imported.

(D) The quantity of renewable fuels demanded.

(E) Market price data.

(F) Such other analyses or evaluations as the Administrator finds are necessary to achieve the purposes of this section.

(2) The Administrator shall also collect or estimate information both on a national and regional basis, pursuant to subparagraphs (A) through (F) of paragraph (1), for the 5 years prior to implementation of this subsection.

(3) This subsection does not affect the authority of the Administrator to collect data under section 52 of the Federal Energy Administration Act of 1974 (15 U.S.C. 790a).

CREDIT(S)

(Pub.L. 95-91, Title II, § 205, Aug. 4, 1977, 91 Stat. 572; Pub.L. 99-509, Title III, § 3101(a), Oct. 21, 1986, 100 Stat. 1888; Pub.L. 102-486, Title I, § 171, Oct. 24, 1992, 106 Stat. 2864; Pub.L. 109-58, Title XV, § 1508, Aug. 8, 2005, 119 Stat. 1083.)

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Title 42. The Public Health and Welfare

Chapter 84. Department of Energy (Refs & Annos)

Subchapter II. Establishment of Department

→ § 7136. Economic Regulatory Administration; appointment of Administrator; compensation; qualifications; functions

The duties of this position were given to the General Counsel by Secretary O'Leary

(a) There shall be within the Department an Economic Regulatory Administration to be headed by an Administrator, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall be compensated at a rate provided for level IV of the Executive Schedule under section 5315 of Title 5. Such Administrator shall be, by demonstrated ability, background, training, or experience, an individual who is specially qualified to assess fairly the needs and concerns of all interests affected by Federal energy policy. The Secretary shall by rule provide for a separation of regulatory and enforcement functions assigned to, or vested in, the Administration.

(b) Consistent with the provisions of subchapter IV of this chapter, the Secretary shall utilize the Economic Regulatory Administration to administer such functions as he may consider appropriate.

CREDIT(S)

(Pub.L. 95-91, Title II, § 206, Aug. 4, 1977, 91 Stat. 574.)

HISTORICAL AND STATUTORY NOTES

Revision Notes and Legislative Reports

1977 Acts. Senate Report No. 95-164 and House Conference Report No. 95-539, see 1977 U.S. Code Cong. and Adm. News, p. 854.

LIBRARY REFERENCES

American Digest System

United States 29, 35, 36, 39(2), 40, 41.
Key Number System Topic No. 393.

RESEARCH REFERENCES

Encyclopedias

Am. Jur. 2d Energy and Power Sources § 22, Component Commissions and Administrations; Duties.

NOTES OF DECISIONS

Gas imports and exports 1

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Title 42. The Public Health and Welfare

Chapter 84. Department of Energy (Refs & Annos)

Subchapter II. Establishment of Department

→ § 7139. Office of Science; establishment; appointment of Director; compensation; duties

(a) There shall be within the Department an Office of Science to be headed by a Director, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall be compensated at the rate provided for level IV of the Executive Schedule under section 5315 of Title 5.

(b) It shall be the duty and responsibility of the Director--

(1) to advise the Secretary with respect to the physical research program transferred to the Department from the Energy Research and Development Administration;

(2) to monitor the Department's energy research and development programs in order to advise the Secretary with respect to any undesirable duplication or gaps in such programs;

(3) to advise the Secretary with respect to the well-being and management of the multipurpose laboratories under the jurisdiction of the Department, excluding laboratories that constitute part of the nuclear weapons complex;

(4) to advise the Secretary with respect to education and training activities required for effective short- and long-term basic and applied research activities of the Department;

(5) to advise the Secretary with respect to grants and other forms of financial assistance required for effective short- and long-term basic and applied research activities of the Department; and

(6) to carry out such additional duties assigned to the Office by the Secretary.

*See § in
the Secretary
Science*

CREDIT(S)

(Pub.L. 95-91, Title II, § 209, Aug. 4, 1977, 91 Stat. 577; Pub.L. 105-245, Title III, § 309(a), Oct. 7, 1998, 112 Stat. 1853; Pub.L. 109-58, Title X, § 1006(c)(4), Aug. 8, 2005, 119 Stat. 932.)

HISTORICAL AND STATUTORY NOTES

Revision Notes and Legislative Reports

1977 Acts. Senate Report No. 95-164 and House Conference Report No. 95-539, see 1977 U.S. Code Cong. and Adm. News, p. 854.

1998 Acts. House Conference Report No. 105-749, see 1998 U.S. Code Cong. and Adm. News, p. 457.

2005 Acts. House Conference Report No. 109-190, see 2005 U.S. Code Cong. and Adm. News, p. 448.

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Title 42. The Public Health and Welfare
 Chapter 84. Department of Energy (Refs & Annos)
 Subchapter II. Establishment of Department
 → § 7141. Office of Minority Economic Impact

See P.L. 95-507
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(a) Establishment; appointment of Director; compensation

There shall be established within the Department an Office of Minority Economic Impact. The Office shall be headed by a Director, who shall be appointed by the President, by and with the advice and consent of the Senate. The Director shall be compensated at the rate provided for level IV of the Executive Schedule under section 5315 of Title 5.

(b) Advice to Secretary on effect of energy policies, regulations, and other actions of Department respecting minority participation in energy programs

The Director shall have the duty and responsibility to advise the Secretary on the effect of energy policies, regulations, and other actions of the Department and its components on minorities and minority business enterprises and on ways to insure that minorities are afforded an opportunity to participate fully in the energy programs of the Department.

(c) Research programs respecting effects of national energy programs, policies, and regulations of Department on minorities

The Director shall conduct an ongoing research program, with the assistance of the Administrator of the Energy Information Administration, and such other Federal agencies as the Director determines appropriate, to determine the effects (including the socio-economic and environmental effects) of national energy programs, policies, and regulations of the Department on minorities. In conducting such program, the Director shall, from time to time, develop and recommend to the Secretary policies to assist, where appropriate, such minorities and minority business enterprises concerning such effects. In addition, the Director shall, to the greatest extent practicable--

(1) determine the average energy consumption and use patterns of minorities relative to other population categories;

(2) evaluate the percentage of disposable income spent on energy by minorities relative to other population categories; and

(3) determines [FN1] how programs, policies, and actions of the Department and its components affect such consumption and use patterns and such income.

(d) Management and technical assistance to minority educational institutions and business enterprises to foster participation in research, development, demonstration, and contract activities of Department

The Director may provide the management any [FN2] technical assistance he considers appropriate to minority educational institutions and minority business enterprises to enable these enterprises and institutions to participate in the research, development, demonstration, and contract activities of the Department. In carrying out his functions

under this section, the Director may enter into contracts, in accordance with section 7256 of this title and other applicable provisions of law, with any person, including minority educational institutions, minority business enterprises, and organizations the primary purpose of which is to assist the development of minority communities. The management and technical assistance may include--

(1) a national information clearinghouse which will develop and disseminate information on the aspects of energy programs to minority business enterprises, minority educational institutions and other appropriate minority organizations;

(2) market research, planning economic and business analysis, and feasibility studies to identify and define economic opportunities for minorities in energy research, production, conservation, and development;

(3) technical assistance programs to encourage, promote, and assist minority business enterprises in establishing and expanding energy-related business opportunities which are located in minority communities and that can provide jobs to workers in such communities; and

(4) programs to assist minority business enterprises in the commercial application of energy-related technologies.

(e) Loans to minority business enterprises; restriction on use of funds; interest; deposits into Treasury

(1) The Secretary, acting through the Office, may provide financial assistance in the form of loans to any minority business enterprise under such rules as he shall prescribe to assist such enterprises in participating fully in research, development, demonstration, and contract activities of the Department to the extent he considers appropriate. He shall limit the use of financial assistance to providing funds necessary for such enterprises to bid for and obtain contracts or other agreements, and shall limit the amount of the financial assistance to any recipient to not more than 75 percent of such costs.

(2) The Secretary shall determine the rate of interest on loans under this section in consultation with the Secretary of the Treasury.

(3) The Secretary shall deposit into the Treasury as miscellaneous receipts amounts received in connection with the repayment and satisfaction of such loans.

(f) Definitions

As used in this section, the term--

(1) "minority" means any individual who is a citizen of the United States and who is a Negro, Puerto Rican, American Indian, Eskimo, Oriental, or Aleut or is a Spanish speaking individual of Spanish descent;

(2) "minority business enterprise" means a firm, corporation, association, or partnership which is at least 50 percent owned or controlled by a minority or group of minorities; and

(3) "minority educational institution" means an educational institution with an enrollment in which a substantial proportion (as determined by the Secretary) of the students are minorities.

(g) Authorization of appropriations

There is authorized to be appropriated to the Secretary to carry out the functions of the Office not to exceed

\$3,000,000 for fiscal year 1979, not to exceed \$5,000,000 for fiscal year 1980, and not to exceed \$6,000,000 for fiscal year 1981. Of the amounts so appropriated each fiscal year, not less than 50 percent shall be available for purposes of financial assistance under subsection (e) of this section.

CREDIT(S)

(Pub.L. 95-91, Title II, § 211, as added Pub.L. 95-619, Title VI, § 641, Nov. 9, 1978, 92 Stat. 3284.)

[FN1] So in original. Probably should be “determine”.

[FN2] So in original. Probably should be “and”.

HISTORICAL AND STATUTORY NOTES

Revision Notes and Legislative Reports

1978 Acts. Senate Report No. 95-351, see 1978 U.S. Code Cong. and Adm. News, p. 8114.

CODE OF FEDERAL REGULATIONS

Loans to minority business enterprises, policies for award and administration of, see 10 CFR § 800.001 et seq.

LIBRARY REFERENCES

American Digest System

United States 29, 35, 36, 40, 41, 82(1), 85.

Key Number System Topic No. 393.

RESEARCH REFERENCES

Encyclopedias

Am. Jur. 2d Energy and Power Sources § 26, Office of Minority Economic Impact.

Treatises and Practice Aids

Federal Procedure, Lawyers Edition § 56:33, Loan Application--Filing; Preliminary Review.

West's Federal Administrative Practice § 4387, The Department of Energy--The Secretary and Component Parts.

42 U.S.C.A. § 7141, 42 USCA § 7141

Current through P.L. 110-243 (excluding P.L. 110-234) approved 6-3-08

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(i) Small business set-asides

Nothing in this chapter or any other provision of law precludes exclusive small business set-asides for procurements of architectural and engineering services, research, development, test and evaluation, and each Federal agency is authorized to develop such set-asides to further the interests of small business in those areas.

(j) Small business reservation

(1) Each contract for the purchase of goods and services that has an anticipated value greater than \$2,500 but not greater than \$100,000 shall be reserved exclusively for small business concerns unless the contracting officer is unable to obtain offers from two or more small business concerns that are competitive with market prices and are competitive with regard to the quality and delivery of the goods or services being purchased.

(2) In carrying out paragraph (1), a contracting officer shall consider a responsive offer timely received from an eligible small business offeror.

(3) Nothing in paragraph (1) shall be construed as precluding an award of a contract with a value not greater than \$100,000 under the authority of subsection (a) of section 637 of this title, section 2323 of Title 10, section 712 of the Business Opportunity Development Reform Act of 1988 (Public Law 100-656; 15 U.S.C. 644 note), or section 7102 of the Federal Acquisition Streamlining Act of 1994.

(k) Office of Small and Disadvantaged Business Utilization; Director

There is hereby established in each Federal agency having procurement powers an office to be known as the "Office of Small and Disadvantaged Business Utilization". The management of each such office shall be vested in an officer or employee of such agency who shall--

(1) be known as the "Director of Small and Disadvantaged Business Utilization" for such agency,

(2) be appointed by the head of such agency,

(3) be responsible only to, and report directly to, the head of such agency or to the deputy of such head, except that the director for the Office of the Secretary of Defense shall be responsible only to, and report directly to, such Secretary or the Secretary's designee,

(4) be responsible for the implementation and execution of the functions and duties under this section and section 637 of this title which relate to such agency,

(5) identify proposed solicitations that involve significant bundling of contract requirements, and work with the agency acquisition officials and the Administration to revise the procurement strategies for such proposed solicitations where appropriate to increase the probability of participation by small businesses as prime contractors, or to facilitate small business participation as subcontractors and suppliers, if a solicitation for a bundled contract is to be issued;

(6) assist small business concerns to obtain payments, required late payment interest penalties, or information regarding payments due to such concerns from an executive agency or a contractor, in conformity with chapter 39 of Title 31 or any other protection for contractors or subcontractors (including suppliers) that is included in the Federal Acquisition Regulation or any individual agency supplement to such Government-wide regulation,

(7) have supervisory authority over personnel of such agency to the extent that the functions and duties of such personnel relate to functions and duties under this section and section 637 of this title,

(8) assign a small business technical adviser to each office to which the Administration has assigned a procurement center representative--

(A) who shall be a full-time employee of the procuring activity and shall be well qualified, technically trained and familiar with the supplies or services purchased at the activity, and

(B) whose principal duty shall be to assist the Administration procurement center representative in his duties and functions relating to this section and section 637 of this title,

(9) cooperate, and consult on a regular basis, with the Administration with respect to carrying out the functions and duties described in paragraph (4) of this subsection, and

(10) make recommendations to contracting officers as to whether a particular contract requirement should be awarded pursuant to subsection (a) of this section, or section 637(a) of this title or section 2323 of Title 10. Such recommendations shall be made with due regard to the requirements of subsection (m) of this section, and the failure of the contracting officer to accept any such recommendations shall be documented and included within the appropriate contract file.

This subsection shall not apply to the Administration.

(l) Breakout procurement center representatives

(1) The Administration shall assign to each major procurement center a breakout procurement center representative with such assistance as may be appropriate. The breakout procurement center representative shall carry out the activities described in paragraph (2), and shall be an advocate for the breakout of items for procurement through full and open competition, whenever appropriate, while maintaining the integrity of the system in which such items are used, and an advocate for the use of full and open competition, whenever appropriate, for the procurement of supplies and services by such center. Any breakout procurement center representative assigned under this subsection shall be in addition to the representative referred to in subsection (k)(6) of this section.

(2) In addition to carrying out the responsibilities assigned by the Administration, a breakout procurement center representative is authorized to--

(A) attend any provisioning conference or similar evaluation session during which determinations are made as to whether requirements are to be procured through other than full and open competition and make recommendations with respect to such requirements to the members of such conference or session;

(B) review, at any time, restrictions on competition previously imposed on items through acquisition method coding or similar procedures, and recommend to personnel of the appropriate activity the prompt reevaluation of such limitations;

(C) review restrictions on competition arising out of restrictions on the rights of the United States in technical data, and, when appropriate, recommend that personnel of the appropriate activity initiate a review of the validity of such an asserted restriction;

(D) obtain from any governmental source, and make available to personnel of the appropriate activity, tech-



OFFICE OF FEDERAL
PROCUREMENT POLICY

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON

Aug 1

*Carlin
Monday*
*Keep copy of
this
w/ note*

you will
9/8
*c Ralph
Eric
Rich R.*

Mr. Robert R. Nordhaus
General Counsel
Department of Energy
Washington, DC 20585

Dear Mr. Nordhaus: *B&L*

Thank you for your letter of May 26, 1995 concerning the Office of Small and Disadvantaged Business Utilization (OSDBU) function at DOE. In your letter, you requested an exemption from the Office of Federal Procurement Policy (OFPP) Policy Letter No. 79-1 which requires that the Director of the OSDBU be a full-time employee whose full-time function is to supervise the operations of the office.

Section 15 of the Small Business Act (15 U.S.C. 644) requires that each federal agency having procurement powers establish an OSDBU to be managed by a Director who is to be responsible only to, and report directly to, the head of such agency or, to the deputy. As you explained in your letter, DOE is also required by Section 211 of the DOE Organization Act (42 U.S.C. 7141) to establish an Office of Minority Economic Impact (OMEI) which is to be headed by a Director who shall be appointed by the President, with the advice and consent of the Senate. DOE has recently restructured the functions of the OSDBU, OMEI, and the Office of Civil Rights (OCR) into one office -- the Office of Economic Impact and Diversity, which is headed by a Director who is appointed by the President and reports directly to the Secretary of Energy. The Office of Economic Impact and Diversity has a full-time Deputy Director for OSDBU functions as well as full-time Deputy Directors for OMEI and OCR functions.

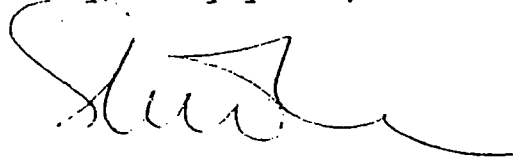
As noted above, Section 15 of the Small Business Act requires the head of the OSDBU to report directly to the agency head or to that person's deputy. Moreover, under OFPP Policy Letter No. 79-1, the head of the OSDBU must be a full-time employee whose function is to supervise the operations of that office. Under the DOE's recent restructuring, the OSDBU functions are in an office (the Office of Economic Impact and Diversity) that is headed by a Director who reports directly to the Secretary of Energy. However, the Director is not dedicated full-time to OSDBU functions; the Director also has responsibility for OMEI and OCR functions. There is, though, an employee who does have full-time responsibility for OSDBU

functions -- that employee is the Deputy Director of the Office of Economic Impact and Diversity. However, the Deputy Director does not report directly to the Energy Secretary, or Deputy Secretary, but instead reports to the Director of the Office of Economic Impact and Diversity. Therefore, DOE is concerned that it may not comply with OFPP Policy Letter No. 79-1. Accordingly, you have requested that DOE be exempted from the Policy Letter's "full-time" requirement.

As you note in your letter, OFPP Policy Letter No. 79-1 states that there will need to be special variations in administrative composition and procedures to accommodate the peculiar organizational arrangements of each agency. From what you have described, the OSDBU and the OMEI share missions, functions, and clienteles. Instead of having two offices that report directly to the Energy Secretary on common and sometimes identical issues, the Department has merged these two offices into the Office of Economic Impact and Diversity. In addition to furthering its streamlining efforts, the Department believes that this organization structure fosters a team approach and facilitates information exchange. At the same time, it ensures that the head of the office responsible for OSDBU functions (the Director of the Office of Economic Impact and Diversity) reports directly to the Energy Secretary and that there is a full-time person responsible for OSDBU functions (the Deputy Director of that office).

Accordingly, we have concluded that the organization structure you have described in your letter is an acceptable variation under Policy Letter No. 79-1, which is made necessary as a result of the overlapping nature of responsibilities that the Energy Department must perform under Section 211 of the DOE Organization Act and Section 15 of the Small Business Act. Since the organization is in compliance with the Policy Letter, no exemption is required.

Very truly yours,

A handwritten signature in dark ink, appearing to read 'Steven Kelman', with a long horizontal flourish extending to the right.

Steven Kelman
Administrator

Westlaw

NUCLEAR WASTE POLICY ACT OF 1982

42 U.S.C.A. § 10224

Page 1

C

Effective: July 7, 2004

United States Code Annotated Currentness

Title 42. The Public Health and Welfare

Chapter 108. Nuclear Waste Policy (Refs & Annos)

Subchapter III. Other Provisions Relating to Radioactive Waste

→ § 10224. Office of Civilian Radioactive Waste Management

(a) Establishment

There hereby is established within the Department of Energy an Office of Civilian Radioactive Waste Management. The Office shall be headed by a Director, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall be compensated at the rate payable for level IV of the Executive Schedule under section 5315 of Title 5.

(b) Functions of Director

The Director of the Office shall be responsible for carrying out the functions of the Secretary under this chapter, subject to the general supervision of the Secretary. The Director of the Office shall be directly responsible to the Secretary.

(c) Annual report to Congress

The Director of the Office shall annually prepare and submit to the Congress a comprehensive report on the activities and expenditures of the Office.

(d) Audit by GAO

If requested by either House of the Congress (or any committee thereof) or if considered necessary by the Comptroller General, the Government Accountability Office shall conduct an audit of the Office, in accord with such regulations as the Comptroller General may prescribe. The Comptroller General shall have access to such books, records, accounts, and other materials of the Office as the Comptroller General determines to be necessary for the preparation of such audit. The Comptroller General shall submit a report on the results of each audit conducted under this section.

CREDIT(S)

(Pub.L. 97-425, Title III, § 304, Jan. 7, 1983, 96 Stat. 2261; Pub.L. 104-66, Title I, § 1052(l), Dec. 21, 1995, 109 Stat. 719; Pub.L. 108-271, § 8(b), July 7, 2004, 118 Stat. 814.)

HISTORICAL AND STATUTORY NOTES

Revision Notes and Legislative Reports

1983 Acts. House Report No. 97-491, see 1982 U.S. Code Cong. and Adm. News, p. 3792.

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NNSA Act, as amended

(e) MEMBERSHIP ON NUCLEAR WEAPONS COUNCIL.—The Administrator serves as a member of the Nuclear Weapons Council under section 179 of title 10, United States Code.

(f) REORGANIZATION AUTHORITY.—Except as provided by subsections (b) and (c) of section 3291:

(1) The Administrator may establish, abolish, alter, consolidate, or discontinue any organizational unit or component of the Administration, or transfer any function of the Administration.

(2) Such authority does not apply to the abolition of organizational units or components established by law or the transfer of functions vested by law in any organizational unit or component.

50 USC 2403

SEC. 3143. PRINCIPAL DEPUTY ADMINISTRATOR FOR NUCLEAR SECURITY.

(a) IN GENERAL.—

(1) There is in the Administration a Principal Deputy Administrator, who is appointed by the President, by and with the advice and consent of the Senate.

(2) The Principal Deputy Administrator shall be appointed from among persons who have extensive background in organizational management and are well qualified to manage the nuclear weapons, nonproliferation, and materials disposition programs of the Administration in a manner that advances and protects the national security of the United States.

(b) DUTIES.—Subject to the authority, direction, and control of the Administrator, the Principal Deputy Administrator shall perform such duties and exercise such powers as the Administrator may prescribe, including the coordination of activities among the elements of the Administration. The Principal Deputy Administrator shall act for, and exercise the powers of, the Administrator when the Administrator is disabled or the position of Administrator is vacant.

³ Source — Pub. L. 106-65, div. C, title XXXII, Sec. 3213, as added Pub. L. 107-107, div. C, title XXXI, Sec. 3141(a)(2), Dec. 28, 2001, 115 Stat. 1370.

Prior Provisions — A prior section 2403, Pub. L. 106-65, div. C, title XXXII, Sec. 3213, Oct. 5, 1999, 113 Stat. 958; Pub. L. 106-398, Sec. 1 (div. C, title XXXI, Sec. 3157), Oct. 30, 2000, 114 Stat. 1654, 1654A-468, which related to status of Administration and contractor personnel within Department of Energy, was renumbered section 3220 of Pub. L. 106-65, by Pub. L. 107-107, div. C, title XXXI, Sec. 3141(a)(1), Dec. 28, 2001, 115 Stat. 1369, and transferred to section 2410 of this title 50, United States Code.

SEC. 3214. DEPUTY ADMINISTRATOR FOR DEFENSE PROGRAMS⁴

- (a) IN GENERAL.—There is in the Administration a Deputy Administrator for Defense Programs, who is appointed by the President, by and with the advice and consent of the Senate.
- (b) DUTIES.—Subject to the authority, direction, and control of the Administrator, the Deputy Administrator for Defense Programs shall perform such duties and exercise such powers as the Administrator may prescribe, including the following:
- (1) Maintaining and enhancing the safety, reliability, and performance of the United States nuclear weapons stockpile, including the ability to design, produce, and test, in order to meet national security requirements.
 - (2) Directing, managing, and overseeing the nuclear weapons production facilities and the national security laboratories.
 - (3) Directing, managing, and overseeing assets to respond to incidents involving nuclear weapons and materials.

SEC. 3215. DEPUTY ADMINISTRATOR FOR DEFENSE NUCLEAR NONPROLIFERATION.

- (a) IN GENERAL.—There is in the Administration a Deputy Administrator for Defense Nuclear Nonproliferation, who is appointed by the President, by and with the advice and consent of the Senate.
- (b) DUTIES.—Subject to the authority, direction, and control of the Administrator, the Deputy Administrator for Defense Nuclear Nonproliferation shall perform such duties and exercise such powers as the Administrator may prescribe, including the following:
- (1) Preventing the spread of materials, technology, and expertise relating to weapons of mass destruction.
 - (2) Detecting the proliferation of weapons of mass destruction worldwide.
 - (3) Eliminating inventories of surplus fissile materials usable for nuclear weapons.
 - (4) Providing for international nuclear safety.

SEC. 3216. DEPUTY ADMINISTRATOR FOR NAVAL REACTORS.

- (a) IN GENERAL.—
- (1) There is in the Administration a Deputy Administrator for Naval Reactors. The director of the Naval Nuclear Propulsion Program provided for under the Naval Nuclear Propulsion

⁴ Amendments – 2001 – Subsec. (c). Pub. L. 107-107 struck out heading and text of subsec. (c). Text read as follows: "The head of each national security laboratory and nuclear weapons production facility shall, consistent with applicable contractual obligations, report to the Deputy Administrator for Defense Programs."

CFO Act of 1990

PL 101-576, 1990 HR 5687

PL 101-576, November 15, 1990, 104 Stat 2838

(Cite as: 104 Stat 2838)

Page 5

"(b) There shall be at the head of the Office of Federal Financial Management a Controller, who shall be appointed by the President, by and with the advice and consent of the Senate. The Controller shall be appointed from among individuals who possess--

"(1) demonstrated ability and practical experience in accounting, financial management, and financial systems; and

"(2) extensive practical experience in financial management in large governmental or business entities.

"(c) The Controller of the Office of Federal Financial Management shall be the deputy and principal advisor to the Deputy Director for Management in the performance by the Deputy Director for Management of functions described in section 503(a)."

<< 31 USCA § 1105 >>

(b) STATEMENT OF APPROPRIATIONS IN BUDGET.--Section 1105(a) of title 31, United States Code, is amended by adding at the end the following:

"(28) a separate statement of the amount of appropriations requested for the Office of Federal Financial Management."

<< 31 USCA Ch. 5 >>

(c) CLERICAL AMENDMENT.--The table of contents at the beginning of chapter 5 of title 31, United States Code, is amended by striking the items relating to sections 503 and 504 and inserting the following:

"503. Functions of Deputy Director for Management.

"504. Office of Federal Financial Management.

"505. Office of Information and Regulatory Affairs.

"506. Office of Federal Procurement Policy."

<< 31 USCA §§ 301 nt, 501 NOTE >>

***2842 SEC. 204. DUTIES AND FUNCTIONS OF THE DEPARTMENT OF THE TREASURY.**

Nothing in this Act shall be construed to interfere with the exercise of the functions, duties, and responsibilities of the Department of the Treasury, as in effect immediately before the enactment of this Act.

SEC. 205. AGENCY CHIEF FINANCIAL OFFICERS.

(a) IN GENERAL.--Subtitle I of title 31, United States Code, is amended by adding at the end the following new chapter:

<< 31 USCA Ch. 9 >>

"CHAPTER 9--AGENCY CHIEF FINANCIAL OFFICERS

"Sec.

"901. Establishment of agency Chief Financial Officers.

"902. Authority and functions of agency Chief Financial Officers.

"903. Establishment of agency Deputy Chief Financial Officers.

<< 31 USCA § 901 >>

PL 101-576, 1990 HR 5687
PL 101-576, November 15, 1990, 104 Stat 2838
(Cite as: 104 Stat 2838)

Page 6

CFO Act

"§ 901. Establishment of agency Chief Financial Officers

"(a) There shall be within each agency described in subsection (b) an agency Chief Financial Officer. Each agency Chief Financial Officer shall--

"(1) for those agencies described in subsection (b)(1)--

"(A) be appointed by the President, by and with the advice and consent of the Senate; or

"(B) be designated by the President, in consultation with the head of the agency, from among officials of the agency who are required by law to be so appointed;

"(2) for those agencies described in subsection (b)(2)--

"(A) be appointed by the head of the agency;

"(B) be in the competitive service or the senior executive service; and

"(C) be career appointees; and

"(3) be appointed or designated, as applicable, from among individuals who possess demonstrated ability in general management of, and knowledge of and extensive practical experience in financial management practices in large governmental or business entities.

"(b)(1) The agencies referred to in subsection (a)(1) are the following:

"(A) The Department of Agriculture.

"(B) The Department of Commerce.

"(C) The Department of Defense.

"(D) The Department of Education.

"(E) The Department of Energy.

"(F) The Department of Health and Human Services.

"(G) The Department of Housing and Urban Development.

"(H) The Department of the Interior.

"(I) The Department of Justice.

"(J) The Department of Labor.

"(K) The Department of State.

"(L) The Department of Transportation.

"(M) The Department of the Treasury.

PL 101-576, 1990 HR 5687
PL 101-576, November 15, 1990, 104 Stat 2838
 (Cite as: **104 Stat 2838**)

"(N) The Department of Veterans Affairs.

"(O) The Environmental Protection Agency.

"(P) The National Aeronautics and Space Administration.

"(2) The agencies referred to in subsection (a)(2) are the following:

***2843** "(A) The Agency for International Development.

"(B) The Federal Emergency Management Agency.

"(C) The General Services Administration.

"(D) The National Science Foundation.

"(E) The Nuclear Regulatory Commission.

"(F) The Office of Personnel Management.

"(G) The Small Business Administration.

<< 31 USCA § 902 >>

"§ 902. Authority and functions of agency Chief Financial Officers

"(a) An agency Chief Financial Officer shall--

"(1) report directly to the head of the agency regarding financial management matters;

"(2) oversee all financial management activities relating to the programs and operations of the agency;

"(3) develop and maintain an integrated agency accounting and financial management system, including financial reporting and internal controls, which--

"(A) complies with applicable accounting principles, standards, and requirements, and internal control standards;

"(B) complies with such policies and requirements as may be prescribed by the Director of the Office of Management and Budget;

"(C) complies with any other requirements applicable to such systems; and

"(D) provides for--

"(i) complete, reliable, consistent, and timely information which is prepared on a uniform basis and which is responsive to the financial information needs of agency management;

"(ii) the development and reporting of cost information;

"(iii) the integration of accounting and budgeting information; and

"(iv) the systematic measurement of performance;

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 PL 101-576, November 15, 1990, 104 Stat 2838
 (Cite as: 104 Stat 2838)

Page 8

"(4) make recommendations to the head of the agency regarding the selection of the Deputy Chief Financial Officer of the agency;

"(5) direct, manage, and provide policy guidance and oversight of agency financial management personnel, activities, and operations, including--

"(A) the preparation and annual revision of an agency plan to--

"(i) implement the 5-year financial management plan prepared by the Director of the Office of Management and Budget under section 3512(a)(3) of this title; and

"(ii) comply with the requirements established under sections 3515 and subsections (e) and (f) of section 3521 of this title;

"(B) the development of agency financial management budgets;

"(C) the recruitment, selection, and training of personnel to carry out agency financial management functions;

"(D) the approval and management of agency financial management systems design or enhancement projects;

"(E) the implementation of agency asset management systems, including systems for cash management, credit *2844 management, debt collection, and property and inventory management and control;

"(6) prepare and transmit, by not later than 60 days after the submission of the audit report required by section 3521(f) of this title, an annual report to the agency head and the Director of the Office of Management and Budget, which shall include--

"(A) a description and analysis of the status of financial management of the agency;

"(B) the annual financial statements prepared under section 3515 of this title;

"(C) the audit report transmitted to the head of the agency under section 3521(f) of this title;

"(D) a summary of the reports on internal accounting and administrative control systems submitted to the President and the Congress under the amendments made by the Federal Managers' Financial Integrity Act of 1982 (Public Law 97-255); and

"(E) other information the head of the agency considers appropriate to fully inform the President and the Congress concerning the financial management of the agency;

"(7) monitor the financial execution of the budget of the agency in relation to actual expenditures, and prepare and submit to the head of the agency timely performance reports; and

"(8) review, on a biennial basis, the fees, royalties, rents, and other charges imposed by the agency for services and things of value it provides, and make recommendations on revising those charges to reflect costs incurred by it in providing those services and things of value.

"(b)(1) In addition to the authority otherwise provided by this section, each agency Chief Financial Officer--

"(A) subject to paragraph (2), shall have access to all records, reports, audits, reviews, documents, papers, recommendations, or other material which are the property of the agency or which are available to the agency, and which relate to

PL 101-576, 1990 HR 5687
 PL 101-576, November 15, 1990, 104 Stat 2838
 (Cite as: 104 Stat 2838)

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programs and operations with respect to which that agency Chief Financial Officer has responsibilities under this section;

"(B) may request such information or assistance as may be necessary for carrying out the duties and responsibilities provided by this section from any Federal, State, or local governmental entity; and

"(C) to the extent and in such amounts as may be provided in advance by appropriations Acts, may--

"(i) enter into contracts and other arrangements with public agencies and with private persons for the preparation of financial statements, studies, analyses, and other services; and

"(ii) make such payments as may be necessary to carry out the provisions of this section.

"(2) Except as provided in paragraph (1)(B), this subsection does not provide to an agency Chief Financial Officer any access greater than permitted under any other law to records, reports, audits, reviews, documents, papers, recommendations, or other material of any Office of Inspector General established under the Inspector General Act of 1978 (5 U.S.C.App.)

<< 31 USCA § 903 >>

***2845** "§ 903. Establishment of agency Deputy Chief Financial Officers

"(a) There shall be within each agency described in section 901(b) an agency Deputy Chief Financial Officer, who shall report directly to the agency Chief Financial Officer on financial management matters. The position of agency Deputy Chief Financial Officer shall be a career reserved position in the Senior Executive Service.

"(b) Consistent with qualification standards developed by, and in consultation with, the agency Chief Financial Officer and the Director of the Office of Management and Budget, the head of each agency shall appoint as Deputy Chief Financial Officer an individual with demonstrated ability and experience in accounting, budget execution, financial and management analysis, and systems development, and not less than 6 years practical experience in financial management at large governmental entities."

<< 31 USCA Ch. 1 >>

(b) CLERICAL AMENDMENT.--The table of chapters at the beginning of subtitle I of title 31, United States Code, is amended by adding at the end the following:

"9. Agency Chief Financial Officers 901."

(c) CHIEF FINANCIAL OFFICERS OF DEPARTMENT OF VETERANS AFFAIRS AND DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.--

<< 31 USCA § 901 NOTE >>

(1) DESIGNATION.--The Secretary of Veterans Affairs and the Secretary of Housing and Urban Development may each designate as the agency Chief Financial Officer of that department for purposes of section 901 of title 31, United States Code, as amended by this section, the officer designated, respectively, under section 4(c) of the Department of Veterans Affairs Act (38 U.S.C. 201 note) and section 4(e) of the Department of Housing and Urban Development Act (42 U.S.C. 3533(e)), as in effect before the effective date of this Act.

<< 38 USCA § 201 NOTE >>

WESTLAW COMPUTER ASSISTED LEGAL RESEARCH

Westlaw supplements your legal research in many ways. Westlaw allows you to

• update your research with the most current information

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• retrieve current, comprehensive history citing references to a case with KeyCite

For more information on using Westlaw to supplement your research, see the Westlaw Electronic Research Guide, which follows the Explanation.

1. Short title

This Act be cited as the "Inspector General Act of 1978".

Pub.L. 95-452, § 1, Oct. 12, 1978, 92 Stat. 1101.)

HISTORICAL AND STATUTORY NOTES

Division Notes and Legislative Reports

1978 Acts. Senate Report No. 95-1071, 95th Cong., 2d Sess., 1978 U.S. Code Cong. and Adm. News, p. 2676.

Short Title

2006 Amendments. Pub.L. 109-440, § 1, Dec. 20, 2006, 120 Stat. 3286, provided that: "This Act [amending provisions set out as a note under 5 U.S.C. § 8G] may be cited as the 'Iraq Reconstruction Accountability Act of 2006'."

1998 Amendments. Pub.L. 105-272, § 701(a), Oct. 20, 1998, 112 Stat. 2113, provided that: "This title [enacting section 8H of this appendix, redesignating former section 8H as section 8I of this appendix, amending section 8I of this appendix as so redesignated, and enacting section 403q of Title 50] may be cited as the 'Intelligence Community Information Protection Act of 1998'."

1988 Amendments. Pub.L. 100-504, § 101, Oct. 18, 1988, 102 Stat. 2530, provided that: "This title [enacting sections 8B to 8F of Pub.L. 95-452, set

out in this Appendix, amending sections 2, 4 to 6, 8, 9, and 11 of Pub.L. 95-452, set out in this Appendix, sections 5315 and 5316 of this title, sections 405 and 1105 of Title 31, Money and Finance, and section 410 of Title 39, Postal Service, repealing sections 3521 to 3527 and 7138 of Title 42, The Public Health and Welfare, and section 231v of Title 45, Railroads, and enacting provisions set out as notes under sections 1, 5, 8D, 8E, and 9 of Pub.L. 95-452, set out in this Appendix] may be cited as the 'Inspector General Act Amendments of 1988'."

Payment Authority Subject To Appropriations

Pub.L. 100-504, Title I, § 112, Oct. 18, 1988, 102 Stat. 2530, provided that: "Any authority to make payments under this title [for classification of Title I of Pub.L. 100-504 in the Code, see Short Title of 1988 Amendments note set out under this section] shall be effective only to such extent as provided in appropriations Acts."

WESTLAW ELECTRONIC RESEARCH

Westlaw guide following the Explanation pages of this volume.

§ 2. Purpose and establishment of Offices of Inspector General
departments and agencies involved

In order to create independent and objective units—

- (1) to conduct and supervise audits and investigations relating to the programs and operations of the establishments listed in section 11(2);
- (2) to provide leadership and coordination and recommend policies for activities designed (A) to promote economy, efficiency, and effectiveness in the administration of, and (B) to prevent and detect fraud and abuse in, such programs and operations and
- (3) to provide a means for keeping the head of the establishment and the Congress fully and currently informed about problems and deficiencies relating to the administration of such programs and operations and the necessity for and progress of corrective action;

there is established—

- (A) in each of such establishments an office of Inspector General, subject to subparagraph (B); and
- (B) in the establishment of the Department of the Treasury—
- (i) an Office of Inspector General of the Department of the Treasury; and
- (ii) an Office of Treasury Inspector General for Tax Administration.

(Pub.L. 95-452, § 2, Oct. 12, 1978, 92 Stat. 1101; Pub.L. 96-88, Title V, § 508(n)(1), Oct. 17, 1979, 93 Stat. 694; Pub.L. 97-113, Title VII, § 705(a)(1), Dec. 29, 1981, 95 Stat. 1544; Pub.L. 97-252, Title XI, § 1117(a)(1), Sept. 8, 1982, 96 Stat. 750; Pub.L. 99-93, Title I, § 150(a)(1), Aug. 16, 1985, 99 Stat. 427; Pub.L. 99-399, Title IV, § 412(a)(1), Aug. 27, 1986, 100 Stat. 867; Pub.L. 100-504, Title I, § 102(a), (b), Oct. 18, 1988, 102 Stat. 2515; Pub.L. 100-527, § 13(h)(1), Oct. 25, 1988, 102 Stat. 2643; Pub.L. 105-206, Title I, § 1103(a), July 22, 1998, 112 Stat. 705.)

HISTORICAL AND STATUTORY NOTES

Revision Notes and Legislative Reports

1978 Acts. Senate Report No. 95-1071, see 1978 U.S. Code Cong. and Adm. News, p. 2676.

1979 Acts. Senate Report No. 96-49 and House Conference Report No. 96-459, see 1979 U.S. Code Cong. and Adm. News, p. 1514.

1981 Acts. Senate Report No. 97-83 and House Conference Report No. 97-413, see 1981 U.S. Code Cong. and Adm. News, p. 2404.

1982 Acts, Senate Report No. 97-330 and House Conference Report No. 97-749, see 1982 U.S. Code Cong. and Adm. News, p. 1555.

1985 Acts, Senate Report No. 99-321 and House Conference Report No. 99-240, see 1985 U.S. Code Cong. and Adm. News, p. 329.

1986 Acts. House Report No. 99-494,
House Conference Report No. 99-783
and Statement by President, see 1986
U.S. Code Cong. and Adm. News, p.
1865.

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1988 Acts. House Report No. 100-1020, see 1988 U.S. Code Cong. & Admin. News, p. 3154.

Senate Report No. 100-342 and
Conference Report No. 100-10
1988 U.S. Code Cong. and Adm. I
3407.

1998 Acts. House Conference
No. 105-599, see 1998 U.S. Cod
and Adm. News, p. 297.

Codifications

Amendment by Pub.L. 100-527
 enacted to text prior to amendm
 Pub.L. 100-504. See Effective
 1988 Acts notes set out under t
 tion.

Amendments

1998 Amendments. Par. (3).
105-206, § 1103(a), substituted "1
established—

"(A) in each of such establishments
office of Inspector General, sub
subparagraph (B); and

1. (B) in the establishment of the Department of the Treasury—

(i) an Office of Inspector General in the Department of the Treasury

"(ii) an Office of Treasury In-
General for Tax Administration."

or "there is established in each establishment an office of the Inspector General."

1988 Amendments. Pub.L. 100-647 substituted "there" for "thereby" in the preceding provisions and amended section 101 generally. Prior to amendment, it read as follows: "to conduct and supervise audits and investigations relating to programs and operations of the Department of Agriculture, the Department of Commerce, the Department of Defense, the Department of Education, the Department of Housing and Urban Development, the Department of the Interior, the Department of Labor, the Department of Transportation, the Department of State Affairs, the Agency for International Development, the Community Service

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Energy consumption review of
General established under

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American Digest System
United States Ⓢ29.
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WESTLAW ELECTRONIC RESEARCH

See Westlaw guide following the Explanation pages of this volume.

Notes of Decisions

Audits 1

Authority to audit 2

1. Audits

Inspector General of United States Department of Agriculture's (USDA) audit of farming operations of wool and mohair producer, who received incentive payments under wool and mohair price support programs, constituted payment limitation compliance review to be conducted pursuant to long-term regulatory plan, rather than statutorily authorized oversight plan, in view of evidence that audit's purpose was to determine whether farming operation were carried out as represented to Consolidated Farm Service Agency (CFSA) and that any detection of fraud or abuse was only by-product of Inspector General's payment compliance review audit. *Winters Ranch Partnership v. Viadero*, W.D.Tex.1995, 901 F.Supp. 237, reversed 123 F.3d 327, rehearing and suggestion for rehearing en banc denied 132 F.3d 1458. Agriculture Ⓢ 3.5(1)

2. Authority to audit

Finding that Inspector General's oversight justification was post-hoc rationalization for proposed audit of railroad was not clearly erroneous in action to deter-

mine whether Inspector General had authority to conduct audit of railroad when railroad first questioned Inspector General about authority to conduct audit he sought advice from Department of Justice, Department advised that audit would be authorized as oversight audit and although he began arguing that audit was only spot-check of Railroad Retirement Board's (RRB) summary reconciliation procedures, he also continued to maintain that audit's purpose was to determine if taxes had been properly paid. *Burlington Northern R. Co. v. Office of Inspector General, R.R. Retirement Bd.* C.A.5 (Tex.) 1993, 983 F.2d 631. Social Security And Public Welfare Ⓢ 17

Inspector General of Railroad Retirement Board lacked authority under Inspector General Act to conduct audit of railroad that was clearly regulatory in nature; scope of Inspector General's duties and powers is restricted under Act and there was no intent by Congress to transfer to Inspector General responsibility for enforcement of program of primary agency. *Burlington Northern R. Co. v. Office of Inspector General*, N.D.Tex.1991, 767 F.Supp. 1379, affirmed 983 F.2d 631. Social Security And Public Welfare Ⓢ 161

§ 3. Appointment of Inspector General; supervision; removal; political activities; appointment of Assistant Inspector General for Auditing and Assistant Inspector General for Investigations

(a) There shall be at the head of each Office an Inspector General who shall be appointed by the President, by and with the advice and consent of the Senate, 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. Each Inspector General shall re-

INSPECTOR GENERAL ACT

port to and be under the establishment involved or, to the officer next in rank below the subject to supervision by, Neither the head of the establishment below such head shall prevent initiating, carrying out, or continuing from issuing any subpoena duces tecum.

(b) An Inspector General shall be removed by the President. The President shall submit such removal to both Houses of Congress.

(c) For the purposes of section 552, no Inspector General shall determine policies to be pursued in the wide administration of Federal Government.

(d) Each Inspector General shall promulgate laws and regulations governing

(1) appoint an Assistant Inspector General who shall have the responsibility for auditing activities relating to the establishment, and

(2) appoint an Assistant Inspector General who shall have the responsibility for investigative activities relating to the establishment.

Pub.L. 95-452, § 3, Oct. 12, 1978

HISTORICAL

Revision Notes and Legislative Reports: 1978 Acts. Senate Report No. 95-452, 95th Cong., 1st Sess., 1978. U.S. Code Cong. and Admin. News, p. 2676.

Acting Treasury Inspector General for Tax Administration

Pub.L. 105-277, Div. C, Title I, § 1001, Oct. 21, 1998, 112 Stat. 2681; Pub.L. 106-113, Div. B, § 1000(a)(1) [as amended by Pub.L. 106-113, § 239(a)], Nov. 29, 1999, 113 Stat. 1536, 1501A-302, provided that:

(a) In general.—Notwithstanding any other provision of law, the President shall appoint an acting Treasury Inspector General for Tax Administration to serve during the period—

(1) beginning on the date of the enactment of this section [this

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mine whether Inspector General had authority to conduct audit of railroad when railroad first questioned Inspector General about authority to conduct audit. He sought advice from Department of Justice. Department advised that audit could be authorized as oversight audit and although he began arguing that audit was only spot-check of Railroad Retirement Board's (RRB) summary reconciliation procedures, he also continued to maintain that audit's purpose was to determine if taxes had been properly paid. *Burlington Northern R. Co. v. Office of Inspector General, R.R. Retirement Bd.* 15 (Tex.) 1993, 983 F.2d 631. *Social Security And Public Welfare* ⇨ 171.

Inspector General of Railroad Retirement Board lacked authority under Inspector General Act to conduct audit of railroad that was clearly regulatory in nature; scope of Inspector General's powers and powers is restricted under Act. There was no intent by Congress to transfer to Inspector General responsibility for enforcement of program of private agency. *Burlington Northern R. Co. v. Office of Inspector General* 15 (Tex.) 1991, 767 F.Supp. 1379, 983 F.2d 631. *Social Security And Public Welfare* ⇨ 161.

eral; supervision; removal of Assistant Inspector General; Inspector General for Investigations

Office an Inspector General by and with the advice and to political affiliation and demonstrated ability in account management analysis, public Inspector General shall re-

port to and be under the general supervision of the head of the establishment involved or, to the extent such authority is delegated, the officer next in rank below such head, but shall not report to, or be subject to supervision by, any other officer of such establishment. Neither the head of the establishment nor the officer next in rank below such head shall prevent or prohibit the Inspector General from initiating, carrying out, or completing any audit or investigation, or from issuing any subpoena during the course of any audit or investigation.

(b) An Inspector General may be removed from office by the President. The President shall communicate the reasons for any such removal to both Houses of Congress.

(c) For the purposes of section 7324 of Title 5, United States Code, no Inspector General shall be considered to be an employee who determines policies to be pursued by the United States in the nationwide administration of Federal laws.

(d) Each Inspector General shall, in accordance with applicable laws and regulations governing the civil service—

(1) appoint an Assistant Inspector General for Auditing who shall have the responsibility for supervising the performance of auditing activities relating to programs and operations of the establishment, and

(2) appoint an Assistant Inspector General for Investigations who shall have the responsibility for supervising the performance of investigative activities relating to such programs and operations.

(Pub.L. 95-452, § 3, Oct. 12, 1978, 92 Stat. 1101.)

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Revision Notes and Legislative Reports

1978 Acts. Senate Report No. 95-1071, see 1978 U.S. Code Cong. and Adm. News, p. 2676.

Acting Treasury Inspector General for Tax Administration

Pub.L. 105-277, Div. C, Title I, § 101, Oct. 21, 1998, 112 Stat. 2681-584; Pub.L. 106-113, Div. B, § 1000(a)(5) [Title II, § 239(a)], Nov. 29, 1999, 113 Stat. 1536, 1501A-302, provided that:

“(a) In general.—Notwithstanding any other provision of law, the President may appoint an acting Treasury Inspector General for Tax Administration to serve during the period—

“(1) beginning on the date of the enactment of this section [this note,

which was enacted Oct. 21, 1998] (or, if later, the date of the appointment), and

“(2) ending on the earlier of—

“(A) April 30, 1999, or

“(B) the date on which the first Treasury Inspector General for Tax Administration takes office (other than pursuant to this section [this note]).

“(b) Duties before January 18, 1999.—

The acting Treasury Inspector General for Tax Administration appointed under subsection (a) [of this note] shall, before January 18, 1999, take only such actions as are necessary to begin operation of the Office of Treasury Inspector General for Tax Administration, including—

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0-day extension when circumstances necessitate such extension.

Chairperson of the PCIE/ECIE report to the Integrity Committee disposition of the matter, including action, if any, has been or is to be taken by the head of the subject agency or entity. When the Committee receives notice of the disposition, it shall advise the subject investigation that the matter has been referred to the Integrity Committee and that the investigation has been closed.

Procedures. (a) The Integrity Committee, in conjunction with the Chairperson of the PCIE/ECIE, shall develop policies and procedures necessary to ensure consistency in conducting investigations and reporting activities in accordance with the order.

Such policies and procedures shall be developed under the circumstances under which the Integrity Committee, upon review of a complaint containing allegations of wrongdoing, may determine that an investigation is warranted and therefore the investigation is unwarranted. A determination by the Integrity Committee that an investigation is unwarranted shall be consistent with the Integrity Committee's final opinion of the complaint.

(b) Policies and procedures may be developed to encompass other issues relating to the handling of allegations of wrongdoing and others covered by this Act.

Records Maintenance. All records created and received pursuant to this Act are records of the Integrity Committee and shall be maintained by the Committee.

Judicial Review. This order is intended only to improve the internal management of the executive branch and is not intended to create any right or substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers, or its employees.

WILLIAM J. CLINTON

with this section for purposes of this section.

202.

Contractor records subpoenaed by Inspector General of executive agency appointed under this section, see 41 USCA § 254d.

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American Digest System

United States Code, 35, 52.

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See Westlaw guide following the Explanation pages of this volume.

§ 4. Duties and responsibilities; report of criminal violations to Attorney General

(a) It shall be the duty and responsibility of each Inspector General, with respect to the establishment within which his Office is established—

(1) to provide policy direction for and to conduct, supervise, and coordinate audits and investigations relating to the programs and operations of such establishment;

(2) to review existing and proposed legislation and regulations relating to programs and operations of such establishment and to make recommendations in the semiannual reports required by section 5(a) concerning the impact of such legislation or regulations on the economy and efficiency in the administration of programs and operations administered or financed by such establishment or the prevention and detection of fraud and abuse in such programs and operations;

(3) to recommend policies for, and to conduct, supervise, or coordinate other activities carried out or financed by such establishment for the purpose of promoting economy and efficiency in the administration of, or preventing and detecting fraud and abuse in, its programs and operations;

(4) to recommend policies for, and to conduct, supervise, or coordinate relationships between such establishment and other Federal agencies, State and local governmental agencies, and nongovernmental entities with respect to (A) all matters relating to the promotion of economy and efficiency in the administration of, or the prevention and detection of fraud and abuse in, programs and operations administered or financed by such establishment, or (B) the identification and prosecution of participants in such fraud or abuse; and

(5) to keep the head of such establishment and the Congress fully and currently informed, by means of the reports required by section 5 and otherwise, concerning fraud and other serious problems, abuses, and deficiencies relating to the administration

of programs and operations administered or financed by such establishment, to recommend corrective action concerning such problems, abuses, and deficiencies, and to report on the progress made in implementing such corrective action.

(b)(1) In carrying out the responsibilities specified in subsection (a)(1), each Inspector General shall—

(A) comply with standards established by the Comptroller General of the United States for audits of Federal establishments, organizations, programs, activities, and functions;

(B) establish guidelines for determining when it shall be appropriate to use non-Federal auditors; and

(C) take appropriate steps to assure that any work performed by non-Federal auditors complies with the standards established by the Comptroller General as described in paragraph (1).

(2) For purposes of determining compliance with paragraph (1)(A) with respect to whether internal quality controls are in place and operating and whether established audit standards, policies, and procedures are being followed by Offices of Inspector General of establishments defined under section 11(2), Offices of Inspector General of designated Federal entities defined under section 3F(a)(2), and any audit office established within a Federal entity defined under section 8F(a)(1), reviews shall be performed exclusively by an audit entity in the Federal Government, including the Government Accountability Office or the Office of Inspector General of each establishment defined under section 11(2), or the Office of Inspector General of each designated Federal entity defined under section 8F(a)(2).

(c) In carrying out the duties and responsibilities established under this Act, each Inspector General shall give particular regard to the activities of the Comptroller General of the United States with a view toward avoiding duplication and insuring effective coordination and cooperation.

(d) In carrying out the duties and responsibilities established under this Act, each Inspector General shall report expeditiously to the Attorney General whenever the Inspector General has reasonable grounds to believe there has been a violation of Federal criminal law.

(Pub.L. 95-452, § 4, Oct. 12, 1978, 92 Stat. 1102; Pub.L. 100-504, Title I, § 109, Oct. 18, 1988, 102 Stat. 2529; Pub.L. 103-82, Title II, § 202(g)(5)(A), Sept. 21, 1993, 107 Stat. 890; Pub.L. 108-271, § 8(b), July 7, 2004, 118 Stat. 814.)

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Revision Notes and Legislative Reports
1978 Acts. Senate Report No. 95-107
see 1978 U.S. Code Cong. and Adm.
News, p. 2676.

1988 Acts. House Report No. 100-7,
and House Conference Report N
100-1020, see 1988 U.S. Code Cong. and
Adm. News, p. 3154.

1993 Acts. House Report No. 103-15
and House Conference Report N
103-219, see 1993 U.S. Code Cong. and
Adm. News, p. 1710.

References in Text

Section 8F, referred to in subsec. (b)(2)
which related to requirements for Federal
entities and designated Federal entities
was renumbered section 8G by Pub.L.
103-204, § 23(a)(3), Dec. 17, 1993, 107
Stat. 2408.

Amendments

2004 Amendments. Subsec. (b)(2)
Pub.L. 108-271, § 8(b), substituted "Gov-
ernment Accountability Office" for "Ger-
eral Accounting Office".

1993 Amendments. Subsec. (b)(2)
Pub.L. 103-82, § 202(g)(5)(A), substitute
references to subsec. (a)(1) and (2) of
section 8F for existing references to sub-
sec. (a)(1) and (2) of section 8E to accom-
modate the renumbering of section 8E a
8F pursuant to section 202(g)(1) of Pub.L.
103-82.

CROSS REFERENCES

Government Printing Office Inspector
§ 3903.

Veterans Health Administration res-
partment of Veterans Affairs
USCA § 7366.

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United States 41.

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WESTLAW ELECTRONIC

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Notes

Internal Revenue Service powers distin-
guished 1

Scope or purpose of review 3

1. Internal Revenue Service powers distinguished

The Inspector General has the responsibility and the power to conduct, supervise and coordinate audits and investigations relating to programs of the General Services Administration in order to promote efficiency and to prevent fraud and abuse, but unlike the Internal Revenue Service, which by section 7122 of Title 26 loses its power to continue civilly once the Justice Department begins to move criminally, the powers of the Inspector General are not so limited. *U.S. v. Art Metal-U.S.A., Inc.*, D.C.N.J.1980, 484 F.Supp. 884. United States ⇌ 40

2. Parties subject to audit and investigation

Department of Transportation (DOT) Inspector General had authority to investigate motor carriers for fraud or other criminal activity regardless of whether they received government funds, under express grant of Motor Carrier Safety Improvement Act (MCSIA) amendment to Inspector General Act. *Truckers United For Safety v. Mead*, D.D.C.2000, 86 F.Supp.2d 1, vacated in part, appeal dis-

missed in part 251 F.3d 183, 346 U.S.App.D.C. 122, rehearing denied, on remand 201 F.Supp.2d 52. *Automobiles* ⇌ 127

Inspector General's authority under Inspector General Act extended to investigation of fraud, waste, and abuse by recipients of government funds under programs of government agency, not just by government agencies themselves. *Adair v. Rose Law Firm*, D.D.C.1994, 86 F.Supp. 1111. United States ⇌ 40

3. Scope or purpose of review

Department of Transportation's Inspector General could not conduct safety compliance investigations of motor carriers under Inspector General Act's (IGA) grant of general investigative powers, even if denoted criminal rather than regulatory; such investigations served identical function of Federal Highway Administration's (FHWA) compliance reviews and thus were outside IGA purpose of review of agency programs. *Truckers United For Safety v. Mead*, D.D.C.2000, 86 F.Supp.2d 1, vacated in part, appeal dismissed in part 251 F.3d 183, 346 U.S.App.D.C. 122, rehearing denied, on remand 201 F.Supp.2d 52. *Automobiles* ⇌ 127

§ 5. Semiannual reports; transmittal to Congress; availability to public; immediate report on serious or flagrant problems; disclosure of information; definitions.

(a) Each Inspector General shall, not later than April 30 and October 31 of each year, prepare semiannual reports summarizing the activities of the Office during the immediately preceding six-month periods ending March 31 and September 30. Such reports shall include, but need not be limited to—

(1) a description of significant problems, abuses, and deficiencies relating to the administration of programs and operations of such establishment disclosed by such activities during the reporting period;

(2) a description of the recommendations for corrective action made by the Office during the reporting period with respect to significant problems, abuses, or deficiencies identified pursuant to paragraph (1);

(3) an identification of each significant recommendation described in previous semiannual reports on which corrective action has not been completed;

(4) a summary of and the prosecution

(5) a summary of establishment under section

(6) a listing, subaudit report issued for each audit report questioned costs (in value of unsupported transactions that funds be paid

(7) a summary of

(8) statistical table and the total dollar rate category for the reports—

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(ii) the dollar

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(ii) the dollar not agreed to

(D) for which the end of the reporting

(10) a summary of commencement of the reporting decision has been made (including the date and

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(4) a summary of matters referred to prosecutive authorities and the prosecutions and convictions which have resulted;

(5) a summary of each report made to the head of the establishment under section 6(b)(2) during the reporting period;

(6) a listing, subdivided according to subject matter, of each audit report issued by the Office during the reporting period and for each audit report, where applicable, the total dollar value of questioned costs (including a separate category for the dollar value of unsupported costs) and the dollar value of recommendations that funds be put to better use;

(7) a summary of each particularly significant report;

(8) statistical tables showing the total number of audit reports and the total dollar value of questioned costs (including a separate category for the dollar value of unsupported costs), for audit reports—

(A) for which no management decision had been made by the commencement of the reporting period;

(B) which were issued during the reporting period;

(C) for which a management decision was made during the reporting period, including—

(i) the dollar value of disallowed costs; and

(ii) the dollar value of costs not disallowed; and

(D) for which no management decision has been made by the end of the reporting period;

(9) statistical tables showing the total number of audit reports and the dollar value of recommendations that funds be put to better use by management, for audit reports—

(A) for which no management decision had been made by the commencement of the reporting period;

(B) which were issued during the reporting period;

(C) for which a management decision was made during the reporting period, including—

(i) the dollar value of recommendations that were agreed to by management; and

(ii) the dollar value of recommendations that were not agreed to by management; and

(D) for which no management decision has been made by the end of the reporting period;

(10) a summary of each audit report issued before the commencement of the reporting period for which no management decision has been made by the end of the reporting period (including the date and title of each such report), an explanation

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(D) for which no information is available for the reporting period;

(4) a statement with management decisions have been taken, other than audit report was made within the pre-

(A) a list of such report was issued;

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except that such statements are under formal administrative management of the legislative solution, but each category so excluded.

(c) Within sixty days of the receipt of each Inspector General report, the establishment shall make copies of the report available upon request and at a reasonable cost. The transmission of the semiannual report to the Congress, the head of the establishment, shall make such report available to the public at a reasonable cost.

(d) Each Inspector General

the establishment involved, aware of particularly serious deficiencies relating to the administration of such establishment. The head of any such report to the appropriate Congress within seven calendar days of the establishment concerned, if appropriate.

(e)(1) Nothing in this section shall be construed to require the public disclosure of information

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(i) the dollar value of recommendations that were actually completed; and

(ii) the dollar value of recommendations that management has subsequently concluded should not or could not be implemented or completed; and

(D) for which no final action has been taken by the end of the reporting period; and

(4) a statement with respect to audit reports on which management decisions have been made but final action has not been taken, other than audit reports on which a management decision was made within the preceding year, containing—

(A) a list of such audit reports and the date each such report was issued;

(B) the dollar value of disallowed costs for each report;

(C) the dollar value of recommendations that funds be put to better use agreed to by management for each report; and

(D) an explanation of the reasons final action has not been taken with respect to each such audit report,

except that such statement may exclude such audit reports that are under formal administrative or judicial appeal or upon which management of an establishment has agreed to pursue a legislative solution, but shall identify the number of reports in each category so excluded.

(c) Within sixty days of the transmission of the semiannual reports of each Inspector General to the Congress, the head of each establishment shall make copies of such report available to the public upon request and at a reasonable cost. Within 60 days after the transmission of the semiannual reports of each establishment head to the Congress, the head of each establishment shall make copies of such report available to the public upon request and at a reasonable cost.

(d) Each Inspector General shall report immediately to the head of the establishment involved whenever the Inspector General becomes aware of particularly serious or flagrant problems, abuses, or deficiencies relating to the administration of programs and operations of such establishment. The head of the establishment shall transmit any such report to the appropriate committees or subcommittees of Congress within seven calendar days, together with a report by the head of the establishment containing any comments such head deems appropriate.

(e)(1) Nothing in this section shall be construed to authorize the public disclosure of information which is—

(A) specifically prohibited from disclosure by any other provision of law;

(B) specifically required by Executive order to be protected from disclosure in the interest of national defense or national security or in the conduct of foreign affairs; or

(C) a part of an ongoing criminal investigation.

(2) Notwithstanding paragraph (1)(C), any report under this section may be disclosed to the public in a form which includes information with respect to a part of an ongoing criminal investigation if such information has been included in a public record.

(3) Except to the extent and in the manner provided under section 6103(f) of the Internal Revenue Code of 1986 [26 U.S.C.A. § 6103(f)], nothing in this section or in any other provision of this Act shall be construed to authorize or permit the withholding of information from the Congress, or from any committee or subcommittee thereof.

(f) As used in this section—

(1) the term “questioned cost” means a cost that is questioned by the Office because of—

(A) an alleged violation of a provision of a law, regulation, contract, grant, cooperative agreement, or other agreement or document governing the expenditure of funds;

(B) a finding that, at the time of the audit, such cost is not supported by adequate documentation; or

(C) a finding that the expenditure of funds for the intended purpose is unnecessary or unreasonable;

(2) the term “unsupported cost” means a cost that is questioned by the Office because the Office found that, at the time of the audit, such cost is not supported by adequate documentation;

(3) the term “disallowed cost” means a questioned cost that management, in a management decision, has sustained or agreed should not be charged to the Government;

(4) the term “recommendation that funds be put to better use” means a recommendation by the Office that funds could be used more efficiently if management of an establishment took actions to implement and complete the recommendation, including—

(A) reductions in outlays;

(B) deobligation of funds from programs or operations;

(C) withdrawal of interest subsidy costs on loans or loan guarantees, insurance, or bonds;

(D) costs not incurred by implementing recommended improvements related to the operations of the establishment, a contractor or grantee;

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Revision Notes and Le

1978 Acts. Senate F

see 1978 U.S. Code

News, p. 2676.

1982 Acts. Senate

and House Confer

97-749, see 1982 U.

Adm. News, p. 1555.

1988 Acts. House 1

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Adm. News, p. 3154.

References in Text

Section 05(b) of th

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Pub.L. 104-208, § 1

ed par. (13).

(E) avoidance of unnecessary expenditures noted in pre-award reviews of contract or grant agreements; or

(F) any other savings which are specifically identified;

(5) the term "management decision" means the evaluation by the management of an establishment of the findings and recommendations included in an audit report and the issuance of a final decision by management concerning its response to such findings and recommendations, including actions concluded to be necessary; and

(6) the term "final action" means—

(A) the completion of all actions that the management of an establishment has concluded, in its management decision, are necessary with respect to the findings and recommendations included in an audit report; and

(B) in the event that the management of an establishment concludes no action is necessary, final action occurs when a management decision has been made.

(Pub.L. 95-452, § 5, Oct. 12, 1978, 92 Stat. 1103; Pub.L. 97-252, Title XI, § 1117(c), Sept. 8, 1982, 96 Stat. 752; Pub.L. 100-504, Title I, §§ 102(g), 106, Oct. 18, 1988, 102 Stat. 2521, 2525; Pub.L. 104-208, Div. A, Title I, § 101(f) [Title VIII, § 805(c)], Sept. 30, 1996, 110 Stat. 3009-393.)

HISTORICAL AND STATUTORY NOTES

Revision Notes and Legislative Reports

1978 Acts. Senate Report No. 95-1071, see 1978 U.S. Code Cong. and Adm. News, p. 2676.

1982 Acts. Senate Report No. 97-330 and House Conference Report No. 97-749, see 1982 U.S. Code Cong. and Adm. News, p. 1555.

1988 Acts. House Report No. 100-771 and House Conference Report No. 100-1020, see 1988 U.S. Code Cong. and Adm. News, p. 3154.

References in Text

Section 05(b) of the Federal Financial Management Improvement Act of 1996, referred to in subsec. (a)(13), probably means section 101(f) [title VIII, § 804(b)] of title I of Pub.L. 104-208, Sept. 30, 1996, 110 Stat. 3009-314, 3009-392, which is set out as a note under section 3512 of title 31 and relates to reports by the Inspector General.

Amendments

1996 Amendments. Subsec. (a)(13). Pub.L. 104-208, § 101(f) [§ 805(c)], added par. (13).

1988 Amendments. Subsec. (a)(6). Pub.L. 100-504, § 106(a), substituted "a listing, subdivided according to subject matter, of each audit report issued by the Office during the reporting period and for each audit report, where applicable, the total dollar value of questioned costs (including a separate category for the dollar value of unsupported costs) and the dollar value of recommendations that funds be put to better use;" for "a listing of each audit report completed by the Office during the reporting period."

Subsec. (a)(7) to (12). Pub.L. 100-504, § 106(a), added pars. (7) to (12).

Subsec. (b). Pub.L. 100-504, § 106(b), designated existing provision as par. (1), substituting "head of the establishment containing—(1) any comments such head determines appropriate;" for "head of the establishment containing any comments such head deems appropriate;" and enacted pars. (2) to (4).

Subsec. (c). Pub.L. 100-504, § 106(c), added the sentence: "Within 60 days after the transmission of the semiannual reports of each establishment head to the Congress, the head of each establishment

WESTLAW ELECTRONIC RESEARCH

See Westlaw guide following the Explanation pages of this volume.

§ 6. Authority of Inspector General; information and assistance from Federal agencies; unreasonable refusal; office space and equipment

(a) In addition to the authority otherwise provided by this Act, each Inspector General, in carrying out the provisions of this Act, is authorized—

(1) to have access to all records, reports, audits, reviews, documents, papers, recommendations, or other material available to the applicable establishment which relate to programs and operations with respect to which that Inspector General has responsibilities under this Act;

(2) to make such investigations and reports relating to the administration of the programs and operations of the applicable establishment as are, in the judgment of the Inspector General, necessary or desirable;

(3) to request such information or assistance as may be necessary for carrying out the duties and responsibilities provided by this Act from any Federal, State, or local governmental agency or unit thereof;

(4) to require by subpoena the production of all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence necessary in the performance of the functions assigned by this Act, which subpoena, in the case of contumacy or refusal to obey, shall be enforceable by order of any appropriate United States district court: *Provided*, That procedures other than subpoenas shall be used by the Inspector General to obtain documents and information from Federal agencies;

(5) to administer to or take from any person an oath, affirmation, or affidavit, whenever necessary in the performance of the functions assigned by this Act, which oath, affirmation, or affidavit when administered or taken by or before an employee of an Office of Inspector General designated by the Inspector General shall have the same force and effect as if administered or taken by or before an officer having a seal;

(6) to have direct and prompt access to the head of the establishment involved when necessary for any purpose pertaining to the performance of functions and responsibilities under this Act;

See
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§ 54, § 1(a)(7) [Title III]
out as a note under § 5
3.

gement Decisions and In
1 of Audit Recommendation

§ 55, Title VI, § 6009, Oct
Stat. 3367, as amended
§, Div. A, Title VIII, § 810
110 Stat. 394, provided

ment decisions.—(1) The
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decisions on all findings
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e inspector general of the
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ort of any auditor from
ral Government within
months after the date on
of the agency receives the

on of final action.—The
al agency shall complete
each management deci
ith regard to a recom
t inspector general's re
ection (a)(1) within 12
e date of the inspector

If the head of the agen
ete final action with re
gement decision within
iod, the inspector gener
ll identify the matter in
tor general's semiannu
nt to section 5(a)(3) of
eneral Act of 1978 (5
c. (a)(3) of this section)
on the management de
d."

is section, see 44 USCA

such officers and employees to the functions, powers, and provisions of Title 5, United States Code, in the competitive service; and in subchapter III of chapter 5 of title 5, United States Code, and General Schedule.

by section 3109 of Title 5, United States Code, to exceed the equivalent of the General Schedule; and

as may be provided in the regulations of the Inspector General, Assistant Inspector General, or agent, or for any offense against the United States committed in the presence of such Inspector General, Assistant Inspector General, or agent, or for any felony cognizable under the laws of the United States if such Inspector General, Assistant Inspector General, or agent has reasonable grounds to believe that the person to be arrested has committed or is committing such felony; and

to seek and execute warrants for arrest, search of a premises, or seizure of evidence issued under the authority of the United States upon probable cause to believe that a violation has been committed.

(2) The Attorney General may authorize exercise of the powers under this subsection only upon an initial determination that—

(A) the affected Office of Inspector General is significantly hampered in the performance of responsibilities established by this Act as a result of the lack of such powers;

(B) available assistance from other law enforcement agencies is insufficient to meet the need for such powers; and

(C) adequate internal safeguards and management procedures exist to ensure proper exercise of such powers.

(3) The Inspector General offices of the Department of Commerce, Department of Education, Department of Energy, Department of Health and Human Services, Department of Homeland Security, Department of Housing and Urban Development, Department of the Interior, Department of Justice, Department of Labor, Department of State, Department of Transportation, Department of the Treasury, Department of Veterans Affairs, Agency for International Development, Environmental Protection Agency, Federal Deposit Insurance Corporation, Federal Emergency Management Agency, General Services Administration, National Aeronautics and Space Administration, Nuclear Regulatory Commission, Office of Personnel Management, Railroad Retirement Board, Small Business Administration, Social Security Administration, and the Tennessee Valley Authority

(e)(1) In addition to the authority otherwise provided by this Act, each Inspector General appointed under section 3, any Assistant Inspector General for Investigations under such an Inspector General, and any special agent supervised by such an Assistant Inspector General may be authorized by the Attorney General to—

(A) carry a firearm while engaged in official duties as authorized under this Act or other statute, or as expressly authorized by the Attorney General;

(B) make an arrest without a warrant while engaged in official duties as authorized under this Act or other statute, or as expressly authorized by the Attorney General, for any offense against the United States committed in the presence of such Inspector General, Assistant Inspector General, or agent, or for any felony cognizable under the laws of the United States if such Inspector General, Assistant Inspector General, or agent has reasonable grounds to believe that the person to be arrested has committed or is committing such felony; and

(C) seek and execute warrants for arrest, search of a premises, or seizure of evidence issued under the authority of the United States upon probable cause to believe that a violation has been committed.

(2) The Attorney General may authorize exercise of the powers under this subsection only upon an initial determination that—

(A) the affected Office of Inspector General is significantly hampered in the performance of responsibilities established by this Act as a result of the lack of such powers;

(B) available assistance from other law enforcement agencies is insufficient to meet the need for such powers; and

(C) adequate internal safeguards and management procedures exist to ensure proper exercise of such powers.

(3) The Inspector General offices of the Department of Commerce, Department of Education, Department of Energy, Department of Health and Human Services, Department of Homeland Security, Department of Housing and Urban Development, Department of the Interior, Department of Justice, Department of Labor, Department of State, Department of Transportation, Department of the Treasury, Department of Veterans Affairs, Agency for International Development, Environmental Protection Agency, Federal Deposit Insurance Corporation, Federal Emergency Management Agency, General Services Administration, National Aeronautics and Space Administration, Nuclear Regulatory Commission, Office of Personnel Management, Railroad Retirement Board, Small Business Administration, Social Security Administration, and the Tennessee Valley Authority

See
§ 11 of
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are exempt from the requirement of paragraph (2) of an initial determination of eligibility by the Attorney General.

(4) The Attorney General shall promulgate, and revise as appropriate, guidelines which shall govern the exercise of the law enforcement powers established under paragraph (1).

(5)(A) Powers authorized for an Office of Inspector General under paragraph (1) may be rescinded or suspended upon a determination by the Attorney General that any of the requirements under paragraph (2) is no longer satisfied or that the exercise of authorized powers by that Office of Inspector General has not complied with the guidelines promulgated by the Attorney General under paragraph (4).

(B) Powers authorized to be exercised by any individual under paragraph (1) may be rescinded or suspended with respect to that individual upon a determination by the Attorney General that such individual has not complied with guidelines promulgated by the Attorney General under paragraph (4).

(6) A determination by the Attorney General under paragraph (2) or (5) shall not be reviewable in or by any court.

(7) To ensure the proper exercise of the law enforcement powers authorized by this subsection, the Offices of Inspector General described under paragraph (3) shall, not later than 180 days after the date of enactment of this subsection, collectively enter into a memorandum of understanding to establish an external review process for ensuring that adequate internal safeguards and management procedures continue to exist within each Office and within any Office that later receives an authorization under paragraph (2). The review process shall be established in consultation with the Attorney General, who shall be provided with a copy of the memorandum of understanding that establishes the review process. Under the review process, the exercise of the law enforcement powers by each Office of Inspector General shall be reviewed periodically by another Office of Inspector General or by a committee of Inspectors General. The results of each review shall be communicated in writing to the applicable Inspector General and to the Attorney General.

(8) No provision of this subsection shall limit the exercise of law enforcement powers established under any other statutory authority including United States Marshals Service special deputation.

(Pub.L. 95-452, § 6, Oct. 12, 1978, 92 Stat. 1104; Pub.L. 100-504, Title I, §§ 107, 110(a), Oct. 18, 1988, 102 Stat. 2528, 2529; Pub.L. 107-296, Title VIII, § 812(a), Nov. 25, 2002, 116 Stat. 2222.)

See § 8 of 2008 law

HISTORIC

Revision Notes and Legislative History
1978 Acts. Senate Report No. 95-100, see 1978 U.S. Code Cong. and Adm. News, p. 2676.

1988 Acts. House Report No. 100-1020, and House Conference Report 100-1020, see 1988 U.S. Code Cong. and Adm. News, p. 3154.

2002 Acts. House Report 107-609(Part I) and Statement of the President, see 2002 U.S. Code Cong. and Adm. News, p. 1352.

References in Text

This Act, referred to in text, is the Inspector General Act of 1978, as amended, which is generally classified to this Appendix.

The date of enactment of this Act, referred to in subsec. (e), is the date of enactment of Pub.L. 107-296, which was approved Nov. 25, 2002.

Amendments

2002 Amendments. Subsec. (e) added. Pub.L. 107-296, § 812(a), added (e).

1988 Amendments. Subsec. (e) added. Pub.L. 100-504, § 107(2), added. Former par. (5) redesignated (6).

Subsec. (a)(6) to (9). Pub.L. 100-504, § 107(1), redesignated pars. (5) to (8) as (6) to (9), respectively.

Subsec. (d). Pub.L. 100-504, § 107(1), added subsec. (d).

Effective and Applicability Provisions

2002 Acts. Pub.L. 107-296, § 812(c), Nov. 25, 2002, 116 Stat. 2222, provided that:

"(1) In general.—Subsection (e) of this section shall take effect 180 days after the date of enactment of this Act [Nov. 25, 2002]."

"(2) Initial guidelines.—Subsection (e) of this section shall take effect 180 days after the date of enactment of this Act [Nov. 25, 2002]."

1988 Acts. Amendment 100-504 effective 180 days after the date of enactment of Pub.L. 100-504, see section 113 of Pub.L. 100-504, set out as a note under section 95-452 in this Appendix.

§ 6

Note 11

that had been subpoenaed for grand jury investigation, notwithstanding that he had recommended that investigation, where Inspector General had subpoenaed those records prior to referring matter to Justice Department, criminal investigation had been completed and prosecution had been declined, and inspection was critical to Inspector General's investigation. In re Grand Jury Matter, E.D.Pa. 1986, 640 F.Supp. 63. Grand Jury 41.50(3)

Likelihood or imminence of criminal proceedings did not render enforcement of a related administrative subpoena impermissible and did not, therefore, preclude enforcement of a subpoena duces tecum sought by the Inspector General of the General Services Administration for certain tax and related business records of taxpayers in connection with an investigation of payoffs and other fraudulent practices where the agency in question had not itself made a formal recommendation to the Justice Department to prosecute, and the summons or subpoena had a civil purpose. U.S. v. Art Metal-U.S.A., Inc., D.C.N.J.1980, 484 F.Supp. 884. Administrative Law And Procedure 465

12. — Witnesses, subpoenas

Subpoena powers of Inspector General of Railroad Retirement Board (RRB) do not encompass authority to compel attendance of witness. Burlington Northern R. Co. v. Office of Inspector General, R.R. Retirement Bd., C.A.5 (Tex.) 1993, 983 F.2d 631. Social Security And Public Welfare 169.1

§ 7. Complaints by employees; disclosure of identity; reprisals

(a) The Inspector General may receive and investigate complaints or information from an employee of the establishment concerning the possible existence of an activity constituting a violation of law, rules, or regulations, or mismanagement, gross waste of funds, abuse of authority or a substantial and specific danger to the public health and safety.

(b) The Inspector General shall not, after receipt of a complaint or information from an employee, disclose the identity of the employee without the consent of the employee, unless the Inspector General determines such disclosure is unavoidable during the course of the investigation.

TITLE 5—APPENDIX

13. Department of Defense

Inspector General for Department of Defense has broad power to subpoena evidence pursuant to investigation into efficiency and honesty of defense contractor. U.S. v. Newport News Shipbuilding and Dry Dock Co., C.A.4 (Va.) 1988, 163 F.2d 162. Administrative Law And Procedure 357; United States 40

Inspector General of Department of Defense had statutory authority to issue subpoena, which sought evidence pertaining to defense contractor's audits, at request of Defense Contract Audit Agency so long as he did so in furtherance of purpose within his statutory authority and exercised independent judgment in deciding to issue subpoena. U.S. v. Westinghouse Elec. Corp., C.A.3 (Pa.) 1986, 788 F.2d 164. United States 40

In Department of Defense (DOD) investigation of alleged overcharging by provider of food and food service products following full briefing of government's petition to enforce subpoenas issued to provider, provider was not entitled to additionally brief issues that would have potentially arisen from government's issuance of subpoenas to provider's suppliers and accounting firm; provider identified no way in which it would be harmed or prejudiced by having to seek intervention in separate enforcement proceeding and it was conceivable that third party served with subpoena would wish to raise concerns separate from those advanced by provider. U.S. v. Sysco Corp., D.Md. 1998, 25 F.Supp.2d 684. United States 40

INSPECTOR GENERAL

(c) Any employee recommend, or app to such authority, employee as a reprimand to an Inspector General information disclosure willful disregard for (Pub.L. 95-452, § 7, (

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Revision Notes and Legislative Acts. Senate Report 1978 U.S. Code News, p. 2676.

Government Printing Office § 3903.

American Digest System United States 40, Key Number System

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See Westlaw guide

§ 8. Additional of the Dep

(a) No member appointed Inspector

(b)(1) Notwithstanding Inspector General of the Secretary of the issuance of s concerning—

(A) sensitive

(B) intelligence

(C) counter

(D) ongoing units of the D or

(E) other serious threat

§ 8F

renumbered section 8G by Pub.L.
103-82.

CROSS REFERENCES

Board of Directors duties as including receipt of any report as provided under this section, see 42 USCA § 12651b.
Chief Executive Officer authority except as provided in this section relating to
Compensation of employees, see 42 USCA § 12651f.
Control over all personnel, see 42 USCA § 12651d.

LIBRARY REFERENCES

American Digest System
United States 40, 41.
Key Number System Topic No. 393.

WESTLAW ELECTRONIC RESEARCH

See Westlaw guide following the Explanation pages of this volume.

§ 8G. Requirements for Federal entities and designated Federal entities

(a) Notwithstanding section 11 of this Act, as used in this section—

(1) the term "Federal entity" means any Government corporation (within the meaning of section 103(1) of title 5, United States Code), any Government controlled corporation (within the meaning of section 103(2) of such title), or any other entity in the Executive branch of the Government, or any independent regulatory agency, but does not include—

(A) an establishment (as defined under section 11(2) of this Act) or part of an establishment;

(B) a designated Federal entity (as defined under paragraph (2) of this subsection) or part of a designated Federal entity;

(C) the Executive Office of the President;

(D) the Central Intelligence Agency;

(E) the Government Accountability Office; or

(F) any entity in the judicial or legislative branches of the Government, including the Administrative Office of the United States Courts and the Architect of the Capitol and any activities under the direction of the Architect of the Capitol;

(2) the term "designated Federal entity" means Amtrak, the Appalachian Regional Commission, the Board of Governors of the Federal Reserve System, the Board for International Broadcasting, the Commodity Futures Trading Commission, the Consumer Product Safety Commission, the Corporation for Public Broadcasting, the Denali Commission, the Equal Employment

TITLE 5—APPENDIX

INSPECTOR GENERAL ACT

Opportunity Commission
Federal Communications
Commission, the Election
Housing Finance Board
the Federal Maritime Commission,
the Legal Services Records Administration,
the National Endowment for the Humanities,
the National Science Foundation,
the Peace Corps, the Securities and
Institution, the United States
the Postal Regulatory Commission;
Service;

(3) the term "head of persons designated by s if no such designation board of a Federal entity pursuant to subsection 1

(4) the term "head of any person or persons designated Federal entity chief policymaking official entity as identified in (h)(1) of this section, except

(A) with respect to term means the National

(B) with respect to term means the Government 102(3) of title 39, United States

(5) the term "Office of Inspector General of a

(6) the term "Inspector of a designated Federal

(b) No later than 180 days after section [Oct. 18, 1988], the head of each designated Federal entity or head of the designated Federal offices, units, or other components thereof, that such head functions of the Office of Inspector General transferred, further the purpose transferred to such office

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t of any report as provided under this

provided in this section relating to

§ 12651f.

§ 12651d.

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RESEARCH

pages of this volume.

ities and designated Federal

Act, as used in this section—

ns any Government corpora-
on 103(1) of title 5, United
olled corporation (within the
le), or any other entity in the
, or any independent regula-

ned under section 11(2) of
ent;

ity (as defined under para-
part of a designated Federal

President;

gency;

ility Office; or

r legislative branches of the
nistrative Office of the Uni-
ect of the Capitol and any
he Architect of the Capitol
entity" means Amtrak, the
he Board of Governors of
rd for International Broad-
ling Commission, the Con-
he Corporation for Public
n, the Equal Employment

Opportunity Commission, the Farm Credit Administration, the Federal Communications Commission, the Federal Election Commission, the Election Assistance Commission, the Federal Housing Finance Board, the Federal Labor Relations Authority, the Federal Maritime Commission, the Federal Trade Commission, the Legal Services Corporation, the National Archives and Records Administration, the National Credit Union Administration, the National Endowment for the Arts, the National Endowment for the Humanities, the National Labor Relations Board, the National Science Foundation, the Panama Canal Commission, the Peace Corps, the Pension Benefit Guaranty Corporation, the Securities and Exchange Commission, the Smithsonian Institution, the United States International Trade Commission, the Postal Regulatory Commission, and the United States Postal Service;

(3) the term "head of the Federal entity" means any person or persons designated by statute as the head of a Federal entity, and if no such designation exists, the chief policymaking officer or board of a Federal entity as identified in the list published pursuant to subsection (h)(1) of this section;

(4) the term "head of the designated Federal entity" means any person or persons designated by statute as the head of a designated Federal entity and if no such designation exists, the chief policymaking officer or board of a designated Federal entity as identified in the list published pursuant to subsection (h)(1) of this section, except that—

(A) with respect to the National Science Foundation, such term means the National Science Board; and

(B) with respect to the United States Postal Service, such term means the Governors (within the meaning of section 102(3) of title 39, United States Code);

(5) the term "Office of Inspector General" means an Office of Inspector General of a designated Federal entity; and

(6) the term "Inspector General" means an Inspector General of a designated Federal entity.

(b) No later than 180 days after the date of the enactment of this section [Oct. 18, 1988], there shall be established and maintained in each designated Federal entity an Office of Inspector General. The head of the designated Federal entity shall transfer to such office the offices, units, or other components, and the functions, powers, or duties thereof, that such head determines are properly related to the functions of the Office of Inspector General and would, if so transferred, further the purposes of this section. There shall not be transferred to such office any program operating responsibilities.

See § 2
of 2008 law

See § 3
of 2008
law

U.S. Dept. of Energy

(c) Except as provided under subsection (f) of this section, the Inspector General shall be appointed by the head of the designated Federal entity in accordance with the applicable laws and regulations governing appointments within the designated Federal entity.

(d) Each Inspector General shall report to and be under the general supervision of the head of the designated Federal entity, but shall not report to, or be subject to supervision by, any other officer or employee of such designated Federal entity. The head of the designated Federal entity shall not prevent or prohibit the Inspector General from initiating, carrying out, or completing any audit or investigation, or from issuing any subpoena during the course of any audit or investigation.

(e) If an Inspector General is removed from office or is transferred to another position or location within a designated Federal entity, the head of the designated Federal entity shall promptly communicate in writing the reasons for any such removal or transfer to both Houses of the Congress.

(f)(1) For purposes of carrying out subsection (c) with respect to the United States Postal Service, the appointment provisions of section 202(e) of title 39, United States Code, shall be applied

(2) In carrying out the duties and responsibilities specified in this Act, the Inspector General of the United States Postal Service (hereinafter in this subsection referred to as the "Inspector General") shall have oversight responsibility for all activities of the Postal Inspection Service, including any internal investigation performed by the Postal Inspection Service. The Chief Postal Inspector shall promptly report the significant activities being carried out by the Postal Inspection Service to such Inspector General.

(3)(A)(i) Notwithstanding subsection (d), the Inspector General shall be under the authority, direction, and control of the Governors with respect to audits or investigations, or the issuance of subpoenas which require access to sensitive information concerning—

- (I) ongoing civil or criminal investigations or proceedings;
- (II) undercover operations;
- (III) the identity of confidential sources, including protected witnesses;
- (IV) intelligence or counterintelligence matters; or
- (V) other matters the disclosure of which would constitute a serious threat to national security.

(ii) With respect to the information described under clause (i), the Governors may prohibit the Inspector General from carrying out or completing any audit or investigation, or from issuing any subpoena;

after such Inspector General completes such audit or investigation, the Governors determine that the disclosure of any information would prevent the significant interests of the United States.

(iii) If the Governors determine that the Governors shall not give such notice, the Inspector General shall give notice to the Committee on Governmental Operations and Representatives, and to the members of the Congress.

(B) In carrying out this Act, the Inspector General

(i) may initiate, conduct, or supervise investigations in the United States Postal Service if the Inspector General considers it necessary;

(ii) shall give priority to the Postal Inspection Service in insuring effective cooperation.

(C) Any report required under subsection 5(d) shall also be submitted to the Committee on Affairs of the Senate and the Committee on Oversight of the House of Representatives.

(4) Nothing in this section shall adversely affect any of the rights of employees of the United States Postal Service representing employee organizations under chapter 12 of title 39, United States Code, or any other law relating to the relations with the United States Postal Service bargaining agreement.

(5) As used in this section, the term "such meaning" given such term shall be the meaning given such term in the United States Code.

(6) There are authorized to be appropriated from the Service Fund, such sums as may be necessary to pay the Inspector General

action (f) of this section, the head of the designated Federal entity, but not the head of the designated Federal entity, shall be under the supervision by, any other officer or employee of the designated Federal entity. The head of the designated Federal entity may not prevent the Inspector General from completing any audit or investigation during the course of any

report to and be under the supervision by, any other officer or employee of the designated Federal entity. The head of the designated Federal entity may not prevent the Inspector General from completing any audit or investigation during the course of any

from office or is transferred from the designated Federal entity, the head of the designated Federal entity shall promptly communicate in writing to both Houses of Congress

subsection (c) with respect to the appointment provisions of the United States Code, shall be applied to the duties specified in this section. The Inspector General of the United States Postal Service (hereinafter "Inspector General") shall perform the duties of the Postal Inspection Service performed by the Postal Inspector shall promptly report to the Committee on Governmental Affairs of the Senate and the Committee on Government Reform and Oversight of the House of Representatives.

(d), the Inspector General shall have the control of the Governors of the United States Postal Service, the issuance of subpoenas, and the investigation concerning—

investigations or proceedings;

sources, including protected

personnel matters; or

which would constitute a

described under clause (i), the Inspector General from carrying out or from issuing any subpoena,

after such Inspector General has decided to initiate, carry out, or complete such audit or investigation or to issue such subpoena, if the Governors determine that such prohibition is necessary to prevent the disclosure of any information described under clause (i) or to prevent the significant impairment to the national interests of the United States.

(iii) If the Governors exercise any power under clause (i) or (ii), the Governors shall notify the Inspector General in writing stating the reasons for such exercise. Within 30 days after receipt of any such notice, the Inspector General shall transmit a copy of such notice to the Committee on Governmental Affairs of the Senate and the Committee on Government Reform and Oversight of the House of Representatives, and to other appropriate committees or subcommittees of the Congress.

(B) In carrying out the duties and responsibilities specified in this Act, the Inspector General—

(i) may initiate, conduct and supervise such audits and investigations in the United States Postal Service as the Inspector General considers appropriate; and

(ii) shall give particular regard to the activities of the Postal Inspection Service with a view toward avoiding duplication and insuring effective coordination and cooperation.

(C) Any report required to be transmitted by the Governors to the appropriate committees or subcommittees of the Congress under section 5(d) shall also be transmitted, within the seven-day period specified under such section, to the Committee on Governmental Affairs of the Senate and the Committee on Government Reform and Oversight of the House of Representatives.

(4) Nothing in this Act shall restrict, eliminate, or otherwise adversely affect any of the rights, privileges, or benefits of either employees of the United States Postal Service, or labor organizations representing employees of the United States Postal Service, under chapter 12 of title 39, United States Code, the National Labor Relations Act, any handbook or manual affecting employee labor relations with the United States Postal Service, or any collective bargaining agreement.

(5) As used in this subsection, the term "Governors" has the meaning given such term by section 102(3) of title 39, United States Code.

(6) There are authorized to be appropriated, out of the Postal Service Fund, such sums as may be necessary for the Office of the Inspector General of the United States Postal Service.

(g)(1) Sections 4, 5, 6 (other than subsections (a)(7) and (a)(8) thereof), and 7 of this Act shall apply to each Inspector General and Office of Inspector General of a designated Federal entity and such sections shall be applied to each designated Federal entity and head of the designated Federal entity (as defined under subsection (a)) by substituting—

(A) “designated Federal entity” for “establishment”; and

(B) “head of the designated Federal entity” for “head of the establishment”.

(2) In addition to the other authorities specified in this Act, an Inspector General is authorized to select, appoint, and employ such officers and employees as may be necessary for carrying out the functions, powers, and duties of the Office of Inspector General and to obtain the temporary or intermittent services of experts or consultants or an organization thereof, subject to the applicable laws and regulations that govern such selections, appointments, and employment, and the obtaining of such services, within the designated Federal entity.

(3) Notwithstanding the last sentence of subsection (d) of this section, the provisions of subsection (a) of section 8C (other than the provisions of subparagraphs (A), (B), (C), and (E) of subsection (a)(1)) shall apply to the Inspector General of the Board of Governors of the Federal Reserve System and the Chairman of the Board of Governors of the Federal Reserve System in the same manner as such provisions apply to the Inspector General of the Department of the Treasury and the Secretary of the Treasury, respectively.

(h)(1) No later than April 30, 1989, and annually thereafter, the Director of the Office of Management and Budget, after consultation with the Comptroller General of the United States, shall publish in the Federal Register a list of the Federal entities and designated Federal entities and the head of each such entity (as defined under subsection (a) of this section).

(2) Beginning on October 31, 1989, and on October 31 of each succeeding calendar year, the head of each Federal entity (as defined under subsection (a) of this section) shall prepare and transmit to the Director of the Office of Management and Budget and to each House of the Congress a report which—

(A) states whether there has been established in the Federal entity an office that meets the requirements of this section;

(B) specifies the actions taken by the Federal entity otherwise to ensure that audits are conducted of its programs and operations in accordance with the standards for audit of governmental organizations, programs, activities, and functions issued by the

Comptroller General each audit report covering the reporting period and significant findings;

(C) summarizes all programs, and operations, and activities, including investigative activities, concerning the entity concerning the violations which have resulted

(Pub.L. 95-452, § 8G, former § 104(a), Oct. 18, 1988, 102 Stat. 2139; Pub.L. 100-702(c), Aug. 9, 1989, 102 Stat. 2139; Pub.L. 103-82, Title II, § 202, renumbered § 8G and amended 1993, 107 Stat. 2408; Pub.L. 104-208, Div. C, § 104, Sept. 30, 1996, 110 Stat. 3036; Dec. 2, 1997, 111 Stat. 2586; Dec. 21, 1998, 112 Stat. 2681-640; Dec. 1999, 113 Stat. 63; Pub.L. 106-107-252, Title VIII, § 108-271, § 8(b), July 7, 2000, 114 Stat. 603(b), 605(a), Dec. 20, 2000)

Amendment

Pub.L. 105-134, Title I, § 105-134, 111 Stat. 2586, provided that after a fiscal year for which a subsidy, “Amtrak” is

HISTORICAL

Revision Notes and Legislative History
1988 Acts. House Report No. 101-54 (Parts I to VII) and House Conference Report No. 101-222, see 1988 U.S. Code Cong. and Adm. News, p. 3154.

1989 Acts. House Report No. 101-54 (Parts I to VII) and House Conference Report No. 101-222, see 1989 U.S. Code Cong. and Adm. News, p. 86.

1993 Acts. House Report No. 103-103 (Part II), House Conference Report No. 103-380, and Statement by President Clinton, 1993 U.S. Code Cong. and Adm. News, p. 3040.

than subsections (a)(7) and (a)(8) apply to each Inspector General and designated Federal entity and such designated Federal entity and head as defined under subsection (a)(1).

entity" for "establishment"; and "Federal entity" for "head of the

authorities specified in this Act, and to select, appoint, and employ such personnel as may be necessary for carrying out the duties of the Office of Inspector General and for providing such services of experts or consultants as may be subject to the applicable laws and regulations, appointments, and employment, within the designated

provisions of subsection (d) of this section (a) of section 8C (other than the provisions (C), and (E) of subsection (a)(1)) of the Board of Governors of the Federal Reserve System, the Chairman of the Board of Governors of the Federal Reserve System, in the same manner as such provisions of the Department of the Treasury, respectively.

1989, and annually thereafter, the President and Budget, after consultation with the United States, shall publish in the Federal Register the names of the Federal entities and designated entities, and such entity (as defined under

1989, and on October 31 of each year, the Inspector General shall prepare and transmit to the President and Budget and to each House of Representatives

have been established in the Federal Register the requirements of this section, and by the Federal entity otherwise required of its programs and operations, standards for audit of governmental activities, and functions issued by the

Comptroller General of the United States, and includes a list of each audit report completed by a Federal or non-Federal auditor during the reporting period and a summary of any particularly significant findings; and

(C) summarizes any matters relating to the personnel, programs, and operations of the Federal entity referred to prosecutive authorities, including a summary description of any preliminary investigation conducted by or at the request of the Federal entity concerning these matters, and the prosecutions and convictions which have resulted.

(Pub.L. 95-452, § 8G, formerly § 8E, as added Pub.L. 100-504, Title I, § 104(a), Oct. 18, 1988, 102 Stat. 2522, and amended Pub.L. 101-73, Title VII, § 702(c), Aug. 9, 1989, 103 Stat. 415; renumbered § 8F and amended Pub.L. 103-82, Title II, § 202(g)(1), (2)(A), Sept. 21, 1993, 107 Stat. 889, 890; renumbered § 8G and amended Pub.L. 103-204, § 23(a)(3), (4), Dec. 17, 1993, 107 Stat. 2408; Pub.L. 104-88, Title III, § 319, Dec. 29, 1995, 109 Stat. 949; Pub.L. 104-208, Div. A, Title I, § 101(f) [Title VI, § 662(b)(1), (2)], Sept. 30, 1996, 110 Stat. 3009-379; Pub.L. 105-134, Title IV, § 409(a)(1), Dec. 2, 1997, 111 Stat. 2586; Pub.L. 105-277, Div. C, Title III, § 306(h), Oct. 21, 1998, 112 Stat. 2681-640; Pub.L. 106-31, Title I, § 105(a)(5), May 21, 1999, 113 Stat. 63; Pub.L. 106-422, § 1(b)(1), Nov. 1, 2000, 114 Stat. 1872; Pub.L. 107-252, Title VIII, § 812(a), Oct. 29, 2002, 116 Stat. 1727; Pub.L. 108-271, § 8(b), July 7, 2004, 118 Stat. 814; Pub.L. 109-435, Title VI, § 603(b), 605(a), Dec. 20, 2006, 120 Stat. 3240, 3242.)

Amendment of Subsec. (a)(2)

Pub.L. 105-134, Title IV, § 409(a)(2), Dec. 2, 1997, 111 Stat. 2586, provided that at the beginning of the first fiscal year after a fiscal year for which Amtrak receives no Federal subsidy, "Amtrak" is stricken from par. (2) of subsec. (a).

HISTORICAL AND STATUTORY NOTES

Revision Notes and Legislative Reports

1988 Acts. House Report No. 100-771 and House Conference Report No. 100-1020, see 1988 U.S. Code Cong. and Adm. News, p. 3154.

1989 Acts. House Report No. 101-54(Parts I to VII) and House Conference Report No. 101-222, see 1989 Code Cong. and Adm. News, p. 86.

1993 Acts. House Report No. 103-155 and House Conference Report No. 103-219, see 1993 U.S. Code Cong. and Adm. News, p. 1710.

House Report No. 103-103(Parts I and II), House Conference Report No. 103-380, and Statement by President, see 1993 U.S. Code Cong. and Adm. News, p. 3040.

1995 Acts. House Report No. 104-311 and House Conference Report No. 104-422, see 1995 U.S. Code Cong. and Adm. News, p. 793.

1999 Acts. House Conference Report No. 106-143 and Statement by President, see 1999 U.S. Code Cong. and Adm. News, p. 27.

2002 Acts. House Report No. 107-329(Part I), see 2002 U.S. Code Cong. and Adm. News, p. 1086.

2006 Acts. Statement by President, see 2006 U.S. Code Cong. and Adm. News, p. S76.

References in Text

The National Labor Relations Act, referred to in subsec. (f)(3), is Act July 5, 1935, c. 372, 49 Stat. 449, as amended,

See § 13 of 2008 law

the National Security Intelligence Reform
Act of 2004 note under 50 U.S.C.A.
§ 401.

LIBRARY REFERENCES

American Digest System
United States 29.
Key Number System Topic No. 393.

WESTLAW ELECTRONIC RESEARCH

See Westlaw guide following the Explanation pages of this volume.

§ 9. Transfer of functions

(a) There shall be transferred—

(1) to the Office of Inspector General—

(A) of the Department of Agriculture, the offices of that department referred to as the “Office of Investigation” and the “Office of Audit”;

(B) of the Department of Commerce, the offices of that department referred to as the “Office of Audits” and the “Investigations and Inspections Staff” and that portion of the office referred to as the “Office of Investigations and Security” which has responsibility for investigation of alleged criminal violations and program abuse;

(C) of the Department of Defense, the offices of that department referred to as the “Defense Audit Service” and the “Office of Inspector General, Defense Logistics Agency” and that portion of the office of that department referred to as the “Defense Investigative Service” which has responsibility for the investigation of alleged criminal violations;

(D) of the Department of Education, all functions of the Inspector General of Health, Education, and Welfare or of the Office of Inspector General of Health, Education, and Welfare relating to functions transferred by section 301 of the Department of Education Organization Act [20 U.S.C.A. § 3441];

(E) of the Department of Energy, the Office of Inspector General (as established by section 208 of the Department of Energy Organization Act);

(F) of the Department of Health and Human Services, the Office of Inspector General (as established by title II of Public Law 94-505);

(G) of the Department of Housing and Urban Development, the office of that department referred to as the “Office of Inspector General”;

(H) of the Department referred to as the “Office of Investigation”;

(I) of the Department referred to as the “Division”, (ii) the “Comptroller”, the “Office of Pro Naturalization Services, Immigration”, “Office of International”, (iv) the “Financial Management, Bureau of Internal Administration” which is a portion of the “Office of Management and Administration” engaged in program

(J) of the Department referred to as the “Office of Management and Administration”;

(K) of the Department referred to as the “Office of Management and Security” and the “Offices of Internal Administration”, a portion of the “Office of External Audit Division, Investigation, Federal”, “Office of Program Administration”;

(L)(i) of the Department referred to as the “Office of Management and Security”, notwithstanding the transfer of each of the functions of the “Office of Internal Administration” and the “Office of Management and Administration” which is engaged in

(ii) of the Treasury Department, effective 180 days after the date of the Internal Revenue Act of 1998, the Office of Management and Administration Service;

m
A.

REFERENCES

TRONIC RESEARCH

lanation pages of this volume.

or General—

t of Agriculture, the offices of that
is the "Office of Investigation" and

t of Commerce, the offices of that
as the "Office of Audits" and the
ctions Staff" and that portion of
the "Office of Investigations and
responsibility for investigation of all
and program abuse;

t of Defense, the offices of that
s the "Defense Audit Service" and
General, Defense Logistics Agency
fice of that department referred to
tive Service" which has responsi-
on of alleged criminal violations
of Education, all functions of the
lth, Education, and Welfare or
eneral of Health, Education, and
ons transferred by section 301 of
ion Organization Act [20 U.S.C.]

of Energy, the Office of Inspector
section 208 of the Department of

Health and Human Services, the
al (as established by title II of

of Housing and Urban Develop-
artment referred to as the "Office

(H) of the Department of the Interior, the office of that
department referred to as the "Office of Audit and Investiga-
tion";

(I) of the Department of Justice, the offices of that Depart-
ment referred to as (i) the "Audit Staff, Justice Management
Division", (ii) the "Policy and Procedures Branch, Office of
the Comptroller, Immigration and Naturalization Service",
the "Office of Professional Responsibility, Immigration and
Naturalization Service", and the "Office of Program Inspec-
tions, Immigration and Naturalization Service", (iii) the
"Office of Internal Inspection, United States Marshals Ser-
vice", (iv) the "Financial Audit Section, Office of Financial
Management, Bureau of Prisons" and the "Office of Inspec-
tions, Bureau of Prisons", and (v) from the Drug Enforce-
ment Administration, that portion of the "Office of Inspec-
tions" which is engaged in internal audit activities, and that
portion of the "Office of Planning and Evaluation" which is
engaged in program review activities;

(J) of the Department of Labor, the office of that depart-
ment referred to as the "Office of Special Investigations";

(K) of the Department of Transportation, the offices of
that department referred to as the "Office of Investigations
and Security" and the "Office of Audit" of the Department,
the "Offices of Investigations and Security, Federal Aviation
Administration", and "External Audit Divisions, Federal Avi-
ation Administration", the "Investigations Division and the
External Audit Division of the Office of Program Review and
Investigation, Federal Highway Administration", and the
"Office of Program Audits, Urban Mass Transportation Ad-
ministration";

(L)(i) of the Department of the Treasury, the office of that
department referred to as the "Office of Inspector General",
and, notwithstanding any other provision of law, that por-
tion of each of the offices of that department referred to as
the "Office of Internal Affairs, Tax and Trade Bureau", the
"Office of Internal Affairs, United States Customs Service",
and the "Office of Inspections, United States Secret Service"
which is engaged in internal audit activities; and

(ii) of the Treasury Inspector General for Tax Administra-
tion, effective 180 days after the date of the enactment of the
Internal Revenue Service Restructuring and Reform Act of
1998, the Office of Chief Inspector of the Internal Revenue
Service;

(M) of the Environmental Protection Agency, the offices of that agency referred to as the "Office of Audit" and the "Security and Inspection Division";

(N) of the Federal Emergency Management Agency, the office of that agency referred to as the "Office of Inspector General";

(O) of the General Services Administration, the offices of that agency referred to as the "Office of Audits" and the "Office of Investigations";

(P) of the National Aeronautics and Space Administration, the offices of that agency referred to as the "Management Audit Office" and the "Office of Inspections and Security";

(Q) of the Nuclear Regulatory Commission, the office of that commission referred to as the "Office of Inspector and Auditor";

(R) of the Office of Personnel Management, the offices of that agency referred to as the "Office of Inspector General", the "Insurance Audits Division, Retirement and Insurance Group", and the "Analysis and Evaluation Division, Administration Group";

(S) of the Railroad Retirement Board, the Office of Inspector General (as established by section 23 of the Railroad Retirement Act of 1974);

(T) of the Small Business Administration, the office of that agency referred to as the "Office of Audits and Investigations";

(U) of the Veterans' Administration, the offices of that agency referred to as the "Office of Audits" and the "Office of Investigations"; and¹

(V) of the Corporation for National and Community Service, the Office of Inspector General of ACTION;¹

(W) of the Social Security Administration, the functions of the Inspector General of the Department of Health and Human Services which are transferred to the Social Security Administration by the Social Security Independence and Program Improvements Act of 1994 (other than functions performed pursuant to section 105(a)(2) of such Act), except that such transfers shall be made in accordance with the provisions of such Act and shall not be subject to subsections (b) through (d) of this section; and

(2) to the Office of the Inspector General, such other offices or agencies, or functions, powers, or duties thereof, as the head of the establishment involved may determine are properly related to

the functions of the purposes of this Act, except that there shall be no transfer of functions under paragraph (b) of this section.

(b) The person performing the functions of the office or agency referred to in this section shall be appointed by the President, and shall hold office for a term of not more than five years, and shall be subject to removal by the President for cause.

(c) Personnel transferred in accordance with this section shall be subject to the transfer of functions of such persons.

(d) In any case in which the functions of an office or agency are transferred to another office or agency under this Act [Oct. 1, 1994], with the General Services Administration, the General Services Administration shall appoint in an office or agency referred to in this section duties comparable to those of the office or agency from which the functions are transferred, not less than the duration of service of the person performing the functions of the office or agency from which the functions are transferred.

(Pub.L. 95-452, § 508(n)(2), Oct. 1, 1978; § 1117(a)(2), (3), § 102(d), Oct. 1, 1978; § 202(g)(3)(A), S. 108(l)(1), Aug. 1, 1978; § 1103(c)(1), July 1, 2002, 116 Stat. 116 Stat. 2276.)

¹ So in original. at the end of subpa

Revision Notes and 1978 Acts. Sena see 1978 U.S. C News, p. 2676.

1979 Acts. Sen and House Co 96-459, see 1979 Adm. News, p. 15

tal Protection Agency, the office
as the "Office of Audit" and the
division";

Agency Management Agency, the
ed to as the "Office of Inspector

ces Administration, the offices of
the "Office of Audits" and the

onautics and Space Administration referred to as the "Managerial Office of Inspections and Security."

latory Commission, the office of
as the "Office of Inspector and

nel Management, the offices of the "Office of Inspector General" Division, Retirement and Insurance and Evaluation Division, Admin-

ement Board, the Office of In-
ed by section 23 of the Railroad

Administration, the office of the
Office of Audits and Investigations

inistration, the offices of that
Office of Audits" and the "Office

National and Community Service
General of ACTION;¹

Administration, the functions of the Department of Health and transferred to the Social Security and Social Security Independence and of 1994 (other than functions of 105(a)(2) of such Act), except made in accordance with the shall not be subject to subsections and

General, such other offices or duties thereof, as the head of ermine are properly related to

the functions of the Office and would, if so transferred, further the purposes of this Act,

except that there shall not be transferred to an Inspector General under paragraph (2) program operating responsibilities.

(b) The personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available or to be made available, of any office or agency the functions, powers, and duties of which are transferred under subsection (a) are hereby transferred to the applicable Office of Inspector General.

(c) Personnel transferred pursuant to subsection (b) shall be transferred in accordance with applicable laws and regulations relating to the transfer of functions except that the classification and compensation of such personnel shall not be reduced for one year after such transfer.

(d) In any case where all the functions, powers, and duties of any office or agency are transferred pursuant to this subsection, such office or agency shall lapse. Any person who, on the effective date of this Act [Oct. 1, 1978], held a position compensated in accordance with the General Schedule, and who, without a break in service, is appointed in an Office of Inspector General to a position having duties comparable to those performed immediately preceding such appointment shall continue to be compensated in the new position at not less than the rate provided for the previous position, for the duration of service in the new position.

(Pub.L. 95-452, § 9, Oct. 12, 1978, 92 Stat. 1107; Pub.L. 96-88, Title V, § 508(n)(2), Oct. 17, 1979, 93 Stat. 694; Pub.L. 97-252, Title XI, § 1117(a)(2), (3), Sept. 8, 1982, 96 Stat. 750; Pub.L. 100-504, Title I, § 102(d), Oct. 18, 1988, 102 Stat. 2516; Pub.L. 103-82, Title II, § 202(g)(3)(A), Sept. 21, 1993, 107 Stat. 890; Pub.L. 103-296, Title I, § 108(l)(1), Aug. 15, 1994, 108 Stat. 1488; Pub.L. 105-206, Title I, § 1103(c)(1), July 22, 1998, 112 Stat. 708; Pub.L. 107-189, § 22(c), June 14, 2002, 116 Stat. 708; Pub.L. 107-296, Title XI, § 1112(a)(2), Nov. 25, 2002, 116 Stat. 2276.)

¹¹ So in original. The word "and" at the end of subpar. (U) probably should appear at the end of subpar. (V).

HISTORICAL AND STATUTORY NOTES.

Revision Notes and Legislative Reports

• **1978 Acts.** Senate Report No. 95-1071, see 1978 U.S. Code Cong. and Adm. News, p. 2676.

1979 Acts. Senate Report No. 96-49 and House Conference Report No. 96-459, see 1979 U.S. Code Cong. and Adm. News, p. 1514.

1982 Acts. Senate Report No. 97-330 and House Conference Report No. 97-749, see 1982 U.S. Code Cong. and Adm. News, p. 1555.

1988 Acts. House Report No. 100-771 and House Conference Report No. 100-1020, see 1988 U.S. Code Cong. and Adm. News, p. 3154.

nnel Transfers

(4) of Pub.L. 105-206
Effective 180 days after
actment of this Act [July
secretary of the Treasury
full-time equivalent position
Office of the Inspector
Department of the Treasury
Administration.]

Service of Certain In

(4) of Pub.L. 100-504
Any individual who, on
ment of this Act [Oct. 18
s the Inspector General
of Energy, the Depart
and Human Services, Retirement Board, shall
in such position until
lies, resigns, or is re
e in accordance with
Inspector General Act
(b) of Pub.L. 95-452
endix]."

Personnel to Inspector

ment of Defense
of Pub.L. 97-252 pro
dition to the positions
Office of the Inspector
Department of Defense
amendments made by
his section [amending
(1), and 11(1) of this
of Defense shall trans
Inspector General of
Defense not less than
ional audit positions
ral of the Department
l such positions with
perform contract au

ity while performing
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Notes of Decisions

Program operating responsibilities 1

1. Program operating responsibilities

Purported transfer by Department of Transportation (DOT) to Inspector General of authority to conduct safety compliance investigations of motor carriers could not be justified under Inspector General Act (IGA) transfer provision; investigations were within Motor Carrier Safety Act's grant of authority to DOT, outside Inspector General's purpose of detecting fraud and waste, and constituted program operating responsibility excluded from transfer. Truckers United For Safety v. Mead, D.D.C.2000, 86 F.Supp.2d 1, vacated in part, appeal dis-

missed in part 251 F.3d 183, 346 U.S.App.D.C. 122, rehearing denied, on remand 201 F.Supp.2d 52. Automobiles 127

Inspector General's (IG) investigation whether private law firm retained by Resolution Trust Corporation failed to disclose any conflicts of interest was not circumscribed by provision in Inspector General Act that agency head may not transfer any program operating responsibilities to IG; statute did not impose limitation on IG's authority to investigate fraud, abuse, and waste in programs of agency. Adair v. Rose Law Firm, D.D.C. 1994, 867 F.Supp. 1111. United States 40

§ 10. Conforming and technical amendments

[Section amended sections 5315 and 5316 of Title 5, Government Organization and Employees, and section 3522 of Title 42, The Public Health and Welfare, which amendments have been executed to text.]

WESTLAW ELECTRONIC RESEARCH

See Westlaw guide following the Explanation pages of this volume.

See § 7 of 2008 law

§ 11. Definitions

As used in this Act—

(1) the term "head of the establishment" means the Secretary of Agriculture, Commerce, Defense, Education, Energy, Health and Human Services, Housing and Urban Development, the Interior, Labor, State, Transportation, Homeland Security, or the Treasury; the Attorney General; the Administrator of the Agency for International Development, Environmental Protection, General Services, National Aeronautics and Space, Small Business, or Veterans' Affairs; the Administrator of the Federal Emergency Management Agency, or the Office of Personnel Management; the Chairman of the Nuclear Regulatory Commission or the Railroad Retirement Board; the Chairperson of the Thrift Depositor Protection Oversight Board; the Chief Executive Officer of the Corporation for National and Community Service; the Administrator of the Community Development Financial Institutions Fund; the chief executive officer of the Resolution Trust Corporation; the Chairperson of the Federal Deposit Insurance

Corporation; the Commissioner of Social Security, Social Security Administration; the Board of Directors of the Tennessee Valley Authority; or the President of the Export-Import Bank as the case may be;

(2) the term "establishment" means the Department of Agriculture, Department of Commerce, Department of Defense, Department of Education, Department of Energy, Department of Health and Human Services, Department of Housing and Urban Development, Department of the Interior, Department of Justice, Department of Labor, Department of State, Department of Transportation, Department of Homeland Security, or the Department of the Treasury; the Agency for International Development, the Community Development Financial Institutions Fund, the Environmental Protection Agency, the Federal Emergency Management Agency, the General Services Administration, the National Aeronautics and Space Administration, the Nuclear Regulatory Commission, the Office of Personnel Management, the Railroad Retirement Board, the Resolution Trust Corporation, the Federal Deposit Insurance Corporation, the Small Business Administration, the Corporation for National and Community Service, the Veterans' Administration, the Social Security Administration, the Tennessee Valley Authority, or the Export-Import Bank, as the case may be;

(3) the term "Inspector General" means the Inspector General of an establishment;

(4) the term "Office" means the Office of Inspector General of an establishment; and

(5) the term "Federal agency" means an agency as defined in section 552(f) of Title 5 (including an establishment as defined in paragraph (2)), United States Code, but shall not be construed to include the Government Accountability Office.

(Pub.L. 95-452, § 11, Oct. 12, 1978, 92 Stat. 1109; Pub.L. 96-88, Title V, § 509(n)(3), (4), Oct. 17, 1979, 93 Stat. 695; Pub.L. 97-113, Title VII, § 705(a)(2), Dec. 29, 1981, 95 Stat. 1544; Pub.L. 97-252, Title XI, § 1117(a)(4), (5), Sept. 8, 1982, 96 Stat. 750; Pub.L. 99-93, Title I, § 150(a)(2), Aug. 16, 1985, 99 Stat. 427; Pub.L. 99-399, Title IV, § 412(a)(2), Aug. 27, 1986, 100 Stat. 867; Pub.L. 100-504, Title I, § 102(c), Oct. 18, 1988, 102 Stat. 2515; Pub.L. 100-527, § 13(h)(2), (3), Oct. 25, 1988, 102 Stat. 2643; Pub.L. 101-73, Title V, § 501(b)(1), Aug. 9, 1989, 103 Stat. 393; Pub.L. 102-233, Title III, § 315(a), Dec. 12, 1991, 105 Stat. 1772; Pub.L. 103-82, Title II, § 202(g)(4), Sept. 21, 1993, 107 Stat. 890; Pub.L. 103-204, § 23(a)(1), Dec. 17, 1993, 107 Stat. 2407; Pub.L. 103-296, Title I, § 108(f)(2), Aug. 15, 1994, 108 Stat. 1489; Pub.L. 103-325, Title I, § 118(a), Sept. 23, 1994, 108 Stat. 2188; Pub.L. 104-106, Div. D, Title XLIII, § 4322(b)(1), (3), Feb. 10, 1996, 110 Stat. 677; Pub.L. 105-277, Div. G, Title XIII, § 1314(b), Oct. 21, 1998, 112 Stat. 2681-776; Pub.L. 106-422, § 1(b)(2), Nov. 1, 2000, 114 Stat. 1872; Pub.L. 107-189, § 22(a), (d), June 14, 2002, 116 Stat. 707, 708; Pub.L. 107-296, Title XVII, § 1701, Nov. 25, 2002, 116 Stat. 2313; Pub.L. 108-271, § 8(b), July 7, 2004, 118 Stat. 814; Pub.L. 109-295, Title VI, § 612(c), Oct. 4, 2006, 120 Stat. 1410.)

U.S. Dept. of Energy

Revision No
1978 Acts
see 1978
News, p. 26

1979 Acts
and House
96-459, see
Adm. News,

1981 Acts
and House
97-413, see
Adm. News,

1982 Acts
and House
97-749, see
Adm. News,

1985 Acts
and House
99-240, see
Adm. News,

1986 Acts
House Conf
and Statem
U.S. Code
1865.

1988 Acts.
and House
100-1020, se
Adm. News,

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1989 A
101-54(Parts
ence Report
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1991 A
102-358(Part
by President
and Adm. Ne

1993 Acts.
and House
103-219, see
Adm. News,

House Rep
II), House
103-380, anc
1993 U.S. Co
3040.

1994 Acts.
and House
103-670, see
Adm. News,

TITLE 5—APPENDIX

INSPECTOR GENERAL ACT

§ 12

Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under 6 U.S.C.A. § 542.

Savings Provisions

For savings provisions and continuation of orders, resolutions, determinations, and regulations under the Resolution Trust Corporation Thrift Depositor Protection Reform Act of 1991, Pub.L. 102-233, Title III, §§ 301 to 318, Dec. 12, 1991, 105 Stat. 1767 to 1773, see section 317 of Pub.L. 102-233, set out as a note under section 1441a of Title 12, Banks and Banking.

Separability of Provisions

If any provision of Pub.L. 101-73 for the application thereof to any person or circumstance is held invalid, the remainder of Pub.L. 101-73 and the application of the provision to other persons not similarly situated or to other circumstances not to be affected thereby, see section 1221 of Pub.L. 101-73, set out as a note under section 1811 of Title 12, Banks and Banking.

Merger of Office of Inspector General of United States Information Agency with Office of Inspector General of Department of State; Effective Date

Pub.L. 104-208, Div. A, Title I, § 101(a) [Title IV], Sept. 30, 1996, 110 Stat. 3009-47, provided in part: "That notwithstanding any other provision of law, the merger of the Office of Inspector General of the United States Information Agency with the Office of Inspector General of the Department of State provided for in the Departments of Commerce, Justice, and State, the Judiciary and Related Agencies Appropriations Act, 1996, contained in Public Law 104-134 [the provisions of Pub.L. 104-134 relating to such merger are set out as a note under this section], is effective hereafter."

Merger of Office of Inspector General of United States Information Agency with Office of Inspector General of Department of State; Transfer of Functions

Pub.L. 104-134, Title I, § 101[(a)] [Title IV], Apr. 26, 1996, 110 Stat. 1321-37, renumbered Title I Pub.L. 104-140, § 1(a), May 2, 1996, 110 Stat. 1327, provided in part that: "That notwithstanding any other provision of law, (1) the Office of the Inspector General of the United States Information Agency is hereby merged with the Office of the Inspector

General of the Department of State; (2) the functions exercised and assigned to the Office of the Inspector General of the United States Information Agency before the effective date of this Act [Apr. 26, 1996] (including all related functions) are transferred to the Office of the Inspector General of the Department of State; and (3) the Inspector General of the Department of State shall also serve as the Inspector General of the United States Information Agency."

Office of Inspector General of Community Development Financial Institutions Fund; Authorization of Appropriations
Section 118(b) of Pub.L. 103-325 provided that: "There are authorized to be

appropriated such sums as may be necessary for the operation of the Office of Inspector General established by the amendments made by subsection (a) [amending pars. (1) and (2) of this section]."

Office of Inspector General of Resolution Trust Corporation; Authorization of Appropriations

Section 501(b)(2)(B) of Pub.L. 101-73 provided that: "There is hereby authorized to be appropriated such sums as may be necessary for the operation of the Office of Inspector General established by the amendment made by paragraph (1) of this subsection [amending pars. (1) and (2) of this section]."

CROSS REFERENCES

- "Authority" defined as meaning an establishment defined in this section for purposes of administrative remedies for false claims and statements, see 31 USCA § 3801.
- Budget of United States Government to include separate appropriation account for each Office of Inspector General of an establishment as defined under this section, see 31 USCA § 1105.
- Department of State and the Foreign Service Inspector General having same authority as granted each Inspector General of an establishment as defined in this section, see 22 USCA § 3929.
- Energy consumption audits by each Inspector General created to conduct investigations relating to programs of establishments listed in this section, see 42 USCA § 8262f.

WESTLAW ELECTRONIC RESEARCH

See Westlaw guide following the Explanation pages of this volume.

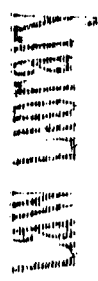
§ 12. Effective date

The provisions of this Act and the amendments made by this Act [see section 10 of this Act] shall take effect October 1, 1978.

(Pub.L. 95-452, § 12, Oct. 12, 1978, 92 Stat. 1109.)

HISTORICAL AND STATUTORY NOTES

Revision Notes and Legislative Reports
1978 Acts. Senate Report No. 95-1071, see 1978 U.S. Code Cong. and Adm. News, p. 2676.



UNITED STATES PUBLIC LAWS

110th Congress 2nd Session

(c) 2008, LEXIS-NEXIS, A DIVISION OF REED ELSEVIER INC. AND REED ELSEVIER PROPERTIES INC.

PUBLIC LAW 110-409 [H.R. 928]

OCT. 14, 2008

INSPECTOR GENERAL REFORM ACT OF 2008

110 P.L. 409; 122 Stat. 4302; 2008 Enacted H.R. 928; 110 Enacted H.R. 928

BILL TRACKING REPORT: 110 Bill Tracking H.R. 928
FULL TEXT VERSION(S) OF BILL: 110 H.R. 928

An Act

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.

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

[*1] SECTION 1. SHORT TITLE.

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

[*2] 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."

[*3] 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."

[*4] 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.

[*5] 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."

[*6] 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.

[*7] 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."

[*8] 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."

[*9] 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".

[*10] 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);".

[*11] 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.".

[*12] 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".

[*13] 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.

[*14] 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".

Speaker of the House of Representatives.

Vice President of the United States and President of the Senate.