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Federal Advisory Committee Act (Pub. L. 92–463) 1

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PUB. L. 92–463, OCT. 6, 1972, 86 STAT. 770, AS AMENDED BY PUB. L.

94–409, SEC. 5(C), SEPT. 13, 1976, 90 STAT. 1247; PUB. L. 96–523,

SEC. 2, DEC. 12, 1980, 94 STAT. 3040; PUB. L. 97–375, TITLE II,

SEC. 201(C), DEC. 21, 1982, 96 STAT. 1822; PUB. L. 105–153, SEC.

2(A), (B), DEC. 17, 1997, 111 STAT. 2689

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–HEAD–

Sec. 1. Short title

–STATUTE–

This Act may be cited as the "Federal Advisory Committee Act".

–SOURCE–

(Pub. L. 92–463, Sec. 1, Oct. 6, 1972, 86 Stat. 770.)

–MISC1–

SHORT TITLE OF 1997 AMENDMENT

Pub. L. 105–153, Sec. 1, Dec. 17, 1997, 111 Stat. 2689, provided that: "This Act (enacting section 15 of Pub. L. 92–463, set out in this Appendix, amending section 3 of Pub. L. 92–463, set out in this Appendix, renumbering former section 15 of Pub. L. 92–463, set out in this Appendix, as section 16, and enacting provisions set out as notes under sections 3 and 15 of Pub. L. 92–463, set out in this Appendix) may be cited as the 'Federal Advisory Committee Act Amendments of 1997'."

–SECREf–

ACT REFERRED TO IN OTHER SECTIONS

The Federal Advisory Committee Act is referred to in sections 562, 565 of this title; title 2 sections 1534, 1602; title 6

sections 133, 162, 451; title 7 sections 87j, 390c, 450i, 511d,
1725, 2020, 2204b, 2279b, 2286, 3123, 3124a, 3129a, 3152, 3196,
5872, 6518, 7958, 7993; title 8 section 1356; title 10 sections
946, 2012, 2164, 2166; title 12 sections 1441a, 1708, 1831h, 2246,
4703; title 15 sections 78k-1, 78q-1, 2080, 4802, 4806; title 16
sections 410nn-3, 410tt-4, 410aaa-6, 410aaa-27, 410aaa-58,
410hhh-8, 460vv-12, 460ww-5, 460mmm-6, 460nnn-51, 463, 470q, 541g,
668dd, 669h-2, 698u-5, 777m, 839b, 971b, 1386, 1387, 1389, 1421c,
1445a, 1533, 1612, 1852, 3602, 3632, 3862, 4214, 4265a, 4403,
5305c, 5404, 5601, 5607, 5705, 5723, 5958, 6105; title 18 section
208; title 19 sections 58c, 2155, 2605, 3312, 3512; title 20
sections 80q-10, 1098, 1098a, 1444, 2324, 6571, 7514, 9011, 9252,
9514, 9621; title 21 sections 360c, 679a, 1908; title 22 sections
290m-2, 2124, 2194b, 4356, 4833, 5422, 6434, 7002; title 24 section
225b; title 25 sections 166, 2018, 4046; title 29 sections 1147,
1302; title 31 section 5135; title 33 sections 467f, 2251, 2738;
title 35 section 5; title 38 sections 545, 7314, 7320; title 42
sections 282, 285g-4, 285l-3, 290b-4, 300v-3, 903, 2210, 2486h,
3788, 4081, 5816, 7234, 7383, 7385o, 7492, 7506a, 10173b, 10248,
12651b, 13478, 14614, 14616; title 43 sections 1475a, 1600b, 1739,
1753; title 44 section 2701; title 45 sections 1116, 1212; title 46
sections 4508, 9307, 70112; title 46 App. section 1295b; title 47
section 332; title 49 sections 106, 726, 5119, 20133; title 50 App.
section 2158.

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Sec. 2. Findings and purpose

–STATUTE–

(a) The Congress finds that there are numerous committees, boards, commissions, councils, and similar groups which have been established to advise officers and agencies in the executive branch of the Federal Government and that they are frequently a useful and beneficial means of furnishing expert advice, ideas, and diverse opinions to the Federal Government.

(b) The Congress further finds and declares that –

(1) the need for many existing advisory committees has not been adequately reviewed:

(2) new advisory committees should be established only when they are determined to be essential and their number should be kept to the minimum necessary;

(3) advisory committees should be terminated when they are no longer carrying out the purposes for which they were established;

(4) standards and uniform procedures should govern the establishment, operation, administration, and duration of advisory committees;

(5) the Congress and the public should be kept informed with respect to the number, purpose, membership, activities, and cost of advisory committees; and

(6) the function of advisory committees should be advisory only, and that all matters under their consideration should be determined, in accordance with law, by the official, agency, or officer involved.

–SOURCE–

(Pub. L. 92–463, Sec. 2, Oct. 6, 1972, 86 Stat. 770.)

–EXEC–

EXECUTIVE ORDER NO. 11686

Ex. Ord. No. 11686, Oct. 7, 1972, 37 F.R. 21421, which related to committee management, was superseded by Ex. Ord. No. 11769, Feb. 21, 1974, 39 F.R. 7125, formerly set out below.

EXECUTIVE ORDER NO. 11769

Ex. Ord. No. 11769, Feb. 21, 1974, 39 F.R. 7125, which related to committee management, was revoked by Ex. Ord. No. 12024, Dec. 1, 1977, 42 F.R. 61445, set out below.

EX. ORD. NO. 12024. TRANSFER OF CERTAIN ADVISORY COMMITTEE FUNCTIONS

Ex. Ord. No. 12024, Dec. 1, 1977, 42 F.R. 61445, provided:

By virtue of the authority vested in me by the Constitution and statutes of the United States of America, including the Federal Advisory Committee Act, as amended (5 U.S.C. App.), Section 301 of Title 3 of the United States Code, Section 202 of the Budget and Accounting Procedures Act of 1950 (31 U.S.C. 581c) (31 U.S.C. 1531), and Section 7 of Reorganization Plan No. 1 of 1977 (42 F.R. 56101 (October 21, 1977)) (set out in this Appendix), and as President of the United States of America, in accord with the

transfer of advisory committee functions from the Office of Management and Budget to the General Services Administration provided by Reorganization Plan No. 1 of 1977, it is hereby ordered as follows:

Section 1. The transfer, provided by Section 5F of Reorganization Plan No. 1 of 1977 (42 F.R. 56101) (set out in this Appendix), of certain functions under the Federal Advisory Committee Act, as amended (5 U.S.C. App.), from the Office of Management and Budget and its Director to the Administrator of General Services is hereby effective.

Sec. 2. There is hereby delegated to the Administrator of General Services all the functions vested in the President by the Federal Advisory Committee Act, as amended, except that, the annual report to the Congress required by Section 6(c) of that Act shall be prepared by the Administrator for the President's consideration and transmittal to the Congress.

Sec. 3. The Director of the Office of Management and Budget shall take all actions necessary or appropriate to effectuate the transfer of functions provided in this Order, including the transfer of funds, personnel and positions, assets, liabilities, contracts, property, records, and other items related to the functions transferred.

Sec. 4. Executive Order No. 11769 of February 21, 1974 is hereby revoked.

Sec. 5. Any rules, regulations, orders, directives, circulars, or other actions taken pursuant to the functions transferred or

reassigned as provided in this Order from the Office of Management and Budget to the Administrator of General Services, shall remain in effect as if issued by the Administrator until amended, modified, or revoked.

Sec. 6. This Order shall be effective November 20, 1977.

Jimmy Carter.

~~-CITE-~~

5 USC APPENDIX – FEDERAL ADVISORY COMMITTEE ACT Sec. 3 01/06/03

~~-EXPCITE-~~

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~~-HEAD-~~

Sec. 3. Definitions

~~-STATUTE-~~

For the purpose of this Act –

(1) The term "Administrator" means the Administrator of General Services.

(2) The term "advisory committee" means any committee, board, commission, council, conference, panel, task force, or other similar group, or any subcommittee or other subgroup thereof (hereafter in this paragraph referred to as "committee"), which is –

(A) established by statute or reorganization plan, or

(B) established or utilized by the President, or

(C) established or utilized by one or more agencies,

in the interest of obtaining advice or recommendations for the

President or one or more agencies or officers of the Federal Government, except that such term excludes (i) any committee that is composed wholly of full-time, or permanent part-time, officers or employees of the Federal Government, and (ii) any committee that is created by the National Academy of Sciences or the National Academy of Public Administration.

(3) The term "agency" has the same meaning as in section 551(1) of title 5, United States Code.

(4) The term "Presidential advisory committee" means an advisory committee which advises the President.

–SOURCE–

(Pub. L. 92–463, Sec. 3, Oct. 6, 1972, 86 Stat. 770; 1977 Reorg. Plan No. 1, Sec. 5F, eff. Nov. 20, 1977, 42 F.R. 56101, 91 Stat. 1634; Pub. L. 105–153, Sec. 2(a), Dec. 17, 1997, 111 Stat. 2689.)

–MISC1–

AMENDMENTS

1997 – Par. (2). Pub. L. 105–153, in closing provisions, substituted "such term excludes (i) any committee that is composed wholly of full-time, or permanent part-time, officers or employees of the Federal Government, and (ii) any committee that is created by the National Academy of Sciences or the National Academy of Public Administration." for "such term excludes (i) the Advisory Commission on Intergovernmental Relations, (ii) the Commission on Government Procurement, and (iii) any committee which is composed wholly of full-time officers or employees of the Federal Government."

EFFECTIVE DATE OF 1997 AMENDMENT

Section 2(c) of Pub. L. 105–153 provided that:

"(1) In general. – Except as provided in paragraph (2), this section (enacting section 15 of Pub. L. 92–463, set out in this Appendix, amending this section, and redesignating former section 15 of Pub. L. 92–463, set out in this Appendix, as section 16) and the amendments made by this section shall take effect on the date of the enactment of this Act (Dec. 17, 1997).

"(2) Retroactive effect. – Subsection (a) (amending this section) and the amendments made by subsection (a) shall be effective as of October 6, 1972, except that they shall not apply with respect to or otherwise affect any particular advice or recommendations that are subject to any judicial action filed before the date of the enactment of this Act."

–TRANS–

TRANSFER OF FUNCTIONS

" 'Administrator' means the Administrator of General Services" substituted for " 'Director' means the Director of the Office of Management and Budget" in par. (1) pursuant to Reorg. Plan No. 1 of 1977, Sec. 5F, 42 F.R. 56101, 91 Stat. 1634, set out in this Appendix, which transferred functions of Office of Management and Budget and Director thereof relating to Committee Management Secretariat to Administrator of General Services, effective Nov. 20, 1977, as provided by section 1 of Ex. Ord. No. 12024, Dec. 1, 1977, 42 F.R. 61445, set out under section 2 of this Act in this Appendix.

–MISC5–

COMMISSION ON GOVERNMENT PROCUREMENT

Commission on Government Procurement, referred to in par.

(2)(ii), terminated Apr. 30, 1973, pursuant to Pub. L. 91–129, set out as a note under section 251 of Title 41, Public Contracts.

–SECREf–

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 3 section 411; title 10 section 1783; title 12 section 1441a.

–CITE–

5 USC APPENDIX – FEDERAL ADVISORY COMMITTEE ACT Sec. 4 01/06/03

–EXPCITE–

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–HEAD–

Sec. 4. Applicability; restrictions

–STATUTE–

(a) The provisions of this Act or of any rule, order, or regulation promulgated under this Act shall apply to each advisory committee except to the extent that any Act of Congress establishing any such advisory committee specifically provides otherwise.

(b) Nothing in this Act shall be construed to apply to any advisory committee established or utilized by –

(1) the Central Intelligence Agency; or

(2) the Federal Reserve System.

(c) Nothing in this Act shall be construed to apply to any local civic group whose primary function is that of rendering a public service with respect to a Federal program, or any State or local committee, council, board, commission, or similar group established to advise or make recommendations to State or local officials or agencies.

–SOURCE–

(Pub. L. 92–463, Sec. 4, Oct. 6, 1972, 86 Stat. 771.)

–CITE–

5 USC APPENDIX – FEDERAL ADVISORY COMMITTEE ACT Sec. 5 01/06/03

–EXPCITE–

TITLE 5 – APPENDIX

FEDERAL ADVISORY COMMITTEE ACT

–HEAD–

Sec. 5. Responsibilities of Congressional committees; review; guidelines

–STATUTE–

(a) In the exercise of its legislative review function, each standing committee of the Senate and the House of Representatives shall make a continuing review of the activities of each advisory committee under its jurisdiction to determine whether such advisory committee should be abolished or merged with any other advisory committee, whether the responsibilities of such advisory committee should be revised, and whether such advisory committee performs a necessary function not already being performed. Each such standing committee shall take appropriate action to obtain the enactment of

legislation necessary to carry out the purpose of this subsection.

(b) In considering legislation establishing, or authorizing the establishment of any advisory committee, each standing committee of the Senate and of the House of Representatives shall determine, and report such determination to the Senate or to the House of Representatives, as the case may be, whether the functions of the proposed advisory committee are being or could be performed by one or more agencies or by an advisory committee already in existence, or by enlarging the mandate of an existing advisory committee. Any such legislation shall –

(1) contain a clearly defined purpose for the advisory committee;

(2) require the membership of the advisory committee to be fairly balanced in terms of the points of view represented and the functions to be performed by the advisory committee;

(3) contain appropriate provisions to assure that the advice and recommendations of the advisory committee will not be inappropriately influenced by the appointing authority or by any special interest, but will instead be the result of the advisory committee's independent judgment;

(4) contain provisions dealing with authorization of appropriations, the date for submission of reports (if any), the duration of the advisory committee, and the publication of reports and other materials, to the extent that the standing committee determines the provisions of section 10 of this Act to be inadequate; and

(5) contain provisions which will assure that the advisory committee will have adequate staff (either supplied by an agency or employed by it), will be provided adequate quarters, and will have funds available to meet its other necessary expenses.

(c) To the extent they are applicable, the guidelines set out in subsection (b) of this section shall be followed by the President, agency heads, or other Federal officials in creating an advisory committee.

–SOURCE–

(Pub. L. 92–463, Sec. 5, Oct. 6, 1972, 86 Stat. 771.)

–CITE–

5 USC APPENDIX – FEDERAL ADVISORY COMMITTEE ACT Sec. 6 01/06/03

–EXPCITE–

TITLE 5 – APPENDIX

FEDERAL ADVISORY COMMITTEE ACT

–HEAD–

Sec. 6. Responsibilities of the President; report to Congress;
annual report to Congress; exclusion

–STATUTE–

(a) The President may delegate responsibility for evaluating and taking action, where appropriate, with respect to all public recommendations made to him by Presidential advisory committees.

(b) Within one year after a Presidential advisory committee has submitted a public report to the President, the President or his delegate shall make a report to the Congress stating either his proposals for action or his reasons for inaction, with respect to

the recommendations contained in the public report.

(c) The President shall, not later than December 31 of each year, make an annual report to the Congress on the activities, status, and changes in the composition of advisory committees in existence during the preceding fiscal year. The report shall contain the name of every advisory committee, the date of and authority for its creation, its termination date or the date it is to make a report, its functions, a reference to the reports it has submitted, a statement of whether it is an ad hoc or continuing body, the dates of its meetings, the names and occupations of its current members, and the total estimated annual cost to the United States to fund, service, supply, and maintain such committee. Such report shall include a list of those advisory committees abolished by the President, and in the case of advisory committees established by statute, a list of those advisory committees which the President recommends be abolished together with his reasons therefor. The President shall exclude from this report any information which, in his judgment, should be withheld for reasons of national security, and he shall include in such report a statement that such information is excluded.

–SOURCE–

(Pub. L. 92–463, Sec. 6, Oct. 6, 1972, 86 Stat. 772; Pub. L. 97–375, title II, Sec. 201(c), Dec. 21, 1982, 96 Stat. 1822.)

–MISC1–

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of reporting provisions

in subsec. (c) of this section, see section 3003 of Pub. L. 104–66, as amended, set out as a note under section 1113 of Title 31, Money and Finance, and page 173 of House Document No. 103–7.

AMENDMENTS

1982 – Subsec. (c). Pub. L. 97–375 substituted provision that the President shall, not later than Dec. 31 of each year, make an annual report to Congress on the activities, status, and changes in the composition of advisory committees in existence during the preceding fiscal year, for provision the President, not later than March 31 of each calendar year after 1972, make an annual report to Congress on the activities, status, and changes in the composition of advisory committees in existence during the preceding calendar year.

EFFECTIVE DATE OF 1982 AMENDMENT

Section 210(c) of Pub. L. 97–375 provided that the amendment made by that section is effective July 1, 1983.

–CITE–

5 USC APPENDIX – FEDERAL ADVISORY COMMITTEE ACT Sec. 7 01/06/03

–EXPCITE–

TITLE 5 – APPENDIX

FEDERAL ADVISORY COMMITTEE ACT

–HEAD–

Sec. 7. Responsibilities of the Administrator of General Services; Committee Management Secretariat, establishment; review; recommendations to President and Congress; agency cooperation; performance guidelines; uniform pay guidelines; travel

expenses; expense recommendations

–STATUTE–

(a) The Administrator shall establish and maintain within the General Services Administration a Committee Management Secretariat, which shall be responsible for all matters relating to advisory committees.

(b) The Administrator shall, immediately after October 6, 1972, institute a comprehensive review of the activities and responsibilities of each advisory committee to determine –

(1) whether such committee is carrying out its purpose;

(2) whether, consistent with the provisions of applicable statutes, the responsibilities assigned to it should be revised;

(3) whether it should be merged with other advisory committees;

or

(4) whether it should be abolished.

The Administrator may from time to time request such information as he deems necessary to carry out his functions under this subsection. Upon the completion of the Administrator's review he shall make recommendations to the President and to either the agency head or the Congress with respect to action he believes should be taken. Thereafter, the Administrator shall carry out a similar review annually. Agency heads shall cooperate with the Administrator in making the reviews required by this subsection.

(c) The Administrator shall prescribe administrative guidelines and management controls applicable to advisory committees, and, to the maximum extent feasible, provide advice, assistance, and

guidance to advisory committees to improve their performance. In carrying out his functions under this subsection, the Administrator shall consider the recommendations of each agency head with respect to means of improving the performance of advisory committees whose duties are related to such agency.

(d)(1) The Administrator, after study and consultation with the Director of the Office of Personnel Management, shall establish guidelines with respect to uniform fair rates of pay for comparable services of members, staffs, and consultants of advisory committees in a manner which gives appropriate recognition to the responsibilities and qualifications required and other relevant factors. Such regulations shall provide that –

(A) no member of any advisory committee or of the staff of any advisory committee shall receive compensation at a rate in excess of the rate specified for GS–18 of the General Schedule under section 5332 of title 5, United States Code;

(B) such members, while engaged in the performance of their duties away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons employed intermittently in the Government service; and

(C) such members –

(i) who are blind or deaf or who otherwise qualify as handicapped individuals (within the meaning of section 501 of the Rehabilitation Act of 1973 (29 U.S.C. 794)), and

(ii) who do not otherwise qualify for assistance under section 3102 of title 5, United States Code, by reason of being an employee of an agency (within the meaning of section 3102(a)(1) of such title 5), may be provided services pursuant to section 3102 of such title 5 while in performance of their advisory committee duties.

(2) Nothing in this subsection shall prevent –

(A) an individual who (without regard to his service with an advisory committee) is a full–time employee of the United States, or

(B) an individual who immediately before his service with an advisory committee was such an employee, from receiving compensation at the rate at which he otherwise would be compensated (or was compensated) as a full–time employee of the United States.

(e) The Administrator shall include in budget recommendations a summary of the amounts he deems necessary for the expenses of advisory committees, including the expenses for publication of reports where appropriate.

–SOURCE–

(Pub. L. 92–463, Sec. 7, Oct. 6, 1972, 86 Stat. 772; 1977 Reorg. Plan No. 1, Sec. 5F, eff. Nov. 20, 1977, 42 F.R. 56101, 91 Stat. 1634; 1978 Reorg. Plan No. 2, Sec. 102, eff. Jan. 1, 1979, 43 F.R. 36067, 92 Stat. 3783; Pub. L. 96–523, Sec. 2, Dec. 12, 1980, 94 Stat. 3040.)

–REFTEXT–

REFERENCES IN TEXT

Section 501 of the Rehabilitation Act of 1973, referred to in subsec. (d)(1)(C)(i), is classified to section 791 of Title 29, Labor, rather than to section 794 of Title 29 as shown in text.

–MISC2–

AMENDMENTS

1980 – Subsec. (d)(1)(C). Pub. L. 96–523 added subpar. (C).

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96–523 effective sixty days after Dec. 12, 1980, see section 3 of Pub. L. 96–523, set out as a note under section 3102 of this title.

–TRANS–

TRANSFER OF FUNCTIONS

"Director of the Office of Personnel Management" substituted for "Civil Service Commission" in subsec. (d) pursuant to Reorg. Plan No. 2 of 1978, Sec. 102, 43 F.R. 36037, 92 Stat. 3783, set out under section 1101 of this title, which transferred functions vested by statute in United States Civil Service Commission to Director of Office of Personnel Management (except as otherwise specified), effective Jan. 1, 1979, as provided by section 1–102 of Ex. Ord. No. 12107, Dec. 28, 1978, 44 F.R. 1055, set out under section 1101 of this title.

"Administrator", "Administrator's", "Administrator of General Services", and "General Services Administration" substituted for "Director", "Director's", "Director, Office of Management and Budget", and "Office of Management and Budget" in

text pursuant to Reorg. Plan No. 1 of 1977, Sec. 5F, 42 F.R. 56101, 91 Stat. 1634, set out in this Appendix, which transferred functions of Office of Management and Budget and Director thereof relating to Committee Management Secretariat to Administrator of General Services, effective Nov. 20, 1977, as provided by section 1 of Ex. Ord. No. 12024, Dec. 1, 1977, 42 F.R. 61445, set out under section 2 of this Act in this Appendix.

–MISC5–

REFERENCES IN OTHER LAWS TO GS–16, 17, OR 18 PAY RATES

References in laws to the rates of pay for GS–16, 17, or 18, or to maximum rates of pay under the General Schedule, to be considered references to rates payable under specified sections of this title, see section 529 (title I, Sec. 101(c)(1)) of Pub. L. 101–509, set out in a note under section 5376 of this title.

–SECREf–

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 568 of this title; title 25 section 2018.

–CITE–

5 USC APPENDIX – FEDERAL ADVISORY COMMITTEE ACT Sec. 8 01/06/03

–EXPCITE–

TITLE 5 – APPENDIX

FEDERAL ADVISORY COMMITTEE ACT

–HEAD–

Sec. 8. Responsibilities of agency heads; Advisory Committee

Management Officer, designation

–STATUTE–

(a) Each agency head shall establish uniform administrative guidelines and management controls for advisory committees established by that agency, which shall be consistent with directives of the Administrator under section 7 and section 10.

Each agency shall maintain systematic information on the nature, functions, and operations of each advisory committee within its jurisdiction.

(b) The head of each agency which has an advisory committee shall designate an Advisory Committee Management Officer who shall –

(1) exercise control and supervision over the establishment, procedures, and accomplishments of advisory committees established by that agency;

(2) assemble and maintain the reports, records, and other papers of any such committee during its existence; and

(3) carry out, on behalf of that agency, the provisions of section 552 of title 5, United States Code, with respect to such reports, records, and other papers.

–SOURCE–

(Pub. L. 92–463, Sec. 8, Oct. 6, 1972, 86 Stat. 773; 1977 Reorg. Plan No. 1, Sec. 5F, eff. Nov. 20, 1977, 42 F.R. 56101, 91 Stat. 1634.)

–TRANS–

TRANSFER OF FUNCTIONS

"Administrator", meaning Administrator of General Services, substituted for "Director", meaning Director of Office of

Management and Budget, in subsec. (a) pursuant to Reorg. Plan No. 1 of 1977, Sec. 5F, 42 F.R. 56101, 91 Stat. 1634, set out in this Appendix, which transferred functions of Office of Management and Budget and Director thereof relating to Committee Management Secretariat to Administrator of General Services, effective Nov. 20, 1977, as provided by section 1 of Ex. Ord. No. 12024, Dec. 1, 1977, 42 F.R. 61445, set out under section 2 of this Act in this Appendix.

–CITE–

5 USC APPENDIX – FEDERAL ADVISORY COMMITTEE ACT Sec. 9 01/06/03

–EXPCITE–

TITLE 5 – APPENDIX

FEDERAL ADVISORY COMMITTEE ACT

–HEAD–

Sec. 9. Establishment and purpose of advisory committees; publication in Federal Register; charter: filing, contents, copy

–STATUTE–

(a) No advisory committee shall be established unless such establishment is –

- (1) specifically authorized by statute or by the President; or
- (2) determined as a matter of formal record, by the head of the agency involved after consultation with the Administrator, with timely notice published in the Federal Register, to be in the public interest in connection with the performance of duties imposed on that agency by law.

(b) Unless otherwise specifically provided by statute or Presidential directive, advisory committees shall be utilized solely for advisory functions. Determinations of action to be taken and policy to be expressed with respect to matters upon which an advisory committee reports or makes recommendations shall be made solely by the President or an officer of the Federal Government.

(c) No advisory committee shall meet or take any action until an advisory committee charter has been filed with (1) the Administrator, in the case of Presidential advisory committees, or (2) with the head of the agency to whom any advisory committee reports and with the standing committees of the Senate and of the House of Representatives having legislative jurisdiction of such agency. Such charter shall contain the following information:

- (A) the committee's official designation;
- (B) the committee's objectives and the scope of its activity;
- (C) the period of time necessary for the committee to carry out its purposes;
- (D) the agency or official to whom the committee reports;
- (E) the agency responsible for providing the necessary support for the committee;
- (F) a description of the duties for which the committee is responsible, and, if such duties are not solely advisory, a specification of the authority for such functions;
- (G) the estimated annual operating costs in dollars and man-years for such committee;

(H) the estimated number and frequency of committee meetings;

(I) the committee's termination date, if less than two years

from the date of the committee's establishment; and

(J) the date the charter is filed.

A copy of any such charter shall also be furnished to the Library of Congress.

–SOURCE–

(Pub. L. 92–463, Sec. 9, Oct. 6, 1972, 86 Stat. 773; 1977 Reorg.

Plan No. 1, Sec. 5F, eff. Nov. 20, 1977, 42 F.R. 56101, 91 Stat.

1634.)

–TRANS–

TRANSFER OF FUNCTIONS

"Administrator", meaning Administrator of General Services,

substituted for "Director", meaning Director of Office of

Management and Budget, in subsecs. (a)(2) and (c) pursuant to

Reorg. Plan No. 1 of 1977, Sec. 5F, 42 F.R. 56101, 91 Stat. 1634,

set out in this Appendix, which transferred functions of Office of

Management and Budget and Director thereof relating to Committee

Management Secretariat to Administrator of General Services,

effective Nov. 20, 1977, as provided by section 1 of Ex. Ord. No.

12024, Dec. 1, 1977, 42 F.R. 61445, set out under section 2 of this

Act in this Appendix.

–CITE–

5 USC APPENDIX – FEDERAL ADVISORY COMMITTEE ACT Sec. 10 01/06/03

–EXPCITE–

TITLE 5 – APPENDIX

FEDERAL ADVISORY COMMITTEE ACT

–HEAD–

Sec. 10. Advisory committee procedures; meetings; notice, publication in Federal Register; regulations; minutes; certification; annual report; Federal officer or employee, attendance

–STATUTE–

(a)(1) Each advisory committee meeting shall be open to the public.

(2) Except when the President determines otherwise for reasons of national security, timely notice of each such meeting shall be published in the Federal Register, and the Administrator shall prescribe regulations to provide for other types of public notice to insure that all interested persons are notified of such meeting prior thereto.

(3) Interested persons shall be permitted to attend, appear before, or file statements with any advisory committee, subject to such reasonable rules or regulations as the Administrator may prescribe.

(b) Subject to section 552 of title 5, United States Code, the records, reports, transcripts, minutes, appendixes, working papers, drafts, studies, agenda, or other documents which were made available to or prepared for or by each advisory committee shall be available for public inspection and copying at a single location in the offices of the advisory committee or the agency to which the advisory committee reports until the advisory committee ceases to

exist.

(c) Detailed minutes of each meeting of each advisory committee shall be kept and shall contain a record of the persons present, a complete and accurate description of matters discussed and conclusions reached, and copies of all reports received, issued, or approved by the advisory committee. The accuracy of all minutes shall be certified to by the chairman of the advisory committee.

(d) Subsections (a)(1) and (a)(3) of this section shall not apply to any portion of an advisory committee meeting where the President, or the head of the agency to which the advisory committee reports, determines that such portion of such meeting may be closed to the public in accordance with subsection (c) of section 552b of title 5, United States Code. Any such determination shall be in writing and shall contain the reasons for such determination. If such a determination is made, the advisory committee shall issue a report at least annually setting forth a summary of its activities and such related matters as would be informative to the public consistent with the policy of section 552(b) of title 5, United States Code.

(e) There shall be designated an officer or employee of the Federal Government to chair or attend each meeting of each advisory committee. The officer or employee so designated is authorized, whenever he determines it to be in the public interest, to adjourn any such meeting. No advisory committee shall conduct any meeting in the absence of that officer or employee.

(f) Advisory committees shall not hold any meetings except at the

call of, or with the advance approval of, a designated officer or employee of the Federal Government, and in the case of advisory committees (other than Presidential advisory committees), with an agenda approved by such officer or employee.

–SOURCE–

(Pub. L. 92–463, Sec. 10, Oct. 6, 1972, 86 Stat. 774; Pub. L. 94–409, Sec. 5(c), Sept. 13, 1976, 90 Stat. 1247; 1977 Reorg. Plan No. 1, Sec. 5F, eff. Nov. 20, 1977, 42 F.R. 56101, 91 Stat. 1634.)

–MISC1–

AMENDMENTS

1976 – Subsec. (d). Pub. L. 94–409 inserted "portion of an" after "to any" and substituted provisions relating to determinations for closing to the public such portion of the meeting in accordance with section 552b(c) of title 5, for provisions relating to determinations of matters listed in section 552(b) of title 5.

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94–409 effective 180 days after Sept. 13, 1976, see section 6 of Pub. L. 94–409, set out as an Effective Date note under section 552b of this title.

–TRANS–

TRANSFER OF FUNCTIONS

"Administrator", meaning Administrator of General Services, substituted for "Director", meaning Director of Office of Management and Budget, in subsec. (a)(2), (3) pursuant to Reorg. Plan No. 1 of 1977, Sec. 5F, 42 F.R. 56101, 91 Stat. 1634, set out

in this Appendix, which transferred functions of Office of Management and Budget and Director thereof relating to Committee Management Secretariat to Administrator of General Services, effective Nov. 20, 1977, as provided by section 1 of Ex. Ord. No. 12024, Dec. 1, 1977, 42 F.R. 61445, set out under section 2 of this Act in this Appendix.

–SECRET–

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 566 of this title; title 15 section 4806; title 19 sections 2155, 2605; title 20 section 9621; title 30 section 1229; title 42 sections 6273, 7704; title 46 sections 4508, 9307, 70112; title 49 section 30306.

–CITE–

5 USC APPENDIX – FEDERAL ADVISORY COMMITTEE ACT Sec. 11 01/06/03

–EXPCITE–

TITLE 5 – APPENDIX

FEDERAL ADVISORY COMMITTEE ACT

–HEAD–

Sec. 11. Availability of transcripts; "agency proceeding"

–STATUTE–

(a) Except where prohibited by contractual agreements entered into prior to the effective date of this Act, agencies and advisory committees shall make available to any person, at actual cost of duplication, copies of transcripts of agency proceedings or advisory committee meetings.

(b) As used in this section "agency proceeding" means any

proceeding as defined in section 551(12) of title 5, United States

Code.

–SOURCE–

(Pub. L. 92–463, Sec. 11, Oct. 6, 1972, 86 Stat. 775.)

–REFTEXT–

REFERENCES IN TEXT

Effective date of this Act, referred to in subsec. (a), as meaning effective upon expiration of ninety days following enactment of Pub. L. 92–463 on Oct. 6, 1972, see section 15 of Pub. L. 92–463.

–SECREP–

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 15 section 4806; title 19 sections 2155, 2605; title 20 section 9621; title 42 section 6273.

–CITE–

5 USC APPENDIX – FEDERAL ADVISORY COMMITTEE ACT Sec. 12 01/06/03

–EXPCITE–

TITLE 5 – APPENDIX

FEDERAL ADVISORY COMMITTEE ACT

–HEAD–

Sec. 12. Fiscal and administrative provisions; record–keeping; audit; agency support services

–STATUTE–

(a) Each agency shall keep records as will fully disclose the disposition of any funds which may be at the disposal of its advisory committees and the nature and extent of their activities.

The General Services Administration, or such other agency as the President may designate, shall maintain financial records with respect to Presidential advisory committees. The Comptroller General of the United States, or any of his authorized representatives, shall have access, for the purpose of audit and examination, to any such records.

(b) Each agency shall be responsible for providing support services for each advisory committee established by or reporting to it unless the establishing authority provides otherwise. Where any such advisory committee reports to more than one agency, only one agency shall be responsible for support services at any one time.

In the case of Presidential advisory committees, such services may be provided by the General Services Administration.

–SOURCE–

(Pub. L. 92–463, Sec. 12, Oct. 6, 1972, 86 Stat. 775.)

–SECREf–

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 20 section 9621.

–CITE–

5 USC APPENDIX – FEDERAL ADVISORY COMMITTEE ACT Sec. 13 01/06/03

–EXPCITE–

TITLE 5 – APPENDIX

FEDERAL ADVISORY COMMITTEE ACT

–HEAD–

Sec. 13. Responsibilities of Library of Congress; reports and background papers; depository

–STATUTE–

Subject to section 552 of title 5, United States Code, the Administrator shall provide for the filing with the Library of Congress of at least eight copies of each report made by every advisory committee and, where appropriate, background papers prepared by consultants. The Librarian of Congress shall establish a depository for such reports and papers where they shall be available to public inspection and use.

–SOURCE–

(Pub. L. 92–463, Sec. 13, Oct. 6, 1972, 86 Stat. 775; 1977 Reorg. Plan No. 1, Sec. 5F, eff. Nov. 20, 1977, 42 F.R. 56101, 91 Stat. 1634.)

–TRANS–

TRANSFER OF FUNCTIONS

"Administrator", meaning Administrator of General Services, substituted in text for "Director", meaning Director of Office of Management and Budget, pursuant to Reorg. Plan No. 1 of 1977, Sec. 5F, 42 F.R. 56101, 91 Stat. 1634, set out in this Appendix, which transferred functions of Office of Management and Budget and Director thereof relating to Committee Management Secretariat to Administrator of General Services, effective Nov. 20, 1977, as provided by section 1 of Ex. Ord. No. 12024, Dec. 1, 1977, 42 F.R. 61445, set out under section 2 of this Act in this Appendix.

–CITE–

5 USC APPENDIX – FEDERAL ADVISORY COMMITTEE ACT Sec. 14 01/06/03

–EXPCITE–

TITLE 5 – APPENDIX

FEDERAL ADVISORY COMMITTEE ACT

–HEAD–

Sec. 14. Termination of advisory committees; renewal; continuation

–STATUTE–

(a)(1) Each advisory committee which is in existence on the effective date of this Act shall terminate not later than the expiration of the two–year period following such effective date unless –

(A) in the case of an advisory committee established by the President or an officer of the Federal Government, such advisory committee is renewed by the President or that officer by appropriate action prior to the expiration of such two–year period; or

(B) in the case of an advisory committee established by an Act of Congress, its duration is otherwise provided for by law.

(2) Each advisory committee established after such effective date shall terminate not later than the expiration of the two–year period beginning on the date of its establishment unless –

(A) in the case of an advisory committee established by the President or an officer of the Federal Government such advisory committee is renewed by the President or such officer by appropriate action prior to the end of such period; or

(B) in the case of an advisory committee established by an Act of Congress, its duration is otherwise provided for by law.

(b)(1) Upon the renewal of any advisory committee, such advisory

committee shall file a charter in accordance with section 9(c).

(2) Any advisory committee established by an Act of Congress shall file a charter in accordance with such section upon the expiration of each successive two-year period following the date of enactment of the Act establishing such advisory committee.

(3) No advisory committee required under this subsection to file a charter shall take any action (other than preparation and filing of such charter) prior to the date on which such charter is filed.

(c) Any advisory committee which is renewed by the President or any officer of the Federal Government may be continued only for successive two-year periods by appropriate action taken by the President or such officer prior to the date on which such advisory committee would otherwise terminate.

–SOURCE–

(Pub. L. 92–463, Sec. 14, Oct. 6, 1972, 86 Stat. 776.)

–REFTEXT–

REFERENCES IN TEXT

Effective date of this Act, referred to in subsec. (a)(1), as meaning effective upon expiration of ninety days following enactment of Pub. L. 92–463 on Oct. 6, 1972, see section 15 of Pub. L. 92–463.

–EXEC–

EXECUTIVE ORDER NO. 11827

Ex. Ord. No. 11827, Jan. 4, 1975, 40 F.R. 1217, as amended by Ex. Ord. No. 11915, May 10, 1976, 41 F.R. 19195, which provided for the continuance of certain Federal advisory committees, was superseded

by Ex. Ord. No. 11948, Dec. 20, 1976, 41 F.R. 55705, formerly set out below.

EXECUTIVE ORDER NO. 11948

Ex. Ord. No. 11948, Dec. 20, 1976, 41 F.R. 55705, as amended by Ex. Ord. No. 12007, Aug. 22, 1977, 42 F.R. 42839; Ex. Ord. No. 12029, Dec. 14, 1977, 42 F.R. 63631, which provided for the continuance of certain Federal advisory committees, was superseded by Ex. Ord. No. 12110, Dec. 28, 1978, 44 F.R. 1069, formerly set out below.

EX. ORD. NO. 12007. TERMINATION OF CERTAIN PRESIDENTIAL ADVISORY COMMITTEES

Ex. Ord. No. 12007, Aug. 22, 1977, 42 F.R. 42839, provided:

By virtue of the authority vested in me by the Constitution and statutes of the United States of America, and as President of the United States of America, in order to terminate certain advisory committees in accordance with the provisions of the Federal Advisory Committee Act (5 U.S.C. App.), it is hereby ordered as follows:

Section 1. (a) The Citizens' Advisory Council on the Status of Women is terminated.

(b) Executive Order No. 11126 of November 1, 1963, as amended by Executive Order No. 11221 of May 6, 1965 (42 U.S.C. 2000e note), is further amended as follows:

(1) Subsection (5) of Section 102 is revoked.

(2) Section 103, in order to delete a reference to the Council, is amended to read as follows:

"Annually the Committee shall transmit a report to the President concerning the status of women."

(3) Part II is revoked.

(4) The second sentence of Section 301, in order to delete references to the Council, is amended to read as follows:

"To the extent practical and to the extent permitted by law (1) all Executive agencies shall cooperate with the Committee and furnish it such information and assistance as may be necessary for the performance of its functions, and (2) the Secretary of Labor shall furnish staff, office space, office facilities and supplies, and other necessary assistance, facilities, and services for the Committee."

Sec. 2. (a) The Citizens' Advisory Committee on Environmental Quality is terminated.

(b) Part II of Executive Order No. 11472 of May 29, 1969, as amended by paragraphs (7) and (8) of Section 4 of Executive Order No. 11514 of March 5, 1970 (42 U.S.C. 4321 note), is revoked.

Sec. 3. (a) The Advisory Council for Minority Enterprise is terminated.

(b) Section 2 of Executive Order No. 11625 of October 13, 1971 (15 U.S.C. 631 note), is revoked.

Sec. 4. (a) The Consumer Advisory Council is terminated.

(b) Executive Order No. 11583 of February 24, 1971 (20 U.S.C. 2982 note), is amended as follows:

(1) The second sentence of subsection (b)(1) of Section 2 is amended by deleting "(including the Consumer Advisory Council

established in section 5 of this order)".

(2) Section 5 is revoked.

Sec. 5. (a) The President's Advisory Board on International Investment is terminated.

(b) Executive Order No. 11962 of January 19, 1977 (22 U.S.C. 3107 note), is revoked.

Sec. 6. Subsections (a), (g), (i), and (j) of Section 1 of Executive Order No. 11948 of December 20, 1976 (formerly set out as a note under this section), which extended the above advisory committees until December 31, 1978, is superseded.

Jimmy Carter.

EX. ORD. NO. 12029. TERMINATION OF A PRESIDENTIAL ADVISORY COMMITTEE

Ex. Ord. No. 12029, Dec. 14, 1977, 42 F.R. 63631, provided:

By virtue of the authority vested in me by the Constitution and statutes of the United States of America, and as President of the United States of America, in order to terminate an advisory committee in accordance with the provisions of the Federal Advisory Committee Act (5 U.S.C. App.), it is hereby ordered as follows:

Section 1. (a) The Quetico-Superior Committee is terminated.

(b) Executive Order No. 11342, as amended, is revoked.

Sec. 2. Subsection (e) of Section 1 of Executive Order No. 11948 of December 20, 1976 (formerly set out as a note under this section), which extended the above advisory committee until December 31, 1978, is superseded. Jimmy Carter.

EXECUTIVE ORDER NO. 12110

Ex. Ord. No. 12110, Dec. 28, 1978, 44 F.R. 1069, which provided for the continuance of certain Federal advisory committees, was superseded by Ex. Ord. No. 12258, Dec. 31, 1980, 46 F.R. 1251, as amended, formerly set out below.

EXECUTIVE ORDER NO. 12258

Ex. Ord. No. 12258, Dec. 31, 1980, 46 F.R. 1251, as amended by Ex. Ord. No. 12271, Jan. 15, 1981, 46 F.R. 4677; Ex. Ord. No. 12299, Mar. 17, 1981, 46 F.R. 17751; Ex. Ord. No. 12305, May 5, 1981, 46 F.R. 25421; Ex. Ord. No. 12336, Dec. 21, 1981, 46 F.R. 62239, which provided for the continuance of certain Federal advisory committees, was superseded by Ex. Ord. No. 12399, Dec. 31, 1982, 48 F.R. 379, formerly set out below.

EX. ORD. NO. 12305. TERMINATION OF CERTAIN FEDERAL ADVISORY COMMITTEES

Ex. Ord. No. 12305, May 5, 1981, 46 F.R. 25421, provided:

By the authority vested in me as President by the Constitution of the United States of America, and in accordance with the provisions of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), the following Executive Orders, establishing advisory committees, are hereby revoked and the committees terminated:

- (a) Executive Order No. 12059 of May 11, 1978, as amended (28 U.S.C. 44 note), establishing the United States Circuit Judge Nominating Commission;
- (b) Executive Order No. 11992 of May 24, 1977 (28 U.S.C. note prec. chapter 1), establishing the Committee on Selection of Federal Judicial Officers;

(c) Executive Order No. 12084 of September 27, 1978, as amended by Executive Order 12097 of November 8, 1978 (28 U.S.C. 133 note), establishing the Judicial Nominating Commission for the District of Puerto Rico; and

(d) Executive Order No. 12064 of June 5, 1978 (26 U.S.C. 7443 note), establishing the United States Tax Court Nominating Commission.

Subsections (g), (i), (j) and (k) of Section 1–101 of Executive Order No. 12258 (formerly set out as a note under this section), extending these committees, are also revoked. Ronald Reagan.

EX. ORD. NO. 12379. TERMINATION OF BOARDS, COMMITTEES, AND COMMISSIONS

Ex. Ord. No. 12379, Aug. 17, 1982, 47 F.R. 36099, provided:

By the authority vested in me as President by the Constitution and statutes of the United States of America, and to terminate the establishing authorities for committees that are inactive or no longer necessary, it is hereby ordered as follows:

Section 1. Executive Order No. 12071, as amended (29 U.S.C. 1001 note), establishing the President's Commission on Pension Policy, is revoked.

Sec. 2. Executive Order No. 12042, creating a Board of Inquiry to Report on Labor Disputes Affecting the Bituminous Coal Industry in the United States, is revoked.

Sec. 3. Executive Order No. 12085, creating an Emergency Board to Investigate a Dispute Between the Norfolk and Western Railway Company and Certain of Its Employees, is revoked.

Sec. 4. Executive Order No. 12132, creating an Emergency Board to Investigate a Dispute Between the National Railway Labor Conference and Certain of Its Employees, is revoked.

Sec. 5. Executive Order No. 12095, creating an Emergency Board to Investigate a Dispute Between Wien Air Alaska, Inc., and Certain Individuals, is revoked.

Sec. 6. Executive Order No. 12159, creating an Emergency Board to Investigate Disputes Between the Chicago, Rock Island, Pacific Railroad and Peoria Terminal Company and Brotherhood of Railway, Airline and Steamship Clerks, Freight Handlers, Express and Station Employees; and the United Transportation Union, is revoked.

Sec. 7. Executive Order No. 12182, creating an Emergency Board to Investigate a Dispute Between the Long Island Rail Road and Certain of Its Employees, is revoked.

Sec. 8. Executive Order No. 12207, creating an Emergency Board to Investigate a Dispute Between the Port Authority Trans–Hudson Corporation and Certain of Its Employees, is revoked.

Sec. 9. Executive Order No. 12262 (29 U.S.C. 1001 note), establishing an Interagency Employee Benefit Council, is revoked.

Sec. 10. Executive Order No. 12275 (20 U.S.C. 951 note), establishing the Design Liaison Council, is revoked.

Sec. 11. Executive Order No. 11829, as amended (25 U.S.C. 640d note), establishing the Hopi–Navajo Land Settlement Interagency Committee, is revoked.

Sec. 12. Executive Order No. 11022, as amended (42 U.S.C. 3001 note), establishing the President's Council on Aging, is revoked.

Sec. 13. Executive Order No. 12192 (42 U.S.C. 2021 note), establishing the State Planning (Planning) Council on Radioactive Waste Management, is revoked.

Sec. 14. Executive Order No. 12075, as amended (42 U.S.C. 1450 note), establishing the Interagency Coordinating Council, is revoked.

Sec. 15. Executive Order No. 11782 (12 U.S.C. 2281 note), establishing the Federal Financing Bank Advisory Council, is revoked.

Sec. 16. Executive Order No. 12089, as amended (15 U.S.C. 2401 note), establishing the National Productivity Council, is revoked.

Sec. 17. Executive Order No. 11330, as amended (42 U.S.C. note prec. 2711), establishing the President's Council on Youth Opportunity, is revoked.

Sec. 18. Executive Order No. 11256, establishing the President's Committee on Food and Fiber and establishing the National Advisory Commission on Food and Fiber, is revoked.

Sec. 19. Executive Order No. 11654 (15 U.S.C. 278f note), continuing the Federal Fire Council, is revoked.

Sec. 20. Executive Order No. 12083, as amended (42 U.S.C. 7101 note), establishing the Energy Coordinating Committee, is revoked.

Sec. 21. Executive Order No. 12285, as amended and ratified (50 U.S.C. 1701 note), establishing the President's Commission on Hostage Compensation, is revoked.

Sec. 22. Executive Order No. 12202, as amended (42 U.S.C. 5848 note), establishing the Nuclear Safety Oversight Committee, is

revoked.

Sec. 23. Executive Order No. 12194 (42 U.S.C. 1321 note),
establishing the Radiation Policy Council, is revoked.

Sec. 24. The Veterans' Federal Coordinating Committee (Weekly
Compilation of Presidential Documents, volume 14, number 41, page
1743) is terminated.

Sec. 25. The President's Council on Energy Efficiency (Weekly
Compilation of Presidential Documents, volume 16, numbers 18 and
30, pages 790 and 1404) is terminated. Ronald Reagan.

EXECUTIVE ORDER NO. 12399

Ex. Ord. No. 12399, Dec. 31, 1982, 48 F.R. 379, which provided
for the continuance of certain Federal advisory committees, was
superseded by Ex. Ord. No. 12534, Sept. 30, 1985, 50 F.R. 40319,
formerly set out below.

EXECUTIVE ORDER NO. 12489

Ex. Ord. No. 12489, Sept. 28, 1984, 49 F.R. 38927, which provided
for the continuance of certain Federal advisory committees, was
superseded by Ex. Ord. No. 12534, Sept. 30, 1985, 50 F.R. 40319,
formerly set out below.

EXECUTIVE ORDER NO. 12534

Ex. Ord. No. 12534, Sept. 30, 1985, 50 F.R. 40319, which provided
for the continuance of certain Federal advisory committees, was
superseded by Ex. Ord. No. 12610, Sept. 30, 1987, 52 F.R. 36901,
formerly set out below.

EXECUTIVE ORDER NO. 12610

Ex. Ord. No. 12610, Sept. 30, 1987, 52 F.R. 36901, which provided

for the continuance of certain Federal advisory committees, was superseded by Ex. Ord. No. 12692, Sept. 29, 1989, 54 F.R. 40627, formerly set out below.

EXECUTIVE ORDER NO. 12692

Ex. Ord. No. 12692, Sept. 29, 1989, 54 F.R. 40627, as amended by Ex. Ord. No. 12704, Feb. 26, 1990, 55 F.R. 6969, which provided for the continuance of certain Federal advisory committees, was superseded by Ex. Ord. No. 12774, Sec. 4, Sept. 27, 1991, 56 F.R. 49835, formerly set out below.

EXECUTIVE ORDER NO. 12774

Ex. Ord. No. 12774, Sept. 27, 1991, 56 F.R. 49835, which provided for the continuance of certain Federal advisory committees, was superseded by Ex. Ord. No. 12869, Sec. 5, Sept. 30, 1993, 58 F.R. 51751, formerly set out below.

EX. ORD. NO. 12838. TERMINATION AND LIMITATION OF FEDERAL ADVISORY COMMITTEES

Ex. Ord. No. 12838, Feb. 10, 1993, 58 F.R. 8207, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Federal Advisory Committee Act ("FACA"), as amended (5 U.S.C. App.), it is hereby ordered as follows:

Section 1. Each executive department and agency shall terminate not less than one-third of the advisory committees subject to FACA (and not required by statute) that are sponsored by the department or agency by no later than the end of fiscal year 1993.

Sec. 2. Within 90 days, the head of each executive department and

agency shall submit to the Director of the Office of Management and Budget, for each advisory committee subject to FACA sponsored by that department or agency: (a) a detailed justification for the continued existence, or a brief description in support of the termination, of any advisory committee not required by statute; and (b) a detailed recommendation for submission to the Congress to continue or to terminate any advisory committee required by statute. The Administrator of General Services shall prepare such justifications and recommendations for each advisory committee subject to FACA and not sponsored by a department or agency.

Sec. 3. Effective immediately, executive departments and agencies shall not create or sponsor a new advisory committee subject to FACA unless the committee is required by statute or the agency head (a) finds that compelling considerations necessitate creation of such a committee, and (b) receives the approval of the Director of the Office of Management and Budget. Such approval shall be granted only sparingly and only if compelled by considerations of national security, health or safety, or similar national interests. These requirements shall apply in addition to the notice and other approval requirements of FACA.

Sec. 4. The Director of the Office of Management and Budget shall issue detailed instructions regarding the implementation of this order, including exemptions necessary for the delivery of essential services and compliance with applicable law.

Sec. 5. All independent regulatory commissions and agencies are requested to comply with the provisions of this order.

William J. Clinton.

EXECUTIVE ORDER NO. 12869

Ex. Ord. No. 12869, Sept. 30, 1993, 58 F.R. 51751, as amended by Ex. Ord. No. 12882, Sec. 4(c), Nov. 23, 1993, 58 F.R. 62493, which provided for the continuance of certain Federal advisory committees, was superseded by Ex. Ord. No. 12974, Sept. 29, 1995, 60 F.R. 51875, formerly set out below.

EXECUTIVE ORDER NO. 12974

Ex. Ord. No. 12974, Sept. 29, 1995, 60 F.R. 51875, which provided for the continuance of certain Federal advisory committees, was superseded by Ex. Ord. No. 13062, Sept. 29, 1997, 62 F.R. 51755, formerly set out below.

EXECUTIVE ORDER NO. 13062

Ex. Ord. No. 13062, Sept. 29, 1997, 62 F.R. 51755, which provided for the continuance of certain Federal advisory committees, was partially superseded by Ex. Ord. No. 13138, Sec. 4, Sept. 30, 1999, 64 F.R. 53880, formerly set out below.

EXECUTIVE ORDER NO. 13138

Ex. Ord. No. 13138, Sept. 30, 1999, 64 F.R. 53879, as amended by Ex. Ord. No. 13226, Sec. 4(c), Sept. 30, 2001, 66 F.R. 50524, which provided for the continuance of certain Federal advisory committees, was partially superseded by Ex. Ord. No. 13225, Sec. 4, Sept. 28, 2001, 66 F.R. 50292, set out below.

EX. ORD. NO. 13225. CONTINUANCE OF CERTAIN FEDERAL ADVISORY COMMITTEES

Ex. Ord. No. 13225, Sept. 28, 2001, 66 F.R. 50291, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in accordance with the provisions of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), it is hereby ordered as follows:

Section 1. Each advisory committee listed below is continued until September 30, 2003.

(a) Committee for the Preservation of the White House; Executive Order 11145, as amended (Department of the Interior) (3 U.S.C. 110 note).

(b) Federal Advisory Council on Occupational Safety and Health; Executive Order 12196, as amended (Department of Labor) (5 U.S.C. 7902).

(c) President's Advisory Commission on Educational Excellence for Hispanic Americans; Executive Order 12900 (Department of Education) (20 U.S.C. 3411 note).

(d) President's Board of Advisors on Historically Black Colleges and Universities; Executive Order 13021 (12876), as amended, (Department of Education) (20 U.S.C. 1060 note).

(e) President's Board of Advisors on Tribal Colleges and Universities; Executive Order 13021, as amended (Department of Education) (former 25 U.S.C. 1801 note).

(f) President's Commission on White House Fellowships; Executive Order 11183, as amended (Office of Personnel Management).

(g) President's Committee on the Arts and the Humanities; Executive Order 12367, as amended (National Endowment for the Arts).

- (h) President's Committee on the International Labor Organization; Executive Order 12216, as amended (Department of Labor) (22 U.S.C. 271 note).
- (i) President's Committee on the National Medal of Science; Executive Order 11287, as amended (National Science Foundation) (42 U.S.C. 1881 note).
- (j) President's Committee on Mental Retardation; Executive Order 12994 (Department of Health and Human Services) (42 U.S.C. note prec. 6000).
- (k) President's Council on Physical Fitness and Sports; Executive Order 12345, as amended (Department of Health and Human Services) (former 42 U.S.C. 300u-5 note).
- (l) President's Export Council; Executive Order 12131, as amended (Department of Commerce) (50 App. U.S.C. 2401 note).
- (m) President's National Security Telecommunications Advisory Committee; Executive Order 12382, as amended (Department of Defense).
- (n) Trade and Environment Policy Advisory Committee; Executive Order 12905 (Office of the United States Trade Representative) (19 U.S.C. 2155 note).

Sec. 2. Notwithstanding the provisions of any other Executive Order, the functions of the President under the Federal Advisory Committee Act that are applicable to the committees listed in section 1 of this order shall be performed by the head of the department or agency designated after each committee, in accordance with the guidelines and procedures established by the Administrator

of General Services.

Sec. 3. The following Executive Orders, or sections thereof, which established committees that have terminated and whose work is completed, are revoked:

(a) Sections 3 and 4 of Executive Order 13134 (7 U.S.C. 7624 note) pertaining to the establishment and administration of the Advisory Committee on Biobased Products and Bioenergy, superseded by the Biomass Research and Development Technical Advisory Committee established pursuant to section 306 of the Biomass Research and Development Act of 2000 (Title III of Public Law 106–224) (set out in a note under section 7624 of Title 7, Agriculture);

(b) Executive Order 13080, establishing the American Heritage Rivers Initiative Advisory Committee;

(c) Executive Order 13090, as amended by Executive Order 13136, establishing the President's Commission on the Celebration of Women in American History;

(d) Executive Order 13168, establishing the President's Commission on Improving Economic Opportunity in Communities Dependent on Tobacco Production While Protecting Public Health; and

(e) Executive Order 13075, establishing the Special Oversight Board for Department of Defense Investigations of Gulf War Chemical and Biological Incidents.

Sec. 4. Sections 1 through 4 of Executive Order 13138 are superseded.

Sec. 5. This order shall be effective September 30, 2001.

George W. Bush.

~~–SECRET–~~

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 8473 of this title; title 6 section 191; title 7 section 5843; title 10 section 2166; title 12 section 4703; title 15 sections 4603, 7310; title 16 sections 1a–14, 410nn–3, 410oo–5, 410qq–2, 410ww–21, 430g–8, 460ww–5, 460kkk, 460lll–22, 463, 698u–5, 1274, 5404; title 20 sections 5508, 6651; title 21 sections 360c, 360j; title 29 sections 765, 1142, 2911; title 33 section 2251; title 38 section 545; title 42 sections 218, 254j, 299c, 299c–1, 300d–1, 300j–5, 300v–3, 1862n–9, 2471a, 11221, 12623, 12653l, 13458, 14131; title 44 section 2701; title 49 sections 30306, 44508.

~~–CITE–~~

5 USC APPENDIX – FEDERAL ADVISORY COMMITTEE ACT Sec. 15 01/06/03

~~–EXPCITE–~~

TITLE 5 – APPENDIX

FEDERAL ADVISORY COMMITTEE ACT

~~–HEAD–~~

Sec. 15. Requirements relating to the National Academy of Sciences and the National Academy of Public Administration

~~–STATUTE–~~

(a) In General. – An agency may not use any advice or recommendation provided by the National Academy of Sciences or National Academy of Public Administration that was developed by use of a committee created by that academy under an agreement with an

agency, unless –

(1) the committee was not subject to any actual management or control by an agency or an officer of the Federal Government;

(2) in the case of a committee created after the date of the enactment of the Federal Advisory Committee Act Amendments of 1997, the membership of the committee was appointed in accordance with the requirements described in subsection (b)(1); and

(3) in developing the advice or recommendation, the academy complied with –

(A) subsection (b)(2) through (6), in the case of any advice or recommendation provided by the National Academy of Sciences;

or

(B) subsection (b)(2) and (5), in the case of any advice or recommendation provided by the National Academy of Public Administration.

(b) Requirements. – The requirements referred to in subsection

(a) are as follows:

(1) The Academy shall determine and provide public notice of the names and brief biographies of individuals that the Academy appoints or intends to appoint to serve on the committee. The Academy shall determine and provide a reasonable opportunity for the public to comment on such appointments before they are made or, if the Academy determines such prior comment is not practicable, in the period immediately following the appointments. The Academy shall make its best efforts to ensure that (A) no individual appointed to serve on the committee has a

conflict of interest that is relevant to the functions to be performed, unless such conflict is promptly and publicly disclosed and the Academy determines that the conflict is unavoidable, (B) the committee membership is fairly balanced as determined by the Academy to be appropriate for the functions to be performed, and (C) the final report of the Academy will be the result of the Academy's independent judgment. The Academy shall require that individuals that the Academy appoints or intends to appoint to serve on the committee inform the Academy of the individual's conflicts of interest that are relevant to the functions to be performed.

(2) The Academy shall determine and provide public notice of committee meetings that will be open to the public.

(3) The Academy shall ensure that meetings of the committee to gather data from individuals who are not officials, agents, or employees of the Academy are open to the public, unless the Academy determines that a meeting would disclose matters described in section 552(b) of title 5, United States Code. The Academy shall make available to the public, at reasonable charge if appropriate, written materials presented to the committee by individuals who are not officials, agents, or employees of the Academy, unless the Academy determines that making material available would disclose matters described in that section.

(4) The Academy shall make available to the public as soon as practicable, at reasonable charge if appropriate, a brief summary of any committee meeting that is not a data gathering meeting,

unless the Academy determines that the summary would disclose matters described in section 552(b) of title 5, United States Code. The summary shall identify the committee members present, the topics discussed, materials made available to the committee, and such other matters that the Academy determines should be included.

(5) The Academy shall make available to the public its final report, at reasonable charge if appropriate, unless the Academy determines that the report would disclose matters described in section 552(b) of title 5, United States Code. If the Academy determines that the report would disclose matters described in that section, the Academy shall make public an abbreviated version of the report that does not disclose those matters.

(6) After publication of the final report, the Academy shall make publicly available the names of the principal reviewers who reviewed the report in draft form and who are not officials, agents, or employees of the Academy.

(c) Regulations. – The Administrator of General Services may issue regulations implementing this section.

–SOURCE–

(Pub. L. 92–463, Sec. 15, as added Pub. L. 105–153, Sec. 2(b), Dec. 17, 1997, 111 Stat. 2689.)

–REFTEXT–

REFERENCES IN TEXT

The date of the enactment of the Federal Advisory Committee Act Amendments of 1997, referred to in subsec. (a)(2), is the date of

enactment of Pub. L. 105–153, which was approved Dec. 17, 1997.

–MISC2–

PRIOR PROVISIONS

A prior section 15 of the Federal Advisory Committee Act was renumbered section 16 by Pub. L. 105–153.

REPORT

Section 3 of Pub. L. 105–153 provided that: "Not later than 1 year after the date of the enactment of this Act (Dec. 17, 1997), the Administrator of General Services shall submit a report to the Congress on the implementation of and compliance with the amendments made by this Act (enacting this section, amending section 3 of Pub. L. 92–463, set out in this Appendix, and redesignating former section 15 of Pub. L. 92–463, set out in this Appendix, as section 16)."

–CITE–

5 USC APPENDIX – FEDERAL ADVISORY COMMITTEE ACT Sec. 16 01/06/03

–EXPCITE–

TITLE 5 – APPENDIX

FEDERAL ADVISORY COMMITTEE ACT

–HEAD–

Sec. 16. Effective date

–STATUTE–

Except as provided in section 7(b), this Act shall become effective upon the expiration of ninety days following October 6, 1972.

–SOURCE–

(Pub. L. 92–463, Sec. 16, formerly Sec. 15, Oct. 6, 1972, 86 Stat.

776; renumbered Sec. 16, Pub. L. 105–153, Sec. 2(b), Dec. 17, 1997,

111 Stat. 2689.)

–CITE–

5 USC APPENDIX – INSPECTOR GENERAL ACT OF 1978 01/06/03

–EXPCITE–

TITLE 5 – APPENDIX

INSPECTOR GENERAL ACT OF 1978

.

–HEAD–

INSPECTOR GENERAL ACT OF 1978

–MISC1–

PUB. L. 95–452, OCT. 12, 1978, 92 STAT. 1101, AS AMENDED BY PUB. L.

96–88, TITLE V, SEC. 508(N), OCT. 17, 1979, 93 STAT. 694; PUB. L.

97–113, TITLE VII, SEC. 705(A)(1)–(3), DEC. 29, 1981, 95 STAT.

1544; PUB. L. 97–252, TITLE XI, SEC. 1117(A)–(C), SEPT. 8, 1982, 96

STAT. 750–752; PUB. L. 99–93, TITLE I, SEC. 150(A), AUG. 16, 1985,

99 STAT. 427; PUB. L. 99–399, TITLE IV, SEC. 412(A), AUG. 27, 1986,

100 STAT. 867; PUB. L. 100–504, TITLE I, SEC. 102(A)–(D), (F), (G),

104(A), 105–107, 109, 110, OCT. 18, 1988, 102 STAT. 2515–2529; PUB.

L. 100–527, SEC. 13(H), OCT. 25, 1988, 102 STAT. 2643; PUB. L.

101–73, TITLE V, SEC. 501(B)(1), TITLE VII, SEC. 702(C), AUG. 9,

1989, 103 STAT. 393, 415; PUB. L. 102–233, TITLE III, SEC. 315(A),

DEC. 12, 1991, 105 STAT. 1772; PUB. L. 103–82, TITLE II, SEC.

202(G)(1), (2)(A), (3)(A), (4), (5), SEPT. 21, 1993, 107 STAT. 889,

890; PUB. L. 103–204, SEC. 23(A), DEC. 17, 1993, 107 STAT. 2407;

PUB. L. 103–296, TITLE I, SEC. 108(L), AUG. 15, 1994, 108 STAT.

1488; P

–CITE–

5 USC APPENDIX – INSPECTOR GENERAL ACT OF 1978 Sec. 1 01/06/03

–EXPCITE–

TITLE 5 – APPENDIX

INSPECTOR GENERAL ACT OF 1978

–HEAD–

Sec. 1. Short title

–STATUTE–

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

–SOURCE–

(Pub. L. 95–452, Sec. 1, Oct. 12, 1978, 92 Stat. 1101.)

–MISC1–

SHORT TITLE OF 1998 AMENDMENT

Pub. L. 105–272, title VII, Sec. 701(a), Oct. 20, 1998, 112 Stat.

2413, provided that: "This title (enacting section 8H of Pub. L.

95–452, set out in this Appendix, amending section 8I of Pub. L.

95–452, set out in this Appendix, and section 403q of Title 50, War

and National Defense, and enacting provisions set out as a note

under section 8H of Pub. L. 95–452, set out in this Appendix) may

be cited as the 'Intelligence Community Whistleblower Protection

Act of 1998'."

SHORT TITLE OF 1988 AMENDMENT

Pub. L. 100–504, title I, Sec. 101, Oct. 18, 1988, 102 Stat.

2515, provided that: "This title (enacting sections 8B–8F of Pub.

L. 95-452, set out in this Appendix, amending sections 2, 4-6, 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 3521-3527 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, Sec. 112, Oct. 18, 1988, 102 Stat.

2530, provided that: "Any authority to make payments under this title (see Short Title of 1988 Amendment note above) shall be effective only to such extent as provided in appropriations Acts."

-SECRET-

ACT REFERRED TO IN OTHER SECTIONS

The Inspector General Act of 1978 is referred to in title 2 section 1602; title 7 sections 2270a, 6911; title 10 sections 133, 141, 1034, 2409, 3020, 5020, 8020; title 20 sections 761, 1082, 3412, 3422; title 22 sections 3929, 4861, 6203, 6207; title 29 sections 49h, 2935; title 31 sections 902, 3521, 3565, 3801, 3808, 9105; title 38 sections 312, 7366; title 39 section 410; title 41 sections 265, 422; title 42 sections 1320a-7a, 1320a-7c, 3515d, 12651e; title 44 sections 3535, 3545; title 48 sections 1422d, 1599, 1668, 1681b; title 49 section 114.

-CITE-

–EXPCITE–

TITLE 5 – APPENDIX

INSPECTOR GENERAL ACT OF 1978

–HEAD–

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

–STATUTE–

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.

–SOURCE–

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

–COD–

CODIFICATION

Amendment by Pub. L. 100–527 amended section as it existed prior to amendment by Pub. L. 100–504, see Effective Date of 1988 Amendments note below.

–MISC3–

AMENDMENTS

1998 – Pub. L. 105–206, in concluding provisions, substituted "there is established – " and subpars. (A) and (B) for "there is hereby established in each of such establishments an office of Inspector General."

1988 – Pub. L. 100–504 substituted "there" for "thereby" in concluding provisions and amended par. (1) generally. Prior to amendment, par. (1), as amended by Pub. L. 100–527, 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 Veterans Affairs, the Agency for International Development, the Community Services Administration, the Environmental Protection Agency, the General Services Administration, the National Aeronautics and Space Administration, the Small Business Administration, the United States Information Agency, and the Department of State;"

Par. (1). Pub. L. 100–527 inserted "the Department of Veterans Affairs," and struck out "the Veterans' Administration," after "United States Information Agency,". See Codification note above.

1986 – Par. (1). Pub. L. 99–399 inserted "the United States Information Agency,".

1985 – Par. (1). Pub. L. 99–93 inserted reference to the Department of State.

1982 – Par. (1). Pub. L. 97–252, Sec. 1117(a)(1), inserted "the Department of Defense,".

1981 – Par. (1). Pub. L. 97–113 inserted "the Agency for International Development,".

1979 – Par. (1). Pub. L. 96–44 inserted "the Department of

Education,".

EFFECTIVE DATE OF 1988 AMENDMENTS

Amendment by Pub. L. 100–527 effective Mar. 15, 1989, see section 18(a) of Pub. L. 100–527, set out as a Department of Veterans Affairs Act note under section 301 of Title 38, Veterans' Benefits.

Amendment by Pub. L. 100–504 effective 180 days after Oct. 18, 1988, see section 113 of Pub. L. 100–504, set out as a note under section 5 of Pub. L. 95–452 in this Appendix.

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96–88 effective May 4, 1980, with specified exceptions, see section 601 of Pub. L. 96–88, set out as an Effective Date note under section 3401 of Title 20, Education.

–SECREf–

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 22 section 4861; title 42 section 8262f.

–CITE–

5 USC APPENDIX – INSPECTOR GENERAL ACT OF 1978 Sec. 3 01/06/03

–EXPCITE–

TITLE 5 – APPENDIX

INSPECTOR GENERAL ACT OF 1978

–HEAD–

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

–STATUTE–

(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 report 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.

–SOURCE–

(Pub. L. 95–452, Sec. 3, Oct. 12, 1978, 92 Stat. 1101.)

–MISC1–

ACTING TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION

Pub. L. 105–277, div. C, title I, Sec. 101, Oct. 21, 1998, 112

Stat. 2681–584, as amended by Pub. L. 106–113, div. B, Sec.

1000(a)(5) (title II, Sec. 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 (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).

"(b) Duties Before January 18, 1999. – The acting Treasury

Inspector General for Tax Administration appointed under subsection

(a) 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 –

"(1) making interim arrangements for administrative support

for the Office,

"(2) establishing interim positions in the Office into which

personnel will be transferred upon the transfer of functions and

duties to the Office on January 18, 1999,

"(3) appointing such acting personnel on an interim basis as

may be necessary upon the transfer of functions and duties to the

Office on January 18, 1999, and

"(4) providing guidance and input for the fiscal year 2000

budget process for the Office.

"(c) Actions Not To Limit Authority of IG. – None of the actions

taken by an individual appointed under subsection (a) shall affect

the future authority of any Treasury Inspector General for Tax

Administration not appointed under subsection (a).

"(d) Limitations. –

"(1) Nomination. – No individual appointed under subsection

(a) may serve on or after January 19, 1999, unless on or before

such date the President has submitted to the Senate his

nomination of an individual to serve as the first Treasury

Inspector General for Tax Administration.

"(2) Treasury inspector general may not serve. – No individual

appointed under subsection (a) may serve during any period such individual is serving as the Inspector General of the Treasury of the United States or the acting Inspector General of the Treasury of the United States.

"(3) Employment restrictions. – The provisions of section 8D(j) of the Inspector General Act of 1978 (5 U.S.C. App.) shall not apply to any individual appointed under subsection (a)."

(Pub. L. 106–113, div. B, Sec. 1000(a)(5) (title II, Sec. 239(b)), Nov. 29, 1999, 113 Stat. 1536, 1501A–302, provided that: "The amendment made by subsection (a) (amending section 101 of Pub. L. 105–277, set out above) shall be effective as if included in the enactment of section 101 of title I of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Pub. L. 105–277).")

TRANSITIONAL PROVISIONS RELATING TO APPOINTMENT OF INSPECTOR
GENERAL OF FEDERAL DEPOSIT INSURANCE CORPORATION

Pub. L. 103–204, Sec. 23(c), Dec. 17, 1993, 107 Stat. 2408,
provided that:

"(1) Current service. – Except as otherwise provided by law, the individual serving as the Inspector General of the Federal Deposit Insurance Corporation before the date of enactment of this Act (Dec. 17, 1993) may continue to serve in such position until the earlier of –

"(A) the date on which the President appoints a successor under section 3(a) of the Inspector General Act of 1978 (subsec. (a) of this section); or

"(B) the date which is 6 months after the date of enactment of this Act.

"(2) Definition. – For purposes of paragraph (1), the term 'successor' may include the individual holding the position of Inspector General of the Federal Deposit Insurance Corporation on or after the date of enactment of this Act."

–EXEC–

EX. ORD. NO. 12993. ADMINISTRATIVE ALLEGATIONS AGAINST INSPECTORS
GENERAL

Ex. Ord. No. 12993, Mar. 21, 1996, 61 F.R. 13043, provided:

Certain executive branch agencies are authorized to conduct investigations of allegations of wrongdoing by employees of the Federal Government. For certain administrative allegations against Inspectors General ("IGs") and, as explained below, against certain staff members of the Offices of Inspectors General ("OIGs"), it is desirable to authorize an independent investigative mechanism.

The Chairperson of the President's Council on Integrity and Efficiency ("PCIE") and the Executive Council on Integrity and Efficiency ("ECIE"), in consultation with members of the Councils, has established an Integrity Committee pursuant to the authority granted by Executive Order No. 12805 (31 U.S.C. 501 note).

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to ensure that administrative allegations against IGs and certain

staff members of the OIGs are appropriately and expeditiously investigated and resolved, it is hereby ordered as follows:

Section 1. The Integrity Committee. (a) To the extent permitted by law, and in accordance with this order, the Integrity Committee shall receive, review, and refer for investigation allegations of wrongdoing against IGs and certain staff members of the OIGs.

(b) The Integrity Committee shall consist of at least the following members:

(1) The official of the Federal Bureau of Investigation ("FBI") serving on the PCIE, as designated by the Director of the FBI. The FBI member shall serve as Chair of the Integrity Committee.

(2) The Special Counsel of the Office of Special Counsel;

(3) The Director of the Office of Government Ethics;

(4) Three or more IGs, representing both the PCIE and the ECIE, appointed by the Chairperson of the PCIE/ECIE.

(c) The Chief of the Public Integrity Section of the Criminal Division of the Department of Justice, or his designee, shall serve as an advisor to the Integrity Committee with respect to its responsibilities and functions in accordance with this order.

Sec. 2. Referral of Allegations. (a) The Integrity Committee shall review all allegations of wrongdoing it receives against an IG who is a member of the PCIE or ECIE, or against a staff member of an OIG acting with the knowledge of the IG or when the allegation against the staff person is related to an allegation against the IG, except that where an allegation concerns a member of the Integrity Committee, that member shall recuse himself from

consideration of the matter.

(b) An IG shall refer any administrative allegation against a senior staff member to the Integrity Committee when:

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

(2) the IG determines that an objective internal investigation of the allegation, or the appearance thereof, is not feasible.

(c) The Integrity Committee shall determine if there is a substantial likelihood that the allegation, referred to it under paragraphs (a) or (b) of this section, discloses a violation of any law, rule or regulation, or gross mismanagement, gross waste of funds or abuse of authority and shall refer the allegation to the agency of the executive branch with appropriate jurisdiction over the matter. However, if a potentially meritorious administrative allegation cannot be referred to an agency of the executive branch with appropriate jurisdiction over the matter, the Integrity Committee shall certify the matter to its Chair, who shall cause a thorough and timely investigation of the allegation to be conducted in accordance with this order.

(d) If the Integrity Committee determines that an allegation does not warrant further action, it shall close the matter without referral for investigation and notify the Chairperson of the PCIE/ECIE of its determination.

Sec. 3. Authority to Investigate. (a) The Director of the FBI, through his designee serving as Chairperson of the Integrity

Committee, is authorized and directed to consider and, where appropriate, to investigate administrative allegations against the IGs and, in limited cases as described in sections 2(a) and 2(b) above, against other staff members of the OIGs, when such allegations cannot be assigned to another agency of the executive branch and are referred by the Integrity Committee pursuant to section 2(c) of this order.

(b) At the request of the Director of the FBI, through his designee serving as Chairperson, heads of agencies and entities represented in the PCIE and ECIE may, to the extent permitted by law, provide resources necessary to the Integrity Committee.

Employees from those agencies and entities will be detailed to the Integrity Committee, subject to the control and direction of the Chairperson, to conduct an investigation pursuant to section 2(c): Provided, that such agencies or entities shall be reimbursed by the agency or entity employing the subject of the investigation.

Reimbursement for any costs associated with the detail shall be consistent with applicable law, including but not limited to the Economy Act (31 U.S.C. 1535 and 1536), and subject to the availability of funds.

(c) Nothing in the above delegation shall augment, diminish, or otherwise modify any existing responsibilities and authorities of any other executive branch agency.

Sec. 4. Results of Investigation. (a) The report containing the results of the investigation conducted under the supervision of the Chair of the Integrity Committee shall be provided to the members

of the Integrity Committee for consideration.

(b) With respect to those matters where the Integrity Committee has referred an administrative allegation to an agency of the executive branch with appropriate jurisdiction over the matter, the head of that agency shall provide a report to the Integrity Committee concerning the scope and results of the inquiry.

(c) The Integrity Committee shall assess the report received under (a) or (b) of this section and determine whether the results require forwarding of the report, with Integrity Committee recommendations, to the Chairperson of the PCIE/ECIE for resolution. If the Integrity Committee determines that the report requires no further referral or recommendations, it shall so notify the Chairperson of the PCIE/ECIE.

(d) Where the Chairperson of the PCIE/ECIE determines that dissemination of the report to the head of the subject's employing agency or entity is appropriate, the head of the agency or entity shall certify to the Chairperson of the PCIE/ECIE within sixty 60 (sic) days that he has personally reviewed the report, what action, if any, has been or is to be taken, and when any action taken will be completed. The PCIE/ECIE Chairperson may grant the head of the entity or agency a 30-day extension when circumstances necessitate such extension.

(e) The Chairperson of the PCIE/ECIE shall report to the Integrity Committee the final disposition of the matter, including what action, if any, has been or is to be taken by the head of the subject's employing agency or entity. When the Integrity Committee

receives notice of the final disposition, it shall advise the subject of the investigation that the matter referred to the Integrity Committee for review has been closed.

Sec. 5. Procedures. (a) The Integrity Committee, in conjunction with the Chairperson of the PCIE/ECIE, shall establish the policies and procedures necessary to ensure consistency in conducting investigations and reporting activities under this order.

(b) Such policies and procedures shall specify the circumstances under which the Integrity Committee, upon review of a complaint containing allegations of wrongdoing, may determine that an allegation is without merit and therefore the investigation is unwarranted. A determination by the Integrity Committee that an investigation is unwarranted shall be considered the Integrity Committee's final disposition of the complaint.

(c) The policies and procedures may be expanded to encompass other issues related to the handling of allegations against IGs and others covered by this order.

Sec. 6. Records Maintenance. All records created and received pursuant to this order are records of the Integrity Committee and shall be maintained by the FBI.

Sec. 7. 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 benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers, or any person. William J. Clinton.

~~–SECRET–~~

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 6 sections 113, 371; title 10 section 141; title 12 section 1441a; title 41 section 254d; title 42 section 902.

–CITE–

5 USC APPENDIX – INSPECTOR GENERAL ACT OF 1978 Sec. 4 01/06/03

–EXPCITE–

TITLE 5 – APPENDIX

INSPECTOR GENERAL ACT OF 1978

–HEAD–

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

–STATUTE–

(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 8F(a)(2), (FOOTNOTE 1) and any audit office established within a Federal entity defined under section 8F(a)(1), (FOOTNOTE 1) reviews shall be performed exclusively by an audit entity in the Federal Government, including the General Accounting 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). (FOOTNOTE 1) (FOOTNOTE 1) See References in Text note below.

(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.

–SOURCE–

(Pub. L. 95–452, Sec. 4, Oct. 12, 1978, 92 Stat. 1102; Pub. L. 100–504, title I, Sec. 109, Oct. 18, 1988, 102 Stat. 2529; Pub. L. 103–82, title II, Sec. 202(g)(5)(A), Sept. 21, 1993, 107 Stat. 890.)

–REFTEXT–

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, Sec. 23(a)(3), Dec. 17, 1993, 107 Stat. 2408.

–MISC2–

AMENDMENTS

1993 – Subsec. (b)(2). Pub. L. 103–82 substituted "section 8F(a)(2), and any" for "section 8E(a)(2), and any", "section 8F(a)(1)" for "section 8E(a)(1)", and "section 8F(a)(2)." for "section 8E(a)(2)."

1988 – Subsec. (b). Pub. L. 100–504 designated existing provisions as par. (1), redesignated pars. (1) to (3) as subpars. (A) to (C), respectively, and added par. (2).

EFFECTIVE DATE OF 1993 AMENDMENT

Amendment by Pub. L. 103–82 effective Oct. 1, 1993, see section 202(i) of Pub. L. 103–82, set out as an Effective Date note under section 12651 of Title 42, The Public Health and Welfare.

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100–504 effective 180 days after Oct. 18, 1988, see section 113 of Pub. L. 100–504, set out as a note under section 5 of Pub. L. 95–452 in this Appendix.

DOT AUTHORITY

Pub. L. 106–159, title II, Sec. 228, Dec. 9, 1999, 113 Stat.

1773, provided that:

"(a) In General. – The statutory authority of the Inspector General of the Department of Transportation includes authority to conduct, pursuant to Federal criminal statutes, investigations of allegations that a person or entity has engaged in fraudulent or other criminal activity relating to the programs and operations of the Department or its operating administrations.

"(b) Regulated Entities. – The authority to conduct investigations referred to in subsection (a) extends to any person or entity subject to the laws and regulations of the Department or its operating administrations, whether or not they are recipients of funds from the Department or its operating administrations."

–SECRET–

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 38 section 7366; title 44 section 3903.

–CITE–

5 USC APPENDIX – INSPECTOR GENERAL ACT OF 1978 Sec. 5 01/06/03

–EXPCITE–

TITLE 5 – APPENDIX

INSPECTOR GENERAL ACT OF 1978

–HEAD–

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

–STATUTE–

(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 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 of the reasons such management decision has not been made, and a statement concerning the desired timetable for achieving a management decision on each such report;

(11) a description and explanation of the reasons for any significant revised management decision made during the reporting period;

(12) information concerning any significant management decision with which the Inspector General is in disagreement; and

(13) the information described under section 05(b) (FOOTNOTE 1) of the Federal Financial Management Improvement Act of 1996.

(FOOTNOTE 1) See References in Text note below.

(b) Semiannual reports of each Inspector General shall be furnished to the head of the establishment involved not later than April 30 and October 31 of each year and shall be transmitted by such head to the appropriate committees or subcommittees of the Congress within thirty days after receipt of the report, together with a report by the head of the establishment containing –

(1) any comments such head determines appropriate;

(2) statistical tables showing the total number of audit reports and the dollar value of disallowed costs, for audit reports –

(A) for which final action had not been taken by the commencement of the reporting period;

(B) on which management decisions were made during the reporting period;

(C) for which final action was taken during the reporting period, including –

(i) the dollar value of disallowed costs that were recovered by management through collection, offset, property in lieu of cash, or otherwise; and

(ii) the dollar value of disallowed costs that were written off by management; and

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

(3) statistical tables showing the total number of audit reports and the dollar value of recommendations that funds be put

to better use by management agreed to in a management decision,

for audit reports –

(A) for which final action had not been taken by the commencement of the reporting period;

(B) on which management decisions were made during the reporting period;

(C) for which final action was taken during the reporting period, including –

(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. 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;

(E) avoidance of unnecessary expenditures noted in preaward 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.

–SOURCE–

(Pub. L. 95–452, Sec. 5, Oct. 12, 1978, 92 Stat. 1103; Pub. L. 97–252, title XI, Sec. 1117(c), Sept. 8, 1982, 96 Stat. 752; Pub. L. 100–504, title I, Sec. 102(g), 106, Oct. 18, 1988, 102 Stat. 2521, 2525; Pub. L. 104–208, div. A, title I, Sec. 101(f) (title VIII, Sec. 805(c)), Sept. 30, 1996, 110 Stat. 3009–314, 3009–393.)

–REFTEXT–

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, Sec. 804(b)) of title I of Pub. L. 104–208, Sept. 30, 1996, 110 Stat. 3009–314, 3009–392, which relates to reports by the Inspector General, and is set out in a note under section 3512 of Title 31, Money and Finance.

–MISC2–

AMENDMENTS

1996 – Subsec. (a)(13). Pub. L. 104–208 added par. (13).

1988 – Subsec. (a)(6) to (12). Pub. L. 100–504, Sec. 106(a), added pars. (6) to (12), and struck out former par. (6) which read

as follows: "a listing of each audit report completed by the Office during the reporting period."

Subsec. (b). Pub. L. 100–504, Sec. 106(b), substituted "head of the establishment containing – " and pars. (1) to (4) for "head of the establishment containing any comments such head deems appropriate."

Subsec. (c). Pub. L. 100–504, Sec. 106(c), inserted at end "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."

Subsec. (e)(3). Pub. L. 100–504, Sec. 102(g), substituted "Except to the extent and in the manner provided under section 6103(f) of the Internal Revenue Code of 1986, nothing" for "Nothing".

Subsec. (f). Pub. L. 100–504, Sec. 106(d), added subsec. (f).
1982 – Subsec. (e). Pub. L. 97–252 added subsec. (e).

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104–208 effective for fiscal year ending Sept. 30, 1997, see section 101(f) (title VIII, Sec. 807) of Pub. L. 104–208, set out in a Federal Financial Management Improvement note under section 3512 of Title 31, Money and Finance.

EFFECTIVE DATE OF 1988 AMENDMENT

Section 113 of title I of Pub. L. 100–504 provided that: "This title and the amendments made by this title (enacting sections 8B–8F of Pub. L. 95–452, set out in this Appendix, amending

sections 2, 4–6, 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 3521–3527 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, 8D, 8E, and 9 of Pub. L. 95–452, set out in this Appendix) shall take effect 180 days after the date of the enactment of this title (Oct. 18, 1988), except that section 5(a)(6) through (12) of the Inspector General Act of 1978 (as amended by section 106(a) of this title) and section 5(b)(1) through (4) of the Inspector General Act of 1978 (as amended by section 106(b) of this title) shall take effect 1 year after the date of the enactment of this title."

PROMPT MANAGEMENT DECISIONS AND IMPLEMENTATION OF AUDIT RECOMMENDATIONS

Pub. L. 103–355, title VI, Sec. 6009, Oct. 13, 1994, 108 Stat. 3367, as amended by Pub. L. 104–106, div. A, title VIII, Sec. 810, Feb. 10, 1996, 110 Stat. 394, provided that:

"(a) Management Decisions. – (1) The head of a Federal agency shall make management decisions on all findings and recommendations set forth in an audit report of the inspector general of the agency within a maximum of six months after the issuance of the report.

"(2) The head of a Federal agency shall make management decisions on all findings and recommendations set forth in an audit report of any auditor from outside the Federal Government within a maximum of six months after the date on which the head of the

agency receives the report.

"(b) Completion of Final Action. – The head of a Federal agency shall complete final action on each management decision required with regard to a recommendation in an inspector general's report under subsection (a)(1) within 12 months after the date of the inspector general's report. If the head of the agency fails to complete final action with regard to a management decision within the 12-month period, the inspector general concerned shall identify the matter in each of the inspector general's semiannual reports pursuant to section 5(a)(3) of the Inspector General Act of 1978 (5 U.S.C. App.) until final action on the management decision is completed."

–SECRET–

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 26 section 7803; title 39 section 3013; title 42 section 1320a–7d; title 44 section 3903.

–CITE–

5 USC APPENDIX – INSPECTOR GENERAL ACT OF 1978 Sec. 6 01/06/03

–EXPCITE–

TITLE 5 – APPENDIX

INSPECTOR GENERAL ACT OF 1978

–HEAD–

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

–STATUTE–

(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 subpena 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 subpena, 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;

(7) to select, appoint, and employ such officers and employees as may be necessary for carrying out the functions, powers, and duties of the Office 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;

(8) to obtain services as authorized by section 3109 of title 5, United States Code, at daily rates not to exceed the equivalent rate prescribed for grade GS-18 of the General Schedule by section 5332 of title 5, United States Code; and

(9) to the extent and in such amounts as may be provided in advance by appropriations Acts, to enter into contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons, and to make such payments as may be necessary to carry out the provisions of this

Act.

(b)(1) Upon request of an Inspector General for information or assistance under subsection (a)(3), the head of any Federal agency involved shall, insofar as is practicable and not in contravention of any existing statutory restriction or regulation of the Federal agency from which the information is requested, furnish to such Inspector General, or to an authorized designee, such information or assistance.

(2) Whenever information or assistance requested under subsection (a)(1) or (a)(3) is, in the judgment of an Inspector General, unreasonably refused or not provided, the Inspector General shall report the circumstances to the head of the establishment involved without delay.

(c) Each head of an establishment shall provide the Office within such establishment with appropriate and adequate office space at central and field office locations of such establishment, together with such equipment, office supplies, and communications facilities and services as may be necessary for the operation of such offices, and shall provide necessary maintenance services for such offices and the equipment and facilities located therein.

(d) For purposes of the provisions of title 5, United States Code, governing the Senior Executive Service, any reference in such provisions to the "appointing authority" for a member of the Senior Executive Service or for a Senior Executive Service position shall, if such member or position is or would be within the Office of an Inspector General, be deemed to be a reference to such

Inspector General.

(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 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.

–SOURCE–

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

–REFTEXT–

REFERENCES IN TEXT

The date of enactment of this subsection, referred to in subsec. (e)(7), is the date of enactment of Pub. L. 107–296, which was approved Nov. 25, 2002.

–MISC2–

AMENDMENTS

2002 – Subsec. (e). Pub. L. 107–296 added subsec. (e).

1988 – Subsec. (a)(5) to (9). Pub. L. 100–504, Sec. 107, added par. (5) and redesignated former pars. (5) to (8) as (6) to (9), respectively.

Subsec. (d). Pub. L. 100–504, Sec. 110(a), added subsec. (d).

EFFECTIVE DATE OF 2002 AMENDMENT

Pub. L. 107–296, title VIII, Sec. 812(c), Nov. 25, 2002, 116

Stat. 2224, provided that:

"(1) In general. – Subsection (a) (amending this section) shall take effect 180 days after the date of enactment of this Act (Nov. 25, 2002).

"(2) Initial guidelines. – Subsection (b) (enacting provisions set out as a note below) shall take effect on the date of enactment of this Act (Nov. 25, 2002)."

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100–504 effective 180 days after Oct. 18, 1988, see section 113 of Pub. L. 100–504, set out as a note under section 5 of Pub. L. 95–452 in this Appendix.

REFERENCES IN OTHER LAWS TO GS–16, 17, OR 18 PAY RATES

References in laws to the rates of pay for GS–16, 17, or 18, or to maximum rates of pay under the General Schedule, to be considered references to rates payable under specified sections of this title, see section 529 (title I, Sec. 101(c)(1)) of Pub. L. 101–509, set out in a note under section 5376 of this title.

PROMULGATION OF INITIAL GUIDELINES

Pub. L. 107–296, title VIII, Sec. 812(b), Nov. 25, 2002, 116

Stat. 2223, provided that:

"(1) Definition. – In this subsection, the term 'memoranda of understanding' means the agreements between the Department of Justice and the Inspector General offices described under section 6(e)(3) of the Inspector General Act of 1978 (5 U.S.C. App.) (as added by subsection (a) of this section) that –

"(A) are in effect on the date of enactment of this Act (Nov.

25, 2002); and

"(B) authorize such offices to exercise authority that is the same or similar to the authority under section 6(e)(1) of such Act.

"(2) In general. – Not later than 180 days after the date of enactment of this Act (Nov. 25, 2002), the Attorney General shall promulgate guidelines under section 6(e)(4) of the Inspector General Act of 1978 (5 U.S.C. App.) (as added by subsection (a) of this section) applicable to the Inspector General offices described under section 6(e)(3) of that Act.

"(3) Minimum requirements. – The guidelines promulgated under this subsection shall include, at a minimum, the operational and training requirements in the memoranda of understanding.

"(4) No lapse of authority. – The memoranda of understanding in effect on the date of enactment of this Act (Nov. 25, 2002) shall remain in effect until the guidelines promulgated under this subsection take effect."

–TRANS–

TRANSFER OF FUNCTIONS

For transfer of functions, personnel, assets, and liabilities of the Federal Emergency Management Agency, including the functions of the Director of the Federal Emergency Management Agency relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 313(1), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set

out as a note under section 542 of Title 6.

–MISC5–

ESTABLISHMENT OF INSPECTORS GENERAL CRIMINAL INVESTIGATOR ACADEMY
AND INSPECTORS GENERAL FORENSIC LABORATORY

Pub. L. 106–422, Sec. 2, Nov. 1, 2000, 114 Stat. 1873, provided
that:

"(a) Inspectors General Criminal Investigator Academy. –

"(1) Establishment. – There is established the Criminal
Investigator Academy within the Department of the Treasury. The
Criminal Investigator Academy is established for the purpose of
performing investigator training services for offices of
inspectors general created under the Inspector General Act of
1978 (5 U.S.C. App.).

"(2) Executive director. – The Criminal Investigator Academy
shall be administered by an Executive Director who shall report
to an inspector general for an establishment as defined in
section 11 of the Inspector General Act of 1978 (5 U.S.C. App.) –

"(A) designated by the President's Council on Integrity and
Efficiency; or

"(B) if that council is eliminated, by a majority vote of
the inspectors general created under the Inspector General Act
of 1978 (5 U.S.C. App.).

"(b) Inspectors General Forensic Laboratory. –

"(1) Establishment. – There is established the Inspectors
General Forensic Laboratory within the Department of the
Treasury. The Inspectors General Forensic Laboratory is

established for the purpose of performing forensic services for offices of inspectors general created under the Inspector General Act of 1978 (5 U.S.C. App.).

"(2) Executive director. – The Inspectors General Forensic Laboratory shall be administered by an Executive Director who shall report to an inspector general for an establishment as defined in section 11 of the Inspector General Act of 1978 (5 U.S.C. App.) –

"(A) designated by the President's Council on Integrity and Efficiency; or

"(B) if that council is eliminated, by a majority vote of the inspectors general created under the Inspector General Act of 1978 (5 U.S.C. App.).

"(c) Separate Appropriations Account. – (Amended section 1105 of Title 31, Money and Finance.)

"(d) Authorization of Appropriations. – There are authorized to carry out this section such sums as may be necessary for fiscal year 2001 and each fiscal year thereafter."

–SECRET–

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 7 section 2270; title 20 section 1082; title 22 section 3929; title 38 section 7366; title 42 sections 262a, 1320a–7c; title 44 section 3903; title 49 section 1137.

–CITE–

5 USC APPENDIX – INSPECTOR GENERAL ACT OF 1978 Sec. 7 01/06/03

–EXPCITE–

TITLE 5 – APPENDIX

INSPECTOR GENERAL ACT OF 1978

–HEAD–

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

–STATUTE–

(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.

(c) Any employee who has authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such authority, take or threaten to take any action against any employee as a reprisal for making a complaint or disclosing information to an Inspector General, unless the complaint was made or the information disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

–SOURCE–

(Pub. L. 95-452, Sec. 7, Oct. 12, 1978, 92 Stat. 1105.)

~~–SECRET–~~

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 15 section 657; title 44 section 3903.

~~–CITE–~~

5 USC APPENDIX – INSPECTOR GENERAL ACT OF 1978 Sec. 8 01/06/03

~~–EXPCITE–~~

TITLE 5 – APPENDIX

INSPECTOR GENERAL ACT OF 1978

~~–HEAD–~~

Sec. 8. Additional provisions with respect to the Inspector General of the Department of Defense

~~–STATUTE–~~

(a) No member of the Armed Forces, active or reserve, shall be appointed Inspector General of the Department of Defense.

(b)(1) Notwithstanding the last two sentences of section 3(a), the Inspector General shall be under the authority, direction, and control of the Secretary of Defense with respect to audits or investigations, or the issuance of subpoenas, which require access to information concerning –

(A) sensitive operational plans;

(B) intelligence matters;

(C) counterintelligence matters;

(D) ongoing criminal investigations by other administrative units of the Department of Defense related to national security;

or

(E) other matters the disclosure of which would constitute a serious threat to national security.

(2) With respect to the information described in paragraph (1) the Secretary of Defense may prohibit the Inspector General from initiating, carrying out, or completing any audit or investigation, or from issuing any subpoena, after the Inspector General has decided to initiate, carry out or complete such audit or investigation or to issue such subpoena, if the Secretary determines that such prohibition is necessary to preserve the national security interests of the United States.

(3) If the Secretary of Defense exercises any power under paragraph (1) or (2), the Inspector General shall submit a statement concerning such exercise within thirty days to the Committees on Armed Services and Governmental Affairs of the Senate and the Committee on Armed Services and the Committee on Government Reform and Oversight of the House of Representatives and to other appropriate committees or subcommittees of the Congress.

(4) The Secretary shall, within thirty days after submission of a statement under paragraph (3), transmit a statement of the reasons for the exercise of power under paragraph (1) or (2) to the congressional committees specified in paragraph (3) and to other appropriate committees or subcommittees.

(c) In addition to the other duties and responsibilities specified in this Act, the Inspector General of the Department of Defense shall –

- (1) be the principal adviser to the Secretary of Defense for matters relating to the prevention and detection of fraud, waste, and abuse in the programs and operations of the Department;
- (2) initiate, conduct, and supervise such audits and investigations in the Department of Defense (including the military departments) as the Inspector General considers appropriate;
- (3) provide policy direction for audits and investigations relating to fraud, waste, and abuse and program effectiveness;
- (4) investigate fraud, waste, and abuse uncovered as a result of other contract and internal audits, as the Inspector General considers appropriate;
- (5) develop policy, monitor and evaluate program performance, and provide guidance with respect to all Department activities relating to criminal investigation programs;
- (6) monitor and evaluate the adherence of Department auditors to internal audit, contract audit, and internal review principles, policies, and procedures;
- (7) develop policy, evaluate program performance, and monitor actions taken by all components of the Department in response to contract audits, internal audits, internal review reports, and audits conducted by the Comptroller General of the United States;
- (8) request assistance as needed from other audit, inspection, and investigative units of the Department of Defense (including military departments); and
- (9) give particular regard to the activities of the internal

audit, inspection, and investigative units of the military departments with a view toward avoiding duplication and insuring effective coordination and cooperation.

(d) Notwithstanding section 4(d), the Inspector General of the Department of Defense shall expeditiously report suspected or alleged violations of chapter 47 of title 10, United States Code (Uniform Code of Military Justice), to the Secretary of the military department concerned or the Secretary of Defense.

(e) For the purposes of section 7, a member of the Armed Forces shall be deemed to be an employee of the Department of Defense, except that, when the Coast Guard operates as a service of another department or agency of the Federal Government, a member of the Coast Guard shall be deemed to be an employee of such department or agency.

(f)(1) Each semiannual report prepared by the Inspector General of the Department of Defense under section 5(a) shall include information concerning the numbers and types of contract audits conducted by the Department during the reporting period. Each such report shall be transmitted by the Secretary of Defense to the Committees on Armed Services and Governmental Affairs of the Senate and the Committee on Armed Services and the Committee on Government Reform and Oversight of the House of Representatives and to other appropriate committees or subcommittees of the Congress.

(2) Any report required to be transmitted by the Secretary of Defense to the appropriate committees or subcommittees of the Congress under section 5(d) shall also be transmitted, within the

seven-day period specified in such section, to the congressional committees specified in paragraph (1).

(g) The provisions of section 1385 of title 18, United States Code, shall not apply to audits and investigations conducted by, under the direction of, or at the request of the Inspector General of the Department of Defense to carry out the purposes of this Act.

–SOURCE–

(Pub. L. 95–452, Sec. 8, Oct. 12, 1978, 92 Stat. 1105; Pub. L. 97–252, title XI, Sec. 1117(b), Sept. 8, 1982, 96 Stat. 751; Pub. L. 100–504, title I, Sec. 110(b), Oct. 18, 1988, 102 Stat. 2529; Pub. L. 104–106, div. A, title XV, Sec. 1502(f)(6), Feb. 10, 1996, 110 Stat. 510; Pub. L. 106–65, div. A, title X, Sec. 1067(17), Oct. 5, 1999, 113 Stat. 775.)

–MISC1–

AMENDMENTS

1999 – Subsecs. (b)(3), (f)(1). Pub. L. 106–65 substituted "and the Committee on Armed Services" for "and the Committee on National Security".

1996 – Subsec. (b)(3). Pub. L. 104–106, Sec. 1502(f)(6)(A), substituted "Committee on National Security and the Committee on Government Reform and Oversight" for "Committees on Armed Services and Government Operations".

Subsec. (b)(4). Pub. L. 104–106, Sec. 1502(f)(6)(B), substituted "congressional committees specified in paragraph (3)" for "Committees on Armed Services and Governmental Affairs of the Senate and the Committees on Armed Services and Government

Operations of the House of Representatives".

Subsec. (f)(1). Pub. L. 104–106, Sec. 1502(f)(6)(C), substituted "Committee on National Security and the Committee on Government Reform and Oversight" for "Committees on Armed Services and Government Operations".

Subsec. (f)(2). Pub. L. 104–106, Sec. 1502(f)(6)(D), substituted "congressional committees specified in paragraph (1)" for "Committees on Armed Services and Governmental Affairs of the Senate and the Committees on Armed Services and Government Operations of the House of Representatives".

1988 – Subsec. (e). Pub. L. 100–504 inserted provision at end that when Coast Guard operates as service of another department or agency of Federal Government, member of Coast Guard shall be deemed employee of such department or agency.

1982 – Pub. L. 97–252 amended section generally, substituting additional provisions relating to the Inspector General of the Department of Defense for provisions relating to semiannual reports of Secretary of Defense on audit, investigative, and inspection units of Defense Department, availability of such reports to the public, exclusion of national security material, delegation of the Secretary's duties, submittal of proposed legislation, the establishment of a task force to study operation of audit, investigative and inspection units, membership in the task force, and the submission of a comprehensive report by the task force to the Secretary of Defense and Director of Office of Management and Budget, who were to submit a final report to Congress not later

than April 1, 1980.

–CHANGE–

CHANGE OF NAME

Committee on Government Reform and Oversight of House of Representatives changed to Committee on Government Reform of House of Representatives by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999.

–MISC4–

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100–504 effective 180 days after Oct. 18, 1988, see section 113 of Pub. L. 100–504, set out as a note under section 5 of Pub. L. 95–452 in this Appendix.

–TRANS–

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

–CITE–

5 USC APPENDIX – INSPECTOR GENERAL ACT OF 1978 Sec. 8A 01/06/03

–EXPCITE–

TITLE 5 – APPENDIX

–HEAD–

Sec. 8A. Special provisions relating to the Agency for
International Development

–STATUTE–

(a) In addition to the other duties and responsibilities specified in this Act, the Inspector General of the Agency for International Development shall supervise, direct, and control all security activities relating to the programs and operations of that Agency, subject to the supervision of the Administrator of that Agency. (FOOTNOTE 1)

(FOOTNOTE 1) See 1999 Amendment note below.

(b) In addition to the Assistant Inspector Generals provided for in section 3(d) of this Act, the Inspector General of the Agency for International Development shall, in accordance with applicable laws and regulations governing the civil service, appoint an Assistant Inspector General for Security who shall have the responsibility for supervising the performance of security activities relating to programs and operations of the Agency for International Development.

(c) In addition to the officers and employees provided for in section 6(a)(6) of this Act, members of the Foreign Service may, at the request of the Inspector General of the Agency for International Development, be assigned as employees of the Inspector General. Members of the Foreign Service so assigned shall be responsible solely to the Inspector General, and the Inspector

General (or his or her designee) shall prepare the performance evaluation reports for such members.

(d) In establishing and staffing field offices pursuant to section 6(c) of this Act, the Administrator of the Agency for International Development shall not be bound by overseas personnel ceilings established under the Monitoring Overseas Direct Employment policy.

(e) The Inspector General of the Agency for International Development shall be in addition to the officers provided for in section 624(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2384(a)).

(f) As used in this Act, the term "Agency for International Development" includes any successor agency primarily responsible for administering part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.). (FOOTNOTE 1)

–SOURCE–

(Pub. L. 95–452, Sec. 8A, as added Pub. L. 97–113, title VII, Sec. 705(a)(3), Dec. 29, 1981, 95 Stat. 1544; amended Pub. L. 105–277, div. G, subdiv. A, title XIV, Sec. 1422(b)(2), Oct. 21, 1998, 112 Stat. 2681–792; Pub. L. 106–113, div. B, Sec. 1000(a)(7) (div. A, title II, Sec. 205), Nov. 29, 1999, 113 Stat. 1536, 1501A–422.)

–REFTEXT–

REFERENCES IN TEXT

The Foreign Assistance Act of 1961, referred to in subsec. (f), is Pub. L. 87–195, Sept. 4, 1961, 75 Stat. 424, as amended. Part I of the Foreign Assistance Act of 1961 is classified generally to

subchapter I (Sec. 2151 et seq.) of chapter 32 of Title 22, Foreign Relations and Intercourse. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of Title 22 and Tables.

–MISC2–

AMENDMENTS

1999 – Subsec. (a). Pub. L. 106–113, Sec. 1000(a)(7) (title II, Sec. 205(a)), which directed the amendment of subsec. (a) by striking "and" at the end of par. (1), striking the period at the end of par. (2) and inserting "; and", and adding a new par. (3) to read: "shall supervise, direct, and control audit and investigative activities relating to programs and operations within the Inter–American Foundation and the African Development Foundation.", could not be executed because of the prior amendment by Pub. L. 105–277, Sec. 1422(b)(2)(A). See 1998 Amendment note below.

Subsec. (f). Pub. L. 106–113, Sec. 1000(a)(7) (title II, Sec. 205(b)), which directed insertion of ", an employee of the Inter–American Foundation, and an employee of the African Development Foundation" before period at end, was not executed because of the prior amendment by Pub. L. 105–277, Sec. 1422(b)(2)(B), (C), which struck out the subsec. (f) to which the amendment was to be made. See 1998 Amendment note below.

1998 – Subsec. (a). Pub. L. 105–277, Sec. 1422(b)(2)(A), struck out dash after "Agency for International Development", struck out par. (1) designation before "shall supervise", substituted period

for "; and" after "Administrator of that Agency", and struck out par. (2) which read as follows: "to the extent requested by the Director of the United States International Development Cooperation Agency (after consultation with the Administrator of the Agency for International Development), shall supervise, direct, and control all audit, investigative, and security activities relating to programs and operations within the United States International Development Cooperation Agency."

Subsecs. (c) to (h). Pub. L. 105–277, Sec. 1422(b)(2)(B), (C), redesignated subsecs. (d), (e), (g), and (h) as (c), (d), (e), and (f), respectively, and struck out former subsecs. (c) and (f) which read as follows:

"(c) The semiannual reports required to be submitted to the Administrator of the Agency for International Development pursuant to section 5(b) of this Act shall also be submitted to the Director of the United States International Development Cooperation Agency.

"(f) The reference in section 7(a) of this Act to an employee of the establishment shall, with respect to the Inspector General of the Agency for International Development, be construed to include an employee of or under the United States International Development Cooperation Agency."

EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105–277 effective Apr. 1, 1999, see section 1401 of Pub. L. 105–277, set out as an Effective Date note under section 6561 of Title 22, Foreign Relations and Intercourse.

–CITE–

–EXPCITE–

TITLE 5 – APPENDIX

INSPECTOR GENERAL ACT OF 1978

–HEAD–

Sec. 8B. Special provisions concerning the Nuclear Regulatory
Commission

–STATUTE–

(a) The Chairman of the Commission may delegate the authority specified in the second sentence of section 3(a) to another member of the Nuclear Regulatory Commission, but shall not delegate such authority to any other officer or employee of the Commission.

(b) Notwithstanding sections 6(a)(7) and (8), the Inspector General of the Nuclear Regulatory Commission 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 Nuclear Regulatory Commission.

–SOURCE–

(Pub. L. 95–452, Sec. 8B, as added Pub. L. 100–504, title I, Sec. 102(f), Oct. 18, 1988, 102 Stat. 2517.)

–MISC1–

EFFECTIVE DATE

Section effective 180 days after Oct. 18, 1988, see section 113 of Pub. L. 100–504, set out as an Effective Date of 1988 Amendment note under section 5 of Pub. L. 95–452 in this Appendix.

–CITE–

5 USC APPENDIX – INSPECTOR GENERAL ACT OF 1978 Sec. 8C 01/06/03

–EXPCITE–

TITLE 5 – APPENDIX

INSPECTOR GENERAL ACT OF 1978

–HEAD–

Sec. 8C. Special provisions concerning the Federal Deposit

Insurance Corporation

–STATUTE–

(a) Delegation. – The Chairperson of the Federal Deposit

Insurance Corporation may delegate the authority specified in the second sentence of section 3(a) to the Vice Chairperson of the Board of Directors of the Federal Deposit Insurance Corporation, but may not delegate such authority to any other officer or employee of the Corporation.

(b) Personnel. – Notwithstanding paragraphs (7) and (8) of

section 6(a), the Inspector General of the Federal Deposit Insurance Corporation may 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 of experts or consultants, subject to the applicable laws and regulations that govern such selections,

appointments, and employment, and the obtaining of such services,
within the Federal Deposit Insurance Corporation.

–SOURCE–

(Pub. L. 95–452, Sec. 8C, as added Pub. L. 103–204, Sec. 23(a)(2),
Dec. 17, 1993, 107 Stat. 2407.)

–MISC1–

PRIOR PROVISIONS

A prior section 8C of the Inspector General Act of 1978 was
renumbered section 8D by Pub. L. 103–204.

–CITE–

5 USC APPENDIX – INSPECTOR GENERAL ACT OF 1978 Sec. 8D 01/06/03

–EXPCITE–

TITLE 5 – APPENDIX

INSPECTOR GENERAL ACT OF 1978

–HEAD–

Sec. 8D. Special provisions concerning the Department of the
Treasury

–STATUTE–

(a)(1) Notwithstanding the last two sentences of section 3(a),
the Inspector General of the Department of the Treasury shall be
under the authority, direction, and control of the Secretary of the
Treasury with respect to audits or investigations, or the issuance
of subpoenas, which require access to sensitive information
concerning –

(A) ongoing criminal investigations or proceedings;

(B) undercover operations;

(C) the identity of confidential sources, including protected witnesses;

(D) deliberations and decisions on policy matters, including documented information used as a basis for making policy decisions, the disclosure of which could reasonably be expected to have a significant influence on the economy or market behavior;

(E) intelligence or counterintelligence matters; or

(F) other matters the disclosure of which would constitute a serious threat to national security or to the protection of any person or property authorized protection by section 3056 of title 18, United States Code, section 202 of title 3, United States Code, or any provision of the Presidential Protection Assistance Act of 1976 (18 U.S.C. 3056 note; Public Law 94–524).

(2) With respect to the information described under paragraph (1), the Secretary of the Treasury may prohibit the Inspector General of the Department of the Treasury from carrying out or completing any audit or investigation, 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 Secretary determines that such prohibition is necessary to prevent the disclosure of any information described under paragraph (1) or to prevent significant impairment to the national interests of the United States.

(3) If the Secretary of the Treasury exercises any power under paragraph (1) or (2), the Secretary of the Treasury shall notify

the Inspector General of the Department of the Treasury in writing stating the reasons for such exercise. Within 30 days after receipt of any such notice, the Inspector General of the Department of the Treasury shall transmit a copy of such notice to the Committees on Governmental Affairs and Finance of the Senate and the Committees on Government Operations and Ways and Means of the House of Representatives, and to other appropriate committees or subcommittees of the Congress.

(4) The Secretary of the Treasury may not exercise any power under paragraph (1) or (2) with respect to the Treasury Inspector General for Tax Administration.

(b)(1) In carrying out the duties and responsibilities specified in this Act, the Inspector General of the Department of the Treasury shall have oversight responsibility for the internal investigations performed by the Office of Internal Affairs of the Tax and Trade Bureau, the Office of Internal Affairs of the United States Customs Service, and the Office of Inspections of the United States Secret Service,. (FOOTNOTE 1) The head of each such office shall promptly report to the Inspector General of the Department of the Treasury the significant activities being carried out by such office.

(FOOTNOTE 1) So in original.

(2) The Inspector General of the Department of the Treasury shall exercise all duties and responsibilities of an Inspector General for the Department of the Treasury other than the duties and responsibilities exercised by the Treasury Inspector General for

Tax Administration.

(3) The Secretary of the Treasury shall establish procedures under which the Inspector General of the Department of the Treasury and the Treasury Inspector General for Tax Administration will –

(A) determine how audits and investigations are allocated in cases of overlapping jurisdiction; and

(B) provide for coordination, cooperation, and efficiency in the conduct of such audits and investigations.

(c) Notwithstanding subsection (b), the Inspector General of the Department of the Treasury may initiate, conduct and supervise such audits and investigations in the Department of the Treasury (including the bureaus and services referred to in subsection (b)) as the Inspector General of the Department of the Treasury considers appropriate.

(d) If the Inspector General of the Department of the Treasury initiates an audit or investigation under subsection (c) concerning a bureau or service referred to in subsection (b), the Inspector General of the Department of the Treasury may provide the head of the office of such bureau or service referred to in subsection (b) with written notice that the Inspector General of the Department of the Treasury has initiated such an audit or investigation. If the Inspector General of the Department of the Treasury issues a notice under the preceding sentence, no other audit or investigation shall be initiated into the matter under audit or investigation by the Inspector General of the Department of the Treasury and any other audit or investigation of such matter shall cease.

(e)(1) The Treasury Inspector General for Tax Administration shall have access to returns and return information, as defined in section 6103(b) of the Internal Revenue Code of 1986 (26 U.S.C. 6103(b)), only in accordance with the provisions of section 6103 of such Code (26 U.S.C. 6103) and this Act.

(2) The Internal Revenue Service shall maintain the same system of standardized records or accountings of all requests from the Treasury Inspector General for Tax Administration for inspection or disclosure of returns and return information (including the reasons for and dates of such requests), and of returns and return information inspected or disclosed pursuant to such requests, as described under section 6103(p)(3)(A) of the Internal Revenue Code of 1986 (26 U.S.C. 6103(p)(3)(A)). Such system of standardized records or accountings shall also be available for examination in the same manner as provided under section 6103(p)(3) of the Internal Revenue Code of 1986.

(3) The Treasury Inspector General for Tax Administration shall be subject to the same safeguards and conditions for receiving returns and return information as are described under section 6103(p)(4) of the Internal Revenue Code of 1986 (26 U.S.C. 6103(p)(4)).

(f) An audit or investigation conducted by the Inspector General of the Department of the Treasury or the Treasury Inspector General for Tax Administration shall not affect a final decision of the Secretary of the Treasury or his delegate under section 6406 of the Internal Revenue Code of 1986 (26 U.S.C. 6406).

(g)(1) Any report required to be transmitted by the Secretary of the Treasury 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 Committees on Governmental Affairs and Finance of the Senate and the Committees on Government Reform and Oversight and Ways and Means of the House of Representatives.

(2) Any report made by the Treasury Inspector General for Tax Administration that is required to be transmitted by the Secretary of the Treasury to the appropriate committees or subcommittees of Congress under section 5(d) shall also be transmitted, within the 7-day period specified under such subsection, to the Internal Revenue Service Oversight Board and the Commissioner of Internal Revenue.

(h) The Treasury Inspector General for Tax Administration shall exercise all duties and responsibilities of an Inspector General of an establishment with respect to the Department of the Treasury and the Secretary of the Treasury on all matters relating to the Internal Revenue Service. The Treasury Inspector General for Tax Administration shall have sole authority under this Act to conduct an audit or investigation of the Internal Revenue Service Oversight Board and the Chief Counsel for the Internal Revenue Service.

(i) In addition to the requirements of the first sentence of section 3(a), the Treasury Inspector General for Tax Administration should have demonstrated ability to lead a large and complex organization.

(j) An individual appointed to the position of Treasury Inspector General for Tax Administration, the Assistant Inspector General for Auditing of the Office of the Treasury Inspector General for Tax Administration under section 3(d)(1), the Assistant Inspector General for Investigations of the Office of the Treasury Inspector General for Tax Administration under section 3(d)(2), or any position of Deputy Inspector General of the Office of the Treasury Inspector General for Tax Administration may not be an employee of the Internal Revenue Service –

(1) during the 2–year period preceding the date of appointment to such position; or

(2) during the 5–year period following the date such individual ends service in such position.

(k)(1) In addition to the duties and responsibilities exercised by an inspector general of an establishment, the Treasury Inspector General for Tax Administration –

(A) shall have the duty to enforce criminal provisions under section 7608(b) of the Internal Revenue Code of 1986 (26 U.S.C. 7608(b));

(B) in addition to the functions authorized under section 7608(b)(2) of such Code, may carry firearms;

(C) shall be responsible for protecting the Internal Revenue Service against external attempts to corrupt or threaten employees of the Internal Revenue Service, but shall not be responsible for the conducting of background checks and the providing of physical security; and

(D) may designate any employee in the Office of the Treasury Inspector General for Tax Administration to enforce such laws and perform such functions referred to under subparagraphs (A), (B), and (C).

(2)(A) In performing a law enforcement function under paragraph (1), the Treasury Inspector General for Tax Administration shall report any reasonable grounds to believe there has been a violation of Federal criminal law to the Attorney General at an appropriate time as determined by the Treasury Inspector General for Tax Administration, notwithstanding section 4(d).

(B) In the administration of section 5(d) and subsection (g)(2) of this section, the Secretary of the Treasury may transmit the required report with respect to the Treasury Inspector General for Tax Administration at an appropriate time as determined by the Secretary, if the problem, abuse, or deficiency relates to –

- (i) the performance of a law enforcement function under paragraph (1); and
- (ii) sensitive information concerning matters under subsection (a)(1)(A) through (F).

(3) Nothing in this subsection shall be construed to affect the authority of any other person to carry out or enforce any provision specified in paragraph (1).

(l)(1) The Commissioner of Internal Revenue or the Internal Revenue Service Oversight Board may request, in writing, the Treasury Inspector General for Tax Administration to conduct an audit or investigation relating to the Internal Revenue Service. If

the Treasury Inspector General for Tax Administration determines not to conduct such audit or investigation, the Inspector General shall timely provide a written explanation for such determination to the person making the request.

(2)(A) Any final report of an audit conducted by the Treasury Inspector General for Tax Administration shall be timely submitted by the Inspector General to the Commissioner of Internal Revenue and the Internal Revenue Service Oversight Board.

(B) The Treasury Inspector General for Tax Administration shall periodically submit to the Commissioner and Board a list of investigations for which a final report has been completed by the Inspector General and shall provide a copy of any such report upon request of the Commissioner or Board.

(C) This paragraph applies regardless of whether the applicable audit or investigation is requested under paragraph (1).

–SOURCE–

(Pub. L. 95–452, Sec. 8D, formerly Sec. 8C, as added Pub. L. 100–504, title I, Sec. 102(f), Oct. 18, 1988, 102 Stat. 2518; renumbered Sec. 8D, Pub. L. 103–204, Sec. 23(a)(3), Dec. 17, 1993, 107 Stat. 2408; amended Pub. L. 105–206, title I, Sec. 1103(b), (e)(1), (2), July 22, 1998, 112 Stat. 705, 709; Pub. L. 107–296, title XI, Sec. 1112(a)(1), Nov. 25, 2002, 116 Stat. 2275.)

–REFTEXT–

REFERENCES IN TEXT

The Presidential Protection Assistance Act of 1976, referred to in subsec. (a)(1)(F), is Pub. L. 94–524, Oct. 17, 1976, 90 Stat.

2475, which enacted and amended notes set out under section 3056 of Title 18, Crimes and Criminal Procedure. For complete classification of this Act to the Code, see Tables.

–MISC2–

PRIOR PROVISIONS

A prior section 8D of the Inspector General Act of 1978 was renumbered section 8E by Pub. L. 103–204.

AMENDMENTS

2002 – Subsec. (b)(1). Pub. L. 107–296 substituted "Tax and Trade Bureau" for "Bureau of Alcohol, Tobacco and Firearms".

1998 – Subsec. (a)(1). Pub. L. 105–206, Sec. 1103(e)(2)(A)(i), inserted "of the Department of the Treasury" after "Inspector General" in introductory provisions.

Subsec. (a)(2). Pub. L. 105–206, Sec. 1103(e)(2)(A)(ii), inserted "of the Department of the Treasury" after "prohibit the Inspector General".

Subsec. (a)(3). Pub. L. 105–206, Sec. 1103(e)(2)(A)(iii), inserted "of the Department of the Treasury" after "Inspector General" in two places.

Subsec. (a)(4). Pub. L. 105–206, Sec. 1103(b)(1), added par. (4).

Subsec. (b). Pub. L. 105–206, Sec. 1103(e)(1), (2)(B), struck out "and the internal audits and internal investigations performed by the Office of Assistant Commissioner (Inspection) of the Internal Revenue Service" after "United States Secret Service," in first sentence, and inserted "of the Department of the Treasury" after "Inspector General" in second sentence.

Pub. L. 105–206, Sec. 1103(b)(2), designated existing provisions as par. (1) and added pars. (2) and (3).

Subsecs. (c), (d). Pub. L. 105–206, Sec. 1103(e)(2)(C), inserted "of the Department of the Treasury" after "Inspector General" wherever appearing.

Subsec. (e)(1). Pub. L. 105–206, Sec. 1103(b)(3)(A), substituted "Treasury Inspector General for Tax Administration" for "Inspector General".

Subsec. (e)(2). Pub. L. 105–206, Sec. 1103(b)(3)(B), (C), redesignated subpar. (C) as par. (2), substituted "Treasury Inspector General for Tax Administration" for "Inspector General", and struck out former par. (2) introductory provisions and subpars. (A) and (B), which required written notice to Assistant Commissioner (Inspection) of Inspector General's intent to access returns and return information, that such notice indicate specific returns or information being accessed, contain certification of need for purpose described under section 6103(h)(1) of this title, and identify those employees who may receive such returns or information. Former subpar. (D) redesignated par. (3).

Subsec. (e)(3). Pub. L. 105–206, Sec. 1103(b)(3)(D), redesignated subpar. (D) of par. (2) as par. (3) and substituted "Treasury Inspector General for Tax Administration" for "Inspector General".

Subsec. (f). Pub. L. 105–206, Sec. 1103(b)(4), substituted "Inspector General of the Department of the Treasury or the

Treasury Inspector General for Tax Administration" for "Inspector General".

Subsec. (g). Pub. L. 105–206, Sec. 1103(b)(5), struck out subsec.

(g) which read as follows: "Notwithstanding section 4(d), in matters involving chapter 75 of the Internal Revenue Code of 1986, the Inspector General shall report expeditiously to the Attorney General only offenses under section 7214 of such Code, unless the Inspector General obtains the consent of the Commissioner of Internal Revenue to exercise additional reporting authority with respect to such chapter."

Subsec. (g)(1). Pub. L. 105–206, Sec. 1103(b)(6)(A), (B),

redesignated subsec. (h) as (g)(1) and substituted "and the Committees on Government Reform and Oversight and Ways and Means of the House of Representatives" for "and the Committees on Government Operations and Ways and Means of the House of Representatives".

Subsec. (g)(2). Pub. L. 105–206, Sec. 1103(b)(6)(C), added par.

(2).

Subsecs. (h) to (l). Pub. L. 105–206, Sec. 1103(b)(7), added

subsecs. (h) to (l). Former subsec. (h) redesignated (g)(1).

–CHANGE–

CHANGE OF NAME

Committee on Government Operations of House of Representatives treated as referring to Committee on Government Reform and Oversight of House of Representatives by section 1(a) of Pub. L. 104–14, set out as a note under section 21 of Title 2, The

Congress. Committee on Government Reform and Oversight of House of Representatives changed to Committee on Government Reform of House of Representatives by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999.

–MISC4–

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107–296 effective 60 days after Nov. 25, 2002, see section 4 of Pub. L. 107–296, set out as an Effective Date note under section 101 of Title 6, Domestic Security.

EFFECTIVE DATE

Section effective 180 days after Oct. 18, 1988, see section 113 of Pub. L. 100–504, set out as an Effective Date of 1988 Amendment note under section 5 of Pub. L. 95–452 in this Appendix.

–TRANS–

TRANSFER OF FUNCTIONS

For transfer of functions, personnel, assets, and liabilities of the United States Customs Service of the Department of the Treasury, including functions of the Secretary of the Treasury relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 203(1), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

For transfer of the functions, personnel, assets, and obligations of the United States Secret Service, including the functions of the Secretary of the Treasury relating thereto, to the Secretary of

Homeland Security, and for treatment of related references, see sections 381, 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

–CITE–

5 USC APPENDIX – INSPECTOR GENERAL ACT OF 1978 Sec. 8E 01/06/03

–EXPCITE–

TITLE 5 – APPENDIX

INSPECTOR GENERAL ACT OF 1978

–HEAD–

Sec. 8E. Special provisions concerning the Department of Justice

–STATUTE–

(a)(1) Notwithstanding the last two sentences of section 3(a), the Inspector General shall be under the authority, direction, and control of the Attorney General with respect to audits or investigations, or the issuance of subpoenas, which require access to sensitive information concerning –

(A) ongoing civil or criminal investigations or proceedings;

(B) undercover operations;

(C) the identity of confidential sources, including protected witnesses;

(D) intelligence or counterintelligence matters; or

(E) other matters the disclosure of which would constitute a serious threat to national security.

(2) With respect to the information described under paragraph

(1), the Attorney General may prohibit the Inspector General from carrying out or completing any audit or investigation, 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 Attorney General determines that such prohibition is necessary to prevent the disclosure of any information described under paragraph (1) or to prevent the significant impairment to the national interests of the United States.

(3) If the Attorney General exercises any power under paragraph (1) or (2), the Attorney General 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 Committees on Governmental Affairs and Judiciary of the Senate and the Committees on Government Operations and Judiciary 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 of the Department of Justice –

(1) may initiate, conduct and supervise such audits and investigations in the Department of Justice as the Inspector General considers appropriate;

(2) except as specified in subsection (a) and paragraph (3), may investigate allegations of criminal wrongdoing or administrative misconduct by an employee of the Department of

Justice, or may, in the discretion of the Inspector General, refer such allegations to the Office of Professional Responsibility or the internal affairs office of the appropriate component of the Department of Justice;

(3) shall refer to the Counsel, Office of Professional Responsibility of the Department of Justice, allegations of misconduct involving Department attorneys, investigators, or law enforcement personnel, where the allegations relate to the exercise of the authority of an attorney to investigate, litigate, or provide legal advice, except that no such referral shall be made if the attorney is employed in the Office of Professional Responsibility;

(4) may investigate allegations of criminal wrongdoing or administrative misconduct by a person who is the head of any agency or component of the Department of Justice; and

(5) shall forward the results of any investigation conducted under paragraph (4), along with any appropriate recommendation for disciplinary action, to the Attorney General.

(c) Any report required to be transmitted by the Attorney General 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 Committees on the Judiciary and Governmental Affairs of the Senate and the Committees on the Judiciary and Government Operations of the House of Representatives.

(d) The Attorney General shall ensure by regulation that any

component of the Department of Justice receiving a nonfrivolous allegation of criminal wrongdoing or administrative misconduct by an employee of the Department of Justice, except with respect to allegations described in subsection (b)(3), shall report that information to the Inspector General.

–SOURCE–

(Pub. L. 95–452, Sec. 8E, formerly Sec. 8D, as added Pub. L. 100–504, title I, Sec. 102(f), Oct. 18, 1988, 102 Stat. 2520; renumbered Sec. 8E, Pub. L. 103–204, Sec. 23(a)(3), Dec. 17, 1993, 107 Stat. 2408; Pub. L. 107–273, div. A, title III, Sec. 308, Nov. 2, 2002, 116 Stat. 1784.)

–MISC1–

PRIOR PROVISIONS

A prior section 8E of the Inspector General Act of 1978, relating to special provisions concerning the Corporation for National and Community Service, was renumbered section 8F by Pub. L. 103–204.

Another prior section 8E of the Inspector General Act of 1978, relating to requirements for Federal entities and designated Federal entities, was successively renumbered section 8F by Pub. L. 103–82, and section 8G by Pub. L. 103–204.

AMENDMENTS

2002 – Subsec. (b)(2) to (5). Pub. L. 107–273, Sec. 308(1), added pars. (2) to (5) and struck out former pars. (2) and (3) which read as follows:

"(2) shall give particular regard to the activities of the Counsel, Office of Professional Responsibility of the Department

and the audit, internal investigative, and inspection units outside the Office of Inspector General with a view toward avoiding duplication and insuring effective coordination and cooperation; and

"(3) shall refer to the Counsel, Office of Professional Responsibility of the Department for investigation, information or allegations relating to the conduct of an officer or employee of the Department of Justice employed in an attorney, criminal investigative, or law enforcement position that is or may be a violation of law, regulation, or order of the Department or any other applicable standard of conduct, except that no such referral shall be made if the officer or employee is employed in the Office of Professional Responsibility of the Department."

Subsec. (d). Pub. L. 107-273, Sec. 308(2), added subsec. (d).

–CHANGE–

CHANGE OF NAME

Committee on Government Operations of House of Representatives treated as referring to Committee on Government Reform and Oversight of House of Representatives by section 1(a) of Pub. L. 104-14, set out as a note under section 21 of Title 2, The Congress. Committee on Government Reform and Oversight of House of Representatives changed to Committee on Government Reform of House of Representatives by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999.

–MISC4–

EFFECTIVE DATE

Section effective 180 days after Oct. 18, 1988, see section 113 of Pub. L. 100–504, set out as an Effective Date of 1988 Amendment note under section 5 of Pub. L. 95–452 in this Appendix.

APPOINTMENT OF OVERSIGHT OFFICIAL WITHIN THE OFFICE OF INSPECTOR GENERAL

Pub. L. 107–273, div. A, title III, Sec. 309(a), Nov. 2, 2002, 116 Stat. 1784, provided that:

"(1) In general. – The Inspector General of the Department of Justice shall direct that 1 official from the office of the Inspector General be responsible for supervising and coordinating independent oversight of programs and operations of the Federal Bureau of Investigation until September 30, 2004.

"(2) Continuation of oversight. – The Inspector General may continue individual oversight in accordance with paragraph (1) after September 30, 2004, at the discretion of the Inspector General."

REVIEW OF CIVIL RIGHTS COMPLAINTS BY THE DEPARTMENT OF JUSTICE

Pub. L. 107–56, title X, Sec. 1001, Oct. 26, 2001, 115 Stat. 391, provided that: "The Inspector General of the Department of Justice shall designate one official who shall –

"(1) review information and receive complaints alleging abuses of civil rights and civil liberties by employees and officials of the Department of Justice;

"(2) make public through the Internet, radio, television, and newspaper advertisements information on the responsibilities and functions of, and how to contact, the official; and

"(3) submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate on a semi-annual basis a report on the implementation of this subsection (section) and detailing any abuses described in paragraph (1), including a description of the use of funds appropriations used to carry out this subsection (section)."

TRANSFER OF 20 INVESTIGATION POSITIONS WITHIN DEPARTMENT OF JUSTICE

Section 102(h) of Pub. L. 100-504 provided that: "No later than 90 days after the date of appointment of the Inspector General of the Department of Justice, the Inspector General shall designate 20 full-time investigation positions which the Attorney General may transfer from the Office of Inspector General of the Department of Justice to the Office of Professional Responsibility of the Department of Justice for the performance of functions described under section 8D(b)(3) (now 8E(b)(3)) of the Inspector General Act of 1978 (subsec. (b)(3) of this section). Any personnel who are transferred pursuant to this subsection, and who, at the time of being so transferred, are protected from reduction in classification or compensation under section 9(c) of such Act (section 9(c) of Pub. L. 95-452, set out in this Appendix), shall continue to be so protected for 1 year after the date of transfer pursuant to this subsection."

-CITE-

5 USC APPENDIX – INSPECTOR GENERAL ACT OF 1978 Sec. 8F 01/06/03

-EXPCITE-

TITLE 5 – APPENDIX

INSPECTOR GENERAL ACT OF 1978

–HEAD–

Sec. 8F. Special provisions concerning the Corporation for National and Community Service

–STATUTE–

(a) Notwithstanding the provisions of paragraphs (7) and (8) of section 6(a), it is within the exclusive jurisdiction of the Inspector General of the Corporation for National and Community Service to –

(1) appoint and determine the compensation of such officers and employees in accordance with section 195(b) (FOOTNOTE 1) of the National and Community Service Trust Act of 1993; and
(FOOTNOTE 1) See References in Text note below.

(2) procure the temporary and intermittent services of and compensate such experts and consultants, in accordance with section 3109(b) of title 5, United States Code, as may be necessary to carry out the functions, powers, and duties of the Inspector General.

(b) No later than the date on which the Chief Executive Officer of the Corporation for National and Community Service transmits any report to the Congress under subsection (a) or (b) of section 5, the Chief Executive Officer shall transmit such report to the Board of Directors of such Corporation.

(c) No later than the date on which the Chief Executive Officer of the Corporation for National and Community Service transmits a report described under section 5(b) to the Board of Directors as

provided under subsection (b) of this section, the Chief Executive Officer shall also transmit any audit report which is described in the statement required under section 5(b)(4) to the Board of Directors. All such audit reports shall be placed on the agenda for review at the next scheduled meeting of the Board of Directors following such transmittal. The Chief Executive Officer of the Corporation shall be present at such meeting to provide any information relating to such audit reports.

(d) No later than the date on which the Inspector General of the Corporation for National and Community Service reports a problem, abuse, or deficiency under section 5(d) to the Chief Executive Officer of the Corporation, the Chief Executive Officer shall report such problem, abuse, or deficiency to the Board of Directors.

–SOURCE–

(Pub. L. 95–452, Sec. 8F, formerly Sec. 8E, as added Pub. L. 103–82, title II, Sec. 202(g)(1), Sept. 21, 1993, 107 Stat. 889; renumbered Sec. 8F, Pub. L. 103–204, Sec. 23(a)(3), Dec. 17, 1993, 107 Stat. 2408.)

–REFTEXT–

REFERENCES IN TEXT

Section 195(b) of the National and Community Service Trust Act of 1993, referred to in subsec. (a)(1), probably means section 195(b) of the National and Community Service Act of 1990, Pub. L. 101–610, which was enacted by section 202(a) of the National and Community Service Trust Act of 1993, Pub. L. 103–82, and is classified to

section 12651f(b) of Title 42, The Public Health and Welfare.

–COD–

CODIFICATION

Pub. L. 103–204, Sec. 23(a)(4), Dec. 17, 1993, 107 Stat. 2408, which directed the amendment of section 8F(a)(2) by striking out "the Federal Deposit Insurance Corporation," could not be executed to this section because the quoted language does not appear. However, the amendment was executed to section 8G(a)(2) of the Inspector General Act of 1978 relating to requirements for Federal entities and designated Federal entities, to reflect the probable intent of Congress and the successive renumbering of that section as section 8F by Pub. L. 103–82 and as section 8G by Pub. L. 103–204.

–MISC3–

PRIOR PROVISIONS

A prior section 8F of the Inspector General Act of 1978, relating to requirements for Federal entities and designated Federal entities, was renumbered section 8G by Pub. L. 103–204.

Another prior section 8F of the Inspector General Act of 1978, relating to rule of construction of special provisions, was renumbered section 8I.

EFFECTIVE DATE

Section effective Oct. 1, 1993, see section 202(i) of Pub. L. 103–82, set out as a note under section 12651 of Title 42, The Public Health and Welfare.

–SECREP–

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 42 sections 12651b, 12651d,
12651f.

–CITE–

5 USC APPENDIX – INSPECTOR GENERAL ACT OF 1978 Sec. 8G 01/06/03

–EXPCITE–

TITLE 5 – APPENDIX

INSPECTOR GENERAL ACT OF 1978

–HEAD–

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

–STATUTE–

(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 General Accounting 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 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, 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.

(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) (FOOTNOTE 1) 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 –

(FOOTNOTE 1) So in original. Two pars. (3) have been enacted.

(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 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.

(3) (FOOTNOTE 1) 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.

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

(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 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.

–SOURCE–

(Pub. L. 95–452, Sec. 8G, formerly Sec. 8E, as added Pub. L. 100–504, title I, Sec. 104(a), Oct. 18, 1988, 102 Stat. 2522; amended Pub. L. 101–73, title VII, Sec. 702(c), Aug. 9, 1989, 103 Stat. 415; renumbered Sec. 8F and amended Pub. L. 103–82, title II, Sec. 202(g)(1), (2)(A), Sept. 21, 1993, 107 Stat. 889, 890; renumbered Sec. 8G and amended Pub. L. 103–204, Sec. 23(a)(3), (4), Dec. 17, 1993, 107 Stat. 2408; Pub. L. 104–88, title III, Sec. 319, Dec. 29, 1995, 109 Stat. 949; Pub. L. 104–208, div. A, title I, Sec. 101(f) (title VI, Sec. 662(b)(1), (2)), Sept. 30, 1996, 110 Stat. 3009–314, 3009–379; Pub. L. 105–134, title IV, Sec. 409(a)(1), Dec. 2, 1997, 111 Stat. 2586; Pub. L. 105–277, div. C, title III, Sec. 306(h), as added Pub. L. 106–31, title I, Sec. 105(a)(5), May 21, 1999, 113 Stat. 63; Pub. L. 106–422, Sec. 1(b)(1), Nov. 1, 2000, 114 Stat. 1872; Pub. L. 107–252, title VIII,

Sec. 812(a), Oct. 29, 2002, 116 Stat. 1727.)

–STATAMEND–

AMENDMENT OF SUBSECTION (A)(2)

Pub. L. 105–134, title IV, Sec. 409(a), Dec. 2, 1997, 111 Stat.

2586, provided that effective at beginning of first fiscal year after fiscal year for which Amtrak receives no Federal subsidy, subsection (a)(2) of this section is amended by striking

"Amtrak,".

–REFTEXT–

REFERENCES IN TEXT

The National Labor Relations Act, referred to in subsec. (f)(3), is act July 5, 1935, ch. 372, 49 Stat. 449, as amended, which is classified generally to subchapter II (Sec. 151 et seq.) of chapter 7 of Title 29, Labor. For complete classification of this Act to the Code, see section 167 of Title 29 and Tables.

–MISC2–

PRIOR PROVISIONS

A prior section 8G of the Inspector General Act of 1978 was renumbered section 8I.

AMENDMENTS

2002 – Subsec. (a)(2). Pub. L. 107–252 inserted "the Election Assistance Commission," after "Federal Election Commission,".

2000 – Subsec. (a)(2). Pub. L. 106–422 struck out "the Tennessee Valley Authority," before "the United States International Trade Commission,".

1998 – Subsec. (a)(2). Pub. L. 105–277, Sec. 306(h), as added by

Pub. L. 106–31, inserted "the Denali Commission," after "the Corporation for Public Broadcasting,".

1996 – Subsec. (a)(4). Pub. L. 104–208, Sec. 101(f) (title VI, Sec. 662(b)(1)), substituted "except that – " and subpars. (A) and (B) for "except that with respect to the National Science Foundation, such term means the National Science Board;".

Subsec. (f). Pub. L. 104–208, Sec. 101(f) (title VI, Sec. 662(b)(2)), amended subsec. (f) generally. Prior to amendment, subsec. (f) read as follows:

"(1) The Chief Postal Inspector of the United States Postal Service shall also hold the position of Inspector General of the United States Postal Service, and for purposes of this section, shall report to, and be under the general supervision of, the Postmaster General of the United States Postal Service. The Postmaster General, in consultation with the Governors of the United States Postal Service, shall appoint the Chief Postal Inspector. The Postmaster General, with the concurrence of the Governors of the United States Postal Service, shall have power to remove the Chief Postal Inspector or transfer the Chief Postal Inspector to another position or location within the United States Postal Service. If the Chief Postal Inspector is removed or transferred in accordance with this subsection, the Postmaster General shall promptly notify both Houses of the Congress in writing of the reasons for such removal or transfer.

"(2) For purposes of paragraph (1), the term 'Governors' has the same meaning as such term is defined under section 102(3) of title

39, United States Code."

1995 – Subsec. (a)(2). Pub. L. 104–88 struck out "the Interstate Commerce Commission," after "Federal Trade Commission,".

1993 – Subsec. (a)(2). Pub. L. 103–204, Sec. 23(a)(4), which directed the amendment of section 8F(a)(2) by striking "the Federal Deposit Insurance Corporation," was executed by striking the quoted language as it appeared after "Federal Communications Commission," in subsec. (a)(2) of this section, to reflect the probable intent of Congress and the successive renumbering of this section as section 8F of the Inspector General Act of 1978 by Pub. L. 103–82 and as section 8G by Pub. L. 103–204. See Codification note set out under section 8F of the Inspector General Act of 1978 in this Appendix.

Pub. L. 103–82, Sec. 202(g)(2)(A), struck out "ACTION," before "Amtrak,".

1989 – Subsec. (a)(2). Pub. L. 101–73 substituted "Federal Housing Finance Board" for "Federal Home Loan Bank Board".

–CHANGE–

CHANGE OF NAME

Committee on Government Reform and Oversight of House of Representatives changed to Committee on Government Reform of House of Representatives by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999.

–MISC4–

EFFECTIVE DATE OF 2002 AMENDMENT

Pub. L. 107–252, title VIII, Sec. 812(b), Oct. 29, 2002, 116

Stat. 1727, provided that: "The amendment made by subsection (a) (amending this section) shall take effect 180 days after the appointment of all members of the Election Assistance Commission under section 203 (42 U.S.C. 15323)."

EFFECTIVE DATE OF 2000 AMENDMENT

Pub. L. 106–422, Sec. 1(d), Nov. 1, 2000, 114 Stat. 1872, provided that:

"(1) In general. – The amendments made by this section (amending this section, section 11 of this Appendix, and section 5315 of this title and enacting provisions set out as a note under this section) shall take effect 30 days after the date of enactment of this Act (Nov. 1, 2000).

"(2) Inspector general. – The person serving as Inspector General of the Tennessee Valley Authority on the effective date of this section –

"(A) may continue such service until the President makes an appointment under section 3(a) of the Inspector General Act of 1978 (5 U.S.C. App.) consistent with the amendments made by this section; and

"(B) shall be subject to section 8G(c) and (d) of the Inspector General Act of 1978 (5 U.S.C. App.) as applicable to the Board of Directors of the Tennessee Valley Authority, unless that person is appointed by the President, by and with the advice and consent of the Senate, to be Inspector General of the Tennessee Valley Authority."

EFFECTIVE DATE OF 1997 AMENDMENT

Section 409(a)(2) of Pub. L. 105–134 provided that: "The amendment made by paragraph (1) (amending this section) shall take effect at the beginning of the first fiscal year after a fiscal year for which Amtrak receives no Federal subsidy."

EFFECTIVE DATE OF 1995 AMENDMENT

Amendment by Pub. L. 104–88 effective Jan. 1, 1996, see section 2 of Pub. L. 104–88, set out as an Effective Date note under section 701 of Title 49, Transportation.

EFFECTIVE DATE OF 1993 AMENDMENT

Section 202(g)(2)(B) of Pub. L. 103–82 provided that: "This paragraph (amending this section) shall take effect on the effective date of section 203(c)(2)." (Section 203(c)(2) of Pub. L. 103–82 is effective 18 months after Sept. 21, 1993, or on such earlier date as the President shall determine to be appropriate and announce by proclamation in the Federal Register, see section 203(d) of Pub. L. 103–82, set out as a note under section 12651 of Title 42, The Public Health and Welfare.)

EFFECTIVE DATE

Section effective 180 days after Oct. 18, 1988, see section 113 of Pub. L. 100–504, set out as an Effective Date of 1988 Amendment note under section 5 of Pub. L. 95–452 in this Appendix.

TENNESSEE VALLEY AUTHORITY; FINDINGS

Pub. L. 106–422, Sec. 1(a), Nov. 1, 2000, 114 Stat. 1872, provided that: "Congress finds that –
"(1) Inspectors General serve an important function in preventing and eliminating fraud, waste, and abuse in the Federal

Government; and

"(2) independence is vital for an Inspector General to function effectively."

INSPECTOR GENERAL OF FEMA AS INSPECTOR GENERAL OF CHEMICAL SAFETY
AND HAZARD INVESTIGATION BOARD

Pub. L. 107-73, title III, Nov. 26, 2001, 115 Stat. 679, provided in part: "That, hereafter, there shall be an Inspector General at the (Chemical Safety and Hazard Investigation) Board who shall have the duties, responsibilities, and authorities specified in the Inspector General Act of 1978, as amended (Pub. L. 95-452, set out in this Appendix): Provided further, That an individual appointed to the position of Inspector General of the Federal Emergency Management Agency (FEMA) shall, by virtue of such appointment, also hold the position of Inspector General of the Board: Provided further, That the Inspector General of the Board shall utilize personnel of the Office of Inspector General of FEMA in performing the duties of the Inspector General of the Board, and shall not appoint any individuals to positions within the Board."

(For transfer of functions, personnel, assets, and liabilities of the Federal Emergency Management Agency, including the functions of the Director of the Federal Emergency Management Agency relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 313(1), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.)

Similar provisions were contained in the following prior appropriations act:

Pub. L. 106–377, Sec. 1(a)(1) (title III), Oct. 27, 2000, 114 Stat. 1441, 1441A–36.

Pub. L. 107–73, title III, Nov. 26, 2001, 115 Stat. 688, provided in part: "That notwithstanding any other provision of law, the Inspector General of the Federal Emergency Management Agency shall also serve as the Inspector General of the Chemical Safety and Hazard Investigation Board."

Similar provisions were contained in the following prior appropriations act:

Pub. L. 106–377, Sec. 1(a)(1) (title III), Oct. 27, 2000, 114 Stat. 1441, 1441A–46.

AMTRAK NOT FEDERAL ENTITY; FEDERAL SUBSIDY

Section 409(b), (c) of Pub. L. 105–134 provided that:

"(b) Amtrak Not Federal Entity. – Amtrak shall not be considered a Federal entity for purposes of the Inspector General Act of 1978 (Pub. L. 95–452, set out in this Appendix). The preceding sentence shall apply for any fiscal year for which Amtrak receives no Federal subsidy.

"(c) Federal Subsidy. –

"(1) Assessment. – In any fiscal year for which Amtrak requests Federal assistance, the Inspector General of the Department of Transportation shall review Amtrak's operations and conduct an assessment similar to the assessment required by section 202(a) (Pub. L. 105–134, 49 U.S.C. 24101 note). The

Inspector General shall report the results of the review and assessment to –

"(A) the President of Amtrak;

"(B) the Secretary of Transportation;

"(C) the United States Senate Committee on Appropriations;

"(D) the United States Senate Committee on Commerce, Science, and Transportation;

"(E) the United States House of Representatives Committee on Appropriations; and

"(F) the United States House of Representatives Committee on Transportation and Infrastructure.

"(2) Report. – The report shall be submitted, to the extent practicable, before any such committee reports legislation authorizing or appropriating funds for Amtrak for capital acquisition, development, or operating expenses.

"(3) Special effective date. – This subsection takes effect 1 year after the date of enactment of this Act (Dec. 2, 1997)."

REPORT ON IMPLEMENTATION

Section 111 of Pub. L. 100–504 directed the head of each designated Federal entity (as defined under subsec. (a)(2) of this section) to submit, on Oct. 31, 1989, to Director of Office of Management and Budget and to each House of Congress a report on status of implementation by that entity of the requirements of section 8E of the Inspector General Act of 1978.

–SECRET–

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 39 sections 202, 1003; title

41 section 254d; title 42 section 8262f.

–CITE–

5 USC APPENDIX – INSPECTOR GENERAL ACT OF 1978 Sec. 8H 01/06/03

–EXPCITE–

TITLE 5 – APPENDIX

INSPECTOR GENERAL ACT OF 1978

–HEAD–

Sec. 8H. Additional provisions with respect to Inspectors General
of the Intelligence Community

–STATUTE–

(a)(1)(A) An employee of the Defense Intelligence Agency, the
National Imagery and Mapping Agency, the National Reconnaissance
Office, or the National Security Agency, or of a contractor of any
of those Agencies, who intends to report to Congress a complaint or
information with respect to an urgent concern may report the
complaint or information to the Inspector General of the Department
of Defense (or designee).

(B) An employee of the Federal Bureau of Investigation, or of a
contractor of the Bureau, who intends to report to Congress a
complaint or information with respect to an urgent concern may
report the complaint or information to the Inspector General of the
Department of Justice (or designee).

(C) Any other employee of, or contractor to, an executive agency,
or element or unit thereof, determined by the President under
section 2302(a)(2)(C)(ii) of title 5, United States Code, to have

as its principal function the conduct of foreign intelligence or counterintelligence activities, who intends to report to Congress a complaint or information with respect to an urgent concern may report the complaint or information to the appropriate Inspector General (or designee) under this Act or section 17 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q).

(2) If a designee of an Inspector General under this section receives a complaint or information of an employee with respect to an urgent concern, that designee shall report the complaint or information to the Inspector General within 7 calendar days of receipt.

(b) Not later than the end of the 14–calendar day period beginning on the date of receipt of an employee complaint or information under subsection (a), the Inspector General shall determine whether the complaint or information appears credible. Upon making such a determination, the Inspector General shall transmit to the head of the establishment notice of that determination, together with the complaint or information.

(c) Upon receipt of a transmittal from the Inspector General under subsection (b), the head of the establishment shall, within 7 calendar days of such receipt, forward such transmittal to the intelligence committees, together with any comments the head of the establishment considers appropriate.

(d)(1) If the Inspector General does not find credible under subsection (b) a complaint or information submitted to the Inspector General under subsection (a), or does not transmit the

complaint or information to the head of the establishment in accurate form under subsection (b), the employee (subject to paragraph (2)) may submit the complaint or information to Congress by contacting either or both of the intelligence committees directly.

(2) The employee may contact the intelligence committees directly as described in paragraph (1) only if the employee –

(A) before making such a contact, furnishes to the head of the establishment, through the Inspector General, a statement of the employee's complaint or information and notice of the employee's intent to contact the intelligence committees directly; and

(B) obtains and follows from the head of the establishment, through the Inspector General, direction on how to contact the intelligence committees in accordance with appropriate security practices.

(3) A member or employee of one of the intelligence committees who receives a complaint or information under paragraph (1) does so in that member or employee's official capacity as a member or employee of that committee.

(e) The Inspector General shall notify an employee who reports a complaint or information under this section of each action taken under this section with respect to the complaint or information.

Such notice shall be provided not later than 3 days after any such action is taken.

(f) An action taken by the head of an establishment or an Inspector General under subsections (a) through (e) shall not be

subject to judicial review.

(g)(1) The Inspector General of the Defense Intelligence Agency, the National Imagery and Mapping Agency, the National Reconnaissance Office, and the National Security Agency shall each submit to the congressional intelligence committees each year a report that sets forth the following:

(A) The personnel and funds requested by such Inspector General for the fiscal year beginning in such year for the activities of the office of such Inspector General in such fiscal year.

(B) The plan of such Inspector General for such activities, including the programs and activities scheduled for review by the office of such Inspector General during such fiscal year.

(C) An assessment of the current ability of such Inspector General to hire and retain qualified personnel for the office of such Inspector General.

(D) Any matters that such Inspector General considers appropriate regarding the independence and effectiveness of the office of such Inspector General.

(2) The submittal date for a report under paragraph (1) each year shall be the date provided in section 507 of the National Security Act of 1947 (50 U.S.C. 415b).

(3) In this subsection, the term "congressional intelligence committees" shall have the meaning given that term in section 3 of the National Security Act of 1947 (50 U.S.C. 401a).

(h) In this section:

(1) The term "urgent concern" means any of the following:

(A) A serious or flagrant problem, abuse, violation of law or Executive order, or deficiency relating to the funding, administration, or operations of an intelligence activity involving classified information, but does not include differences of opinions concerning public policy matters.

(B) A false statement to Congress, or a willful withholding from Congress, on an issue of material fact relating to the funding, administration, or operation of an intelligence activity.

(C) An action, including a personnel action described in section 2302(a)(2)(A) of title 5, United States Code, constituting reprisal or threat of reprisal prohibited under section 7(c) in response to an employee's reporting an urgent concern in accordance with this section.

(2) The term "intelligence committees" means the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

–SOURCE–

(Pub. L. 95–452, Sec. 8H, as added Pub. L. 105–272, title VII, Sec. 702(b)(1), Oct. 20, 1998, 112 Stat. 2415; amended Pub. L. 107–108, title III, Sec. 309(b), Dec. 28, 2001, 115 Stat. 1400; Pub. L. 107–306, title VIII, Sec. 825, Nov. 27, 2002, 116 Stat. 2429.)

–MISC1–

PRIOR PROVISIONS

A prior section 8H of the Inspector General Act of 1978 was renumbered section 8I.

AMENDMENTS

2002 – Subsec. (f). Pub. L. 107–306, Sec. 825(1), substituted

"subsections (a) through (e)" for "this section".

Subsecs. (g), (h). Pub. L. 107–306, Sec. 825(2), (3), added

subsec. (g) and redesignated former subsec. (g) as (h).

2001 – Subsec. (b). Pub. L. 107–108, Sec. 309(b)(1), substituted

"Upon making such a determination, the Inspector General shall

transmit to the head of the establishment notice of that

determination, together with the complaint or information." for

"If the Inspector General determines that the complaint or

information appears credible, the Inspector General shall, before

the end of such period, transmit the complaint or information to

the head of the establishment."

Subsec. (d)(1). Pub. L. 107–108, Sec. 309(b)(2), substituted

"does not find credible under subsection (b) a complaint or

information submitted to the Inspector General under subsection

(a), or does not transmit the complaint or information to the head

of the establishment in accurate form under subsection (b)," for

"does not transmit, or does not transmit in an accurate form, the

complaint or information described in subsection (b),".

CONGRESSIONAL FINDINGS

Pub. L. 105–272, title VII, Sec. 701(b), Oct. 20, 1998, 112 Stat.

2413, provided that: "The Congress finds that –

"(1) national security is a shared responsibility, requiring

joint efforts and mutual respect by Congress and the President;

"(2) the principles of comity between the branches of

Government apply to the handling of national security information;

"(3) Congress, as a co-equal branch of Government, is empowered by the Constitution to serve as a check on the executive branch; in that capacity, it has a 'need to know' of allegations of wrongdoing within the executive branch, including allegations of wrongdoing in the Intelligence Community;

"(4) no basis in law exists for requiring prior authorization of disclosures to the intelligence committees of Congress by employees of the executive branch of classified information about wrongdoing within the Intelligence Community;

"(5) the risk of reprisal perceived by employees and contractors of the Intelligence Community for reporting serious or flagrant problems to Congress may have impaired the flow of information needed by the intelligence committees to carry out oversight responsibilities; and

"(6) to encourage such reporting, an additional procedure should be established that provides a means for such employees and contractors to report to Congress while safeguarding the classified information involved in such reporting."

–SECRET–

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 50 section 415b.

–CITE–

5 USC APPENDIX – INSPECTOR GENERAL ACT OF 1978 Sec. 8I 01/06/03

–EXPCITE–

TITLE 5 – APPENDIX

INSPECTOR GENERAL ACT OF 1978

–HEAD–

Sec. 8I. Rule of construction of special provisions

–STATUTE–

The special provisions under section 8, 8A, 8B, 8C, 8D, 8E, 8F, or 8H of this Act relate only to the establishment named in such section and no inference shall be drawn from the presence or absence of a provision in any such section with respect to an establishment not named in such section or with respect to a designated Federal entity as defined under section 8G(a).

–SOURCE–

(Pub. L. 95–452, Sec. 8I, formerly Sec. 8F, as added Pub. L. 100–504, title I, Sec. 105, Oct. 18, 1988, 102 Stat. 2525; renumbered Sec. 8G and amended Pub. L. 103–82, title II, Sec. 202(g)(1), (5)(B), Sept. 21, 1993, 107 Stat. 889, 890; renumbered Sec. 8H, Pub. L. 104–208, div. A, title I, Sec. 101(f) (title VI, Sec. 662(b)(3)), Sept. 30, 1996, 110 Stat. 3009–314, 3009–380; Pub. L. 105–206, title I, Sec. 1103(e)(3), July 22, 1998, 112 Stat. 709; renumbered Sec. 8I and amended Pub. L. 105–272, title VII, Sec. 702(b), Oct. 20, 1998, 112 Stat. 2415.)

–COD–

CODIFICATION

Pub. L. 105–206, Sec. 1103(e)(3)(A), which directed that this section be renumbered as 8H, could not be executed because of a prior renumbering by Pub. L. 104–208.

–MISC3–

AMENDMENTS

1998 – Pub. L. 105–272, Sec. 702(b)(2), which directed the amendment of this section by substituting "8E, or 8H" for "or 8E", was executed by substituting ", 8F, or 8H" for "or 8F", to reflect the probable intent of Congress and the amendment by Pub. L. 105–206, Sec. 1103(e)(3)(B). See below.

Pub. L. 105–206, Sec. 1103(e)(3)(C), substituted "section 8G(a)" for "section 8F(a)".

Pub. L. 105–206, Sec. 1103(e)(3)(B), substituted "8E or 8F" for "or 8E".

1993 – Pub. L. 103–82, Sec. 202(g)(5)(B), substituted "8D, or 8E" for "or 8D" and "section 8F(a)" for "section 8E(a)".

EFFECTIVE DATE OF 1993 AMENDMENT

Amendment by section 202(g)(5)(B) of Pub. L. 103–82 effective Oct. 1, 1993, see section 202(i) of Pub. L. 103–82, set out as an Effective Date note under section 12651 of Title 42, The Public Health and Welfare.

EFFECTIVE DATE

Section effective 180 days after Oct. 18, 1988, see section 113 of Pub. L. 100–504, set out as an Effective Date of 1988 Amendment note under section 5 of Pub. L. 95–452 in this Appendix.

–CITE–

5 USC APPENDIX – INSPECTOR GENERAL ACT OF 1978 Sec. 8J 01/06/03

–EXPCITE–

TITLE 5 – APPENDIX

INSPECTOR GENERAL ACT OF 1978

–HEAD–

Sec. 8J. Special provisions concerning the Department of Homeland Security

–STATUTE–

Notwithstanding any other provision of law, in carrying out the duties and responsibilities specified in this Act, the Inspector General of the Department of Homeland Security shall have oversight responsibility for the internal investigations performed by the Office of Internal Affairs of the United States Customs Service and the Office of Inspections of the United States Secret Service. The head of each such office shall promptly report to the Inspector General the significant activities being carried out by such office.

–SOURCE–

(Pub. L. 95–452, Sec. 8J, as added Pub. L. 107–296, title VIII, Sec. 811(e), Nov. 25, 2002, 116 Stat. 2221.)

–CHANGE–

CHANGE OF NAME

Customs Service, referred to in text, changed to Bureau of Customs and Border Protection by Reorganization Plan Modification for the Department of Homeland Security, eff. Mar. 1, 2003, H.Doc. No. 108–32, 108th Congress, 1st Session, set out as a note under section 542 of Title 6, Domestic Security.

–MISC4–

EFFECTIVE DATE

Section effective 60 days after Nov. 25, 2002, see section 4 of Pub. L. 107–296, set out as a note under section 101 of Title 6, Domestic Security.

–TRANS–

TRANSFER OF FUNCTIONS

For transfer of the functions, personnel, assets, and obligations of the United States Secret Service, including the functions of the Secretary of the Treasury relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 381, 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

–CITE–

5 USC APPENDIX – INSPECTOR GENERAL ACT OF 1978 Sec. 9 01/06/03

–EXPCITE–

TITLE 5 – APPENDIX

INSPECTOR GENERAL ACT OF 1978

–HEAD–

Sec. 9. Transfer of functions

–STATUTE–

(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. 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 of the Interior, the office of that department referred to as the "Office of Audit and Investigation";

(I) of the Department of Justice, the offices of that Department 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 Inspections, Immigration and Naturalization Service", (iii) the "Office of Internal Inspection, United States Marshals Service", (iv) the "Financial Audit Section, Office of Financial Management, Bureau of Prisons" and the "Office of Inspections, Bureau of Prisons", and (v) from the Drug Enforcement Administration, that portion of the "Office of Inspections" 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 department 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 Aviation 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 Administration";

(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 portion 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 Administration, effective 180 days after the date of the enactment of the Internal Revenue Service Restructuring and Reform Act of 1998 (July 22, 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"; and (FOOTNOTE 1)

(FOOTNOTE 1) So in original. The word "and" at end of subpar.

(U) probably should appear at end of subpar. (V).

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

–SOURCE–

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

–REFTEXT–

REFERENCES IN TEXT

Section 208 of the Department of Energy Organization Act, referred to in subsec. (a)(1)(E), is section 208 of Pub. L. 95–91, title II, Aug. 4, 1977, 91 Stat. 575, as amended, which was

classified to section 7138 of Title 42, The Public Health and Welfare, and was repealed by Pub. L. 100–504, title I, Sec. 102(e)(1)(A), Oct. 18, 1988, 102 Stat. 2517.

Title II of Public Law 94–505, referred to in subsec. (a)(1)(F), is title II of Pub. L. 94–505, Oct. 15, 1976, 90 Stat. 2429, which was classified generally to sections 3521 to 3527 of Title 42, and was repealed by Pub. L. 100–504, title I, Sec. 102(e)(2), Oct. 18, 1988, 102 Stat. 2517.

Section 23 of the Railroad Retirement Act of 1974, referred to in subsec. (a)(1)(S), is section 23 of act Aug. 29, 1935, ch. 812, as added, which was classified to section 231v of Title 45, Railroads, and was repealed by Pub. L. 100–504, title I, Sec. 102(e)(3), Oct. 18, 1988, 102 Stat. 2517.

The Social Security Independence and Program Improvements Act of 1994, referred to in subsec. (a)(1)(W), is Pub. L. 103–296, Aug. 15, 1995, 108 Stat. 1464. Section 105(a)(2) of the Act is set out as a note under section 901 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title of 1994 Amendment note set out under section 1305 of Title 42 and Tables.

–MISC2–

AMENDMENTS

2002 – Subsec. (a)(1)(L)(i). Pub. L. 107–296 substituted "Tax and Trade Bureau" for "Bureau of Alcohol, Tobacco, and Firearms".

Subsec. (a)(2). Pub. L. 107–189 inserted "to the Office of the

Inspector General," before "such other offices or agencies".

1998 – Subsec. (a)(1)(L). Pub. L. 105–206 designated existing provisions as cl. (i), inserted "and" at end, and added cl. (ii).

1994 – Subsec. (a)(1)(W). Pub. L. 103–296 added subpar. (W).

1993 – Subsec. (a)(1)(V). Pub. L. 103–82 added subpar. (V).

1988 – Subsec. (a)(1)(E), (F). Pub. L. 100–504, Sec. 102(d)(7), added subpars. (E) and (F). Former subpars. (E) and (F) redesignated (G) and (H), respectively.

Subsec. (a)(1)(G), (H). Pub. L. 100–504, Sec. 102(d)(2), redesignated subpars. (E) and (F) as (G) and (H), respectively.

Former subpars. (G) and (H) redesignated (J) and (K), respectively.

Subsec. (a)(1)(I). Pub. L. 100–504, Sec. 102(d)(1), (8), added subpar. (I) and struck out former subpar. (I) which provided for transfer to Office of Inspector General of Community Services Administration, offices of that agency referred to as "Inspections Division", "External Audit Division", and "Internal Audit Division".

Subsec. (a)(1)(J), (K). Pub. L. 100–504, Sec. 102(d)(3), redesignated subpars. (G) and (H) as (J) and (K), respectively.

Former subpars. (J) and (K) redesignated (M) and (O), respectively.

Subsec. (a)(1)(L). Pub. L. 100–504, Sec. 102(d)(9), added subpar. (L). Former subpar. (L) redesignated (P).

Subsec. (a)(1)(M). Pub. L. 100–504, Sec. 102(d)(4), redesignated subpar. (J) as (M). Former subpar. (M) redesignated (T).

Subsec. (a)(1)(N). Pub. L. 100–504, Sec. 102(d)(10), added subpar. (N). Former subpar. (N) redesignated (U).

Subsec. (a)(1)(O), (P). Pub. L. 100–504, Sec. 102(d)(5),
redesignated subpars. (K) and (L) as (O) and (P), respectively.

Subsec. (a)(1)(Q) to (S). Pub. L. 100–504, Sec. 102(d)(11), added
subpars. (Q) to (S).

Subsec. (a)(1)(T), (U). Pub. L. 100–504, Sec. 102(d)(6),
redesignated subpars. (M) and (N) as (T) and (U), respectively.

1982 – Subsec. (a)(1). Pub. L. 97–252 added subpar. (C) and
redesignated former subpars. (C) to (M) as (D) to (N),
respectively.

1979 – Subsec. (a)(1). Pub. L. 96–88 added subpar. (C) and
redesignated former subpars. (C) to (L) as (D) to (M),
respectively.

–CHANGE–

CHANGE OF NAME

Reference to Urban Mass Transportation Administration deemed to
refer to Federal Transit Administration pursuant to section 3004(b)
of Pub. L. 102–240, set out as a note under section 107 of Title
49, Transportation.

Reference to Veterans' Administration deemed to refer to
Department of Veterans Affairs pursuant to section 10 of Pub. L.
100–527, set out as a Department of Veterans Affairs Act note under
section 301 of Title 38, Veterans' Benefits.

–MISC4–

EFFECTIVE DATE OF 2002 AMENDMENTS

Amendment by Pub. L. 107–296 effective 60 days after Nov. 25,
2002, see section 4 of Pub. L. 107–296, set out as an Effective

Date note under section 101 of Title 6, Domestic Security.

Amendment by Pub. L. 107–189 effective Oct. 1, 2002, see section 22(e) of Pub. L. 107–189, set out as a note under section 5315 of this title.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103–296 effective Mar. 31, 1995, see section 110(a) of Pub. L. 103–296, set out as a note under section 401 of Title 42, The Public Health and Welfare.

EFFECTIVE DATE OF 1993 AMENDMENT

Section 202(g)(3)(B) of Pub. L. 103–82 provided that: "This paragraph (amending this section) shall take effect on the effective date of section 203(c)(2)." (Section 203(c)(2) of Pub. L. 103–82 is effective 18 months after Sept. 21, 1993, or on such earlier date as the President shall determine to be appropriate and announce by proclamation in the Federal Register, see section 203(d) of Pub. L. 103–82, set out as a note under section 12651 of Title 42, The Public Health and Welfare.)

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100–504 effective 180 days after Oct. 18, 1988, see section 113 of Pub. L. 100–504, set out as a note under section 5 of Pub. L. 95–452 in this Appendix.

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96–88 effective May 4, 1980, with specified exceptions, see section 601 of Pub. L. 96–88, set out as an Effective Date note under section 3401 of Title 20, Education.

–TRANS–

ABOLITION OF IMMIGRATION AND NATURALIZATION SERVICE AND TRANSFER OF FUNCTIONS

For abolition of Immigration and Naturalization Service, transfer of functions, and treatment of related references, see note set out under section 1551 of Title 8, Aliens and Nationality.

TRANSFER OF FUNCTIONS

For transfer of functions, personnel, assets, and liabilities of the United States Customs Service of the Department of the Treasury, including functions of the Secretary of the Treasury relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 203(1), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

For transfer of the functions, personnel, assets, and obligations of the United States Secret Service, including the functions of the Secretary of the Treasury relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 381, 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

For transfer of functions, personnel, assets, and liabilities of the Federal Emergency Management Agency, including the functions of the Director of the Federal Emergency Management Agency relating thereto, to the Secretary of Homeland Security, and for treatment

of related references, see sections 313(1), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

–MISC5–

TERMINATION OF OFFICE OF CHIEF INSPECTOR

Pub. L. 105–206, title I, Sec. 1103(c)(2), July 22, 1998, 112

Stat. 708, provided that: "Effective upon the transfer of functions under the amendment made by paragraph (1) (amending this section), the Office of Chief Inspector of the Internal Revenue Service is terminated."

RETENTION OF CERTAIN INTERNAL AUDIT PERSONNEL

Pub. L. 105–206, title I, Sec. 1103(c)(3), July 22, 1998, 112

Stat. 708, provided that: "In making the transfer under the amendment made by paragraph (1) (amending this section), the Commissioner of Internal Revenue shall designate and retain an appropriate number (not in excess of 300) of internal audit full–time equivalent employee positions necessary for management relating to the Internal Revenue Service."

ADDITIONAL PERSONNEL TRANSFERS

Pub. L. 105–206, title I, Sec. 1103(c)(4), July 22, 1998, 112

Stat. 708, provided that: "Effective 180 days after the date of the enactment of this Act (July 22, 1998), the Secretary of the Treasury shall transfer 21 full–time equivalent positions from the Office of the Inspector General of the Department of the Treasury to the Office of the Treasury Inspector General for Tax

Administration."

CONTINUATION OF SERVICE OF CERTAIN INSPECTORS GENERAL

Section 102(e)(4) of Pub. L. 100–504 provided that: "Any individual who, on the date of enactment of this Act (Oct. 18, 1988), is serving as the Inspector General of the Department of Energy, the Department of Health and Human Services, or the Railroad Retirement Board, shall continue to serve in such position until such individual dies, resigns, or is removed from office in accordance with section 3(b) of the Inspector General Act of 1978 (section 3(b) of Pub. L. 95–452, set out in this Appendix)."

TRANSFER OF AUDIT PERSONNEL TO INSPECTOR GENERAL, DEPARTMENT OF DEFENSE

Section 1117(e) of Pub. L. 97–252 provided that: "In addition to the positions transferred to the Office of the Inspector General of the Department of Defense, pursuant to the amendments made by subsection (a) of this section (amending sections 2(1), 9(a)(1), and 11(1) of this Act), the Secretary of Defense shall transfer to the Office of Inspector General of the Department of Defense not less than one hundred additional audit positions. The Inspector General of the Department of Defense shall fill such positions with persons trained to perform contract audits."

–SECRET–

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 7 section 2270.

–CITE–

5 USC APPENDIX – INSPECTOR GENERAL ACT OF 1978 Sec. 10 01/06/03

–EXPCITE–

TITLE 5 – APPENDIX

INSPECTOR GENERAL ACT OF 1978

–HEAD–

Sec. 10. Conforming and technical amendments

–STATUTE–

(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.)

–CITE–

5 USC APPENDIX – INSPECTOR GENERAL ACT OF 1978 Sec. 11 01/06/03

–EXPCITE–

TITLE 5 – APPENDIX

INSPECTOR GENERAL ACT OF 1978

–HEAD–

Sec. 11. Definitions

–STATUTE–

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 Director 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, Commerce, Defense, Education, Energy, Health and Human Services, Housing and Urban Development, the Interior, Justice, Labor, State, Transportation, Homeland Security, or 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 General Accounting Office.

–SOURCE–

(Pub. L. 95–452, Sec. 11, Oct. 12, 1978, 92 Stat. 1109; Pub. L. 96–88, title V, Sec. 509(n)(3), (4), Oct. 17, 1979, 93 Stat. 695; Pub. L. 97–113, title VII, Sec. 705(a)(2), Dec. 29, 1981, 95 Stat. 1544; Pub. L. 97–252, title XI, Sec. 1117(a)(4), (5), Sept. 8, 1982, 96 Stat. 750; Pub. L. 99–93, title I, Sec. 150(a)(2), Aug. 16, 1985, 99 Stat. 427; Pub. L. 99–399, title IV, Sec. 412(a)(2), Aug. 27, 1986, 100 Stat. 867; Pub. L. 100–504, title I, Sec. 102(c), Oct. 18, 1988, 102 Stat. 2515; Pub. L. 100–527, Sec. 13(h)(2), (3), Oct. 5, 1988, 102 Stat. 2643; Pub. L. 101–73, title V, Sec. 501(b)(1), Aug. 9, 1989, 103 Stat. 393; Pub. L. 102–233, title III, Sec. 315(a), Dec. 12, 1991, 105 Stat. 1772; Pub. L. 103–82, title II, Sec. 202(g)(4), Sept. 21, 1993, 107 Stat. 890; Pub. L. 103–204, Sec. 23(a)(1), Dec. 17, 1993, 107 Stat. 2407; Pub. L. 103–296, title I, Sec. 108(l)(2), Aug. 15, 1994, 108 Stat. 1489; Pub. L. 103–325, title I, Sec. 118(a), Sept. 23, 1994, 108 Stat. 2188; Pub. L. 104–106, div. D, title XLIII, Sec. 4322(b)(1), (3),

Feb. 10, 1996, 110 Stat. 677; Pub. L. 105–277, div. G, subdiv. A, title XIII, Sec. 1314(b), Oct. 21, 1998, 112 Stat. 2681–776; Pub. L. 106–422, Sec. 1(b)(2), Nov. 1, 2000, 114 Stat. 1872; Pub. L. 107–189, Sec. 22(a), (d), June 14, 2002, 116 Stat. 707, 708; Pub. L. 107–296, title XVII, Sec. 1701, Nov. 25, 2002, 116 Stat. 2313.)

–COD–

CODIFICATION

Amendment by Pub. L. 100–527 amended section as it existed prior to amendment by Pub. L. 100–504, see Effective Date of 1988

Amendments note below.

–MISC3–

AMENDMENTS

2002 – Par. (1). Pub. L. 107–296, Sec. 1701(2), which directed amendment of par. (1) by striking out "; and" in two places, could not be executed because "; and" did not appear in par. (1) subsequent to amendment by Pub. L. 107–189, Sec. 22(d)(1)(B), (C).

See below.

Pub. L. 107–296, Sec. 1701(1), inserted "Homeland Security," after "Transportation,"

Pub. L. 107–189, Sec. 22(a)(1), (d)(1), struck out second semicolon after "National and Community Service", struck out "and" after "Financial Institutions Fund;" and after "Resolution Trust Corporation;"; and substituted "the Board of Directors of the Tennessee Valley Authority; or the President of the Export–Import Bank;" for "or the Board of Directors of the Tennessee Valley Authority;".

Par. (2). Pub. L. 107–296, Sec. 1701(1), inserted "Homeland Security," after "Transportation,".

Pub. L. 107–189, Sec. 22(a)(2), (d)(2), struck out "or" after "National and Community Service," and substituted "the Tennessee Valley Authority, or the Export–Import Bank," for "or the Tennessee Valley Authority;".

Par. (5). Pub. L. 107–189, Sec. 22(d)(3), substituted "section 552(f) of title 5" for "section 552(e) of title 5".

2000 – Par. (1). Pub. L. 106–422, Sec. 1(b)(2)(A), substituted "the Commissioner of Social Security, Social Security Administration; or the Board of Directors of the Tennessee Valley Authority;" for "or the Commissioner of Social Security, Social Security Administration;".

Par. (2). Pub. L. 106–422, Sec. 1(b)(2)(B), substituted "the Social Security Administration, or the Tennessee Valley Authority;" for "or the Social Security Administration;".

1998 – Par. (1). Pub. L. 105–277, Sec. 1314(b)(1), which directed the substitution of "or the Office of Personnel Management" for "the Office of Personnel Management, the United States Information Agency", was executed by making the substitution for "the Office of Personnel Management or the United States Information Agency" to reflect the probable intent of Congress.

Par. (2). Pub. L. 105–277, Sec. 1314(b)(2), struck out "the United States Information Agency," after "Small Business Administration,".

1996 – Par. (1). Pub. L. 104–106, Sec. 4322(b)(3), made technical

correction to directory language of Pub. L. 101–73, Sec.

501(b)(1)(A). See 1989 Amendment note below.

Par. (2). Pub. L. 104–106, Sec. 4322(b)(1), substituted

"Community Service," for "Community Service,,".

1994 – Par. (1). Pub. L. 103–325, Sec. 118(a)(1), inserted ";

the Administrator of the Community Development Financial
Institutions Fund;" before "and the chief executive officer of
the Resolution Trust Corporation".

Pub. L. 103–296, Sec. 108(l)(2)(A), inserted " ; or the

Commissioner of Social Security, Social Security Administration"

before " ; as the case may be".

Par. (2). Pub. L. 103–325, Sec. 118(a)(2), inserted "the

Community Development Financial Institutions Fund," after "the
Agency for International Development,".

Pub. L. 103–296, Sec. 108(l)(2)(B), inserted " , or the Social
Security Administration" before " ; as the case may be".

1993 – Par. (1). Pub. L. 103–204, Sec. 23(a)(1)(A), inserted

"and the Chairperson of the Federal Deposit Insurance
Corporation;" after "Resolution Trust Corporation;".

Pub. L. 103–82, Sec. 202(g)(4)(A), inserted " ; the Chief

Executive Officer of the Corporation for National and Community
Service;" after "Thrift Depositor Protection Oversight Board".

Par. (2). Pub. L. 103–204, Sec. 23(a)(1)(B), inserted "the

Federal Deposit Insurance Corporation," after "Resolution Trust
Corporation,".

Pub. L. 103–82, Sec. 202(g)(4)(B), inserted " , the Corporation

for National and Community service," after "United States Information Agency".

1991 – Par. (1). Pub. L. 102–233 substituted "; the Chairperson of the Thrift Depositor Protection Oversight Board and the chief executive officer of the Resolution Trust Corporation" for "the Oversight Board and the Board of Directors of the Resolution Trust Corporation".

1989 – Par. (1). Pub. L. 101–73, Sec. 501(b)(1)(A), as amended by Pub. L. 104–106, Sec. 4322(b)(3), inserted "the Oversight Board and the Board of Directors of the Resolution Trust Corporation" before "; as the case may be;".

Par. (2). Pub. L. 101–73, Sec. 501(b)(1)(B), inserted "the Resolution Trust Corporation," after "the Railroad Retirement Board,".

1988 – Pars. (1), (2). Pub. L. 100–527, Sec. 13(h)(2), (3), substituted "Transportation, or Veterans' Affairs," for "or Transportation" and "or Small Business" for "Small Business, or Veterans' Affairs" in par. (1), and substituted "Transportation, or Veterans Affairs," for "or Transportation" and "or the United States Information Agency" for "the United States Information Agency or the Veterans' Administration" in par. (2).

See Codification note above.

Pub. L. 100–504 added pars. (1) and (2) and struck out former pars. (1) and (2), as amended by Pub. L. 100–527, which read as follows:

"(1) the term 'head of the establishment' means the Secretary of

Agriculture, Commerce, Defense, Education, Housing and Urban Development, the Interior, Labor, State, Transportation, or Veterans' Affairs, or the Administrator of the Agency for International Development, Community Services, Environmental Protection, General Services, National Aeronautics and Space, or Small Business, or the Director of the United States Information Agency as the case may be;

"(2) the term 'establishment' means the Department of Agriculture, Commerce, Defense, Education, Housing and Urban Development, the Interior, Labor, State, Transportation, or Veterans Affairs, or the Agency for International Development, the Community Services Administration, the Environmental Protection Agency, the General Services Administration, the National Aeronautics and Space Administration, the Small Business Administration, or the United States Information Agency, as the case may be;"

1986 – Pars. (1), (2). Pub. L. 99–399 inserted "or the Director of the United States Information Agency" in par. (1) and "the United States Information Agency" in par. (2).

1985 – Pars. (1), (2). Pub. L. 99–93 inserted "State," after "Labor,".

1982 – Pars. (1), (2). Pub. L. 97–252 inserted "Defense," after "Commerce,".

1981 – Pars. (1), (2). Pub. L. 97–113 inserted "the Agency for International Development," after "Administrator of" in par. (1), and inserted "the Agency for International Development,"

after "Transportation or" in par. (2).

1979 – Pars. (1), (2). Pub. L. 96–88 inserted "Education,"

after "Commerce,".

–CHANGE–

CHANGE OF NAME

References to Administrator of Veterans' Affairs and to Veterans' Administration deemed to refer to Secretary of Veterans Affairs and to Department of Veterans Affairs, respectively, pursuant to section 10 of Pub. L. 100–527, set out as a Department of Veterans Affairs Act note under section 301 of Title 38, Veterans' Benefits.

–MISC4–

EFFECTIVE DATE OF 2002 AMENDMENTS

Amendment by Pub. L. 107–296 effective 60 days after Nov. 25, 2002, see section 4 of Pub. L. 107–296, set out as an Effective Date note under section 101 of Title 6, Domestic Security.

Amendment by Pub. L. 107–189 effective Oct. 1, 2002, see section 22(e) of Pub. L. 107–189, set out as a note under section 5315 of this title.

EFFECTIVE DATE OF 2000 AMENDMENT

Amendment by Pub. L. 106–422 effective 30 days after Nov. 1, 2000, see section 1(d)(1) of Pub. L. 106–422, set out as a note under section 8G of Pub. L. 95–452 in this Appendix.

EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105–277 effective Oct. 1, 1999, see section 1301 of Pub. L. 105–277, set out as an Effective Date note under section 6531 of Title 22, Foreign Relations and Intercourse.

EFFECTIVE DATE OF 1996 AMENDMENT

Section 4322(b)(3) of Pub. L. 104–106 provided that the amendment made by that section is effective as of Aug. 9, 1989, and as if included in Pub. L. 101–73 as enacted.

EFFECTIVE DATE OF 1993 AMENDMENT

Amendment by Pub. L. 103–82 effective Oct. 1, 1993, see section 202(i) of Pub. L. 103–82, set out as an Effective Date note under section 12651 of Title 42, The Public Health and Welfare.

EFFECTIVE DATE OF 1991 AMENDMENT

Amendment by Pub. L. 102–233 effective Feb. 1, 1992, see section 318 of Pub. L. 102–233, set out as a note under section 1441 of Title 12, Banks and Banking.

EFFECTIVE DATE OF 1988 AMENDMENTS

Amendment by Pub. L. 100–527 effective Mar. 15, 1989, see section 18(a) of Pub. L. 100–527, set out as a Department of Veterans Affairs Act note under section 301 of Title 38, Veterans' Benefits.

Amendment by Pub. L. 100–504 effective 180 days after Oct. 18, 1988, see section 113 of Pub. L. 100–504, set out as a note under section 5 of Pub. L. 95–452 in this Appendix.

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96–88 effective May 4, 1980, with specified exceptions, see section 601 of Pub. L. 96–88, set out as an Effective Date note under section 3401 of Title 20, Education.

–TRANS–

TRANSFER OF FUNCTIONS

For transfer of functions, personnel, assets, and liabilities of

the Federal Emergency Management Agency, including the functions of the Director of the Federal Emergency Management Agency relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 313(1), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

COMMUNITY SERVICES ADMINISTRATION

The Community Services Administration, which was established by section 601 of the Economic Opportunity Act of 1964, as amended (42 U.S.C. 2941), was terminated when the Economic Opportunity Act of 1964, Pub. L. 88-452, Aug. 20, 1964, 78 Stat. 508, as amended, was repealed, except for titles VIII and X, effective Oct. 1, 1981, by section 683(a) of Pub. L. 97-35, title VI, Aug. 13, 1981, 95 Stat. 519, which is classified to 42 U.S.C. 9912(a). An Office of Community Services, headed by a Director, was established in the Department of Health and Human Services by section 676 of Pub. L. 97-35, which is classified to 42 U.S.C. 9905.

-MISC5-

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, Sec. 101((a)) (title IV), Apr. 26, 1996, 110 Stat. 1321, 1321-37; renumbered title I, Pub. L. 104-140, Sec. 1(a), May 2, 1996, 110 Stat. 1327, provided: "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." (Pub. L. 104–208, div. A, title I, Sec. 101(a) (title IV), Sept. 30, 1996, 110 Stat. 3009, 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 (set out above), is effective hereafter.")

(For abolition of Office of Inspector General of the United States Information Agency and transfer of functions to Office of Inspector General of Department of State and Foreign Service, see section 6533 of Title 22, Foreign Relations and Intercourse.)

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 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 this section)."

-SECRET-

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 22 sections 3929, 4861; title 31 sections 1105, 3801; title 39 section 1003; title 42 section 8262f.

-CITE-

5 USC APPENDIX – INSPECTOR GENERAL ACT OF 1978 Sec. 12 01/06/03

-EXPCITE-

TITLE 5 – APPENDIX

INSPECTOR GENERAL ACT OF 1978

-HEAD-

Sec. 12. Effective date

-STATUTE-

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

-SOURCE-

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

–CITE–

5 USC APPENDIX – ETHICS IN GOVERNMENT ACT OF 1978 01/06/03

–EXPCITE–

TITLE 5 – APPENDIX

ETHICS IN GOVERNMENT ACT OF 1978

.

–HEAD–

ETHICS IN GOVERNMENT ACT OF 1978

–MISC1–

PUB. L. 95–521, TITLES I–V, OCT. 26, 1978, 92 STAT. 1824–1867, AS

AMENDED PUB. L. 96–19, SEC. 2–9, JUNE 13, 1979, 93 STAT. 37–44;

PUB. L. 96–417, TITLE VI, SEC. 601(9), OCT. 10, 1980, 94 STAT.

1744; PUB. L. 96–579, SEC. 12(C), DEC. 23, 1980, 94 STAT. 3369;

PUB. L. 97–51, SEC. 130(B), OCT. 1, 1981, 95 STAT. 966; PUB. L.

97–164, TITLE I, SEC. 163(A)(6), APR. 2, 1982, 96 STAT. 49; PUB. L.

98–150, SEC. 2, 3(A)–(C), 4–12, NOV. 11, 1983, 97 STAT. 959–963;

PUB. L. 99–190, SEC. 148(B), DEC. 19, 1985, 99 STAT. 1325; PUB. L.

99–514, SEC. 2, OCT. 22, 1986, 100 STAT. 2095; PUB. L. 99–573, SEC.

6, OCT. 28, 1986, 100 STAT. 3231; PUB. L. 100–191, SEC. 3(B), DEC.

15, 1987, 101 STAT. 1306; PUB. L. 100–598, SEC. 2–9, NOV. 3, 1988,

102 STAT. 3031–3035; PUB. L. 101–194, TITLE II, SEC. 201, 202,

TITLE VI, SEC. 601(A), NOV. 30, 1989, 103 STAT. 1724–1744, 1760,

1761; PUB. L. 101–280, SEC. 3(1)–(10)(A), (C), 7(A)–(C), MAY 4,

1990, 104 STAT. 152–157, 161; PUB. L. 101–334, JULY 16, 1990, 104

STAT. 318; PUB.

TITLE I – FINANCIAL DISCLOSURE REQUIREMENTS OF FEDERAL PERSONNEL

Sec.

101. Persons required to file.

102. Contents of reports.

103. Filing of reports.

104. Failure to file or filing false reports.

105. Custody of and public access to reports.

106. Review of reports.

107. Confidential reports and other additional requirements.

108. Authority of Comptroller General.

109. Definitions.

110. Notice of actions taken to comply with ethics agreements.

111. Administration of provisions.

(TITLE II – REPEALED)

(TITLE III – REPEALED)

TITLE IV – OFFICE OF GOVERNMENT ETHICS

401. Establishment; appointment of Director.

402. Authority and functions.

403. Administrative provisions.

404. Rules and regulations.

405. Authorization of appropriations.

406. Annual pay.

407. Annual pay of Director.

408. Reports to Congress.

TITLE V – GOVERNMENT-WIDE LIMITATIONS ON OUTSIDE EARNED INCOME AND EMPLOYMENT

501. Outside earned income limitation.

502. Limitations on outside employment.

503. Administration.

504. Civil Penalties.

505. Definitions.

–CITE–

5 USC APPENDIX – ETHICS IN GOVERNMENT ACT OF 1978 TITLE

I – FINANCIAL DISCLOSURE REQUIREMENTS OF

FEDERAL PERSONNEL 01/06/03

–EXPCITE–

TITLE 5 – APPENDIX

ETHICS IN GOVERNMENT ACT OF 1978

TITLE I – FINANCIAL DISCLOSURE REQUIREMENTS OF FEDERAL PERSONNEL

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–HEAD–

TITLE I – FINANCIAL DISCLOSURE REQUIREMENTS OF FEDERAL PERSONNEL

–COD–

CODIFICATION

Title I of Pub. L. 95–521 was classified to chapter 18 (Sec. 701

et seq.) of Title 2, The Congress, prior to general amendment of

title I by Pub. L. 101–194, title II, Sec. 202, Nov. 30, 1989, 103

Stat. 1724.

–SECREP–

TITLE REFERRED TO IN OTHER SECTIONS

Title I of Pub. L. 95–521 is referred to in section 7353 of this

title; title 2 section 1381; title 10 section 2904; title 26

section 7802; title 49 section 106.

–CITE–

5 USC APPENDIX – ETHICS IN GOVERNMENT ACT OF 1978 Sec.

101 01/06/03

–EXPCITE–

TITLE 5 – APPENDIX

ETHICS IN GOVERNMENT ACT OF 1978

TITLE I – FINANCIAL DISCLOSURE REQUIREMENTS OF FEDERAL PERSONNEL

–HEAD–

Sec. 101. Persons required to file

–STATUTE–

(a) Within thirty days of assuming the position of an officer or employee described in subsection (f), an individual shall file a report containing the information described in section 102(b) unless the individual has left another position described in subsection (f) within thirty days prior to assuming such new position or has already filed a report under this title with respect to nomination for the new position or as a candidate for the position.

(b)(1) Within five days of the transmittal by the President to the Senate of the nomination of an individual (other than an individual nominated for appointment to a position as a Foreign Service Officer or a grade or rank in the uniformed services for which the pay grade prescribed by section 201 of title 37, United States Code, is O–6 or below) to a position, appointment to which requires the advice and consent of the Senate, such individual shall file a report containing the information described in section

102(b). Such individual shall, not later than the date of the first hearing to consider the nomination of such individual, make current the report filed pursuant to this paragraph by filing the information required by section 102(a)(1)(A) with respect to income and honoraria received as of the date which occurs five days before the date of such hearing. Nothing in this Act shall prevent any Congressional committee from requesting, as a condition of confirmation, any additional financial information from any Presidential nominee whose nomination has been referred to that committee.

(2) An individual whom the President or the President-elect has publicly announced he intends to nominate to a position may file the report required by paragraph (1) at any time after that public announcement, but not later than is required under the first sentence of such paragraph.

(c) Within thirty days of becoming a candidate as defined in section 301 of the Federal Campaign Act of 1971, in a calendar year for nomination or election to the office of President, Vice President, or Member of Congress, or on or before May 15 of that calendar year, whichever is later, but in no event later than 30 days before the election, and on or before May 15 of each successive year an individual continues to be a candidate, an individual other than an incumbent President, Vice President, or Member of Congress shall file a report containing the information described in section 102(b). Notwithstanding the preceding sentence, in any calendar year in which an individual continues to

be a candidate for any office but all elections for such office relating to such candidacy were held in prior calendar years, such individual need not file a report unless he becomes a candidate for another vacancy in that office or another office during that year.

(d) Any individual who is an officer or employee described in subsection (f) during any calendar year and performs the duties of his position or office for a period in excess of sixty days in that calendar year shall file on or before May 15 of the succeeding year a report containing the information described in section 102(a).

(e) Any individual who occupies a position described in subsection (f) shall, on or before the thirtieth day after termination of employment in such position, file a report containing the information described in section 102(a) covering the preceding calendar year if the report required by subsection (d) has not been filed and covering the portion of the calendar year in which such termination occurs up to the date the individual left such office or position, unless such individual has accepted employment in another position described in subsection (f).

(f) The officers and employees referred to in subsections (a),

(d), and (e) are –

(1) the President;

(2) the Vice President;

(3) each officer or employee in the executive branch, including a special Government employee as defined in section 202 of title 18, United States Code, who occupies a position classified above GS–15 of the General Schedule or, in the case of positions not

under the General Schedule, for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS–15 of the General Schedule; each member of a uniformed service whose pay grade is at or in excess of O–7 under section 201 of title 37, United States Code; and each officer or employee in any other position determined by the Director of the Office of Government Ethics to be of equal classification;

(4) each employee appointed pursuant to section 3105 of title 5, United States Code;

(5) any employee not described in paragraph (3) who is in a position in the executive branch which is excepted from the competitive service by reason of being of a confidential or policymaking character, except that the Director of the Office of Government Ethics may, by regulation, exclude from the application of this paragraph any individual, or group of individuals, who are in such positions, but only in cases in which the Director determines such exclusion would not affect adversely the integrity of the Government or the public's confidence in the integrity of the Government;

(6) the Postmaster General, the Deputy Postmaster General, each Governor of the Board of Governors of the United States Postal Service and each officer or employee of the United States Postal Service or Postal Rate Commission who occupies a position for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS–15 of the General Schedule;

(7) the Director of the Office of Government Ethics and each designated agency ethics official;

(8) any civilian employee not described in paragraph (3), employed in the Executive Office of the President (other than a special government (FOOTNOTE 1) employee) who holds a commission of appointment from the President;

(FOOTNOTE 1) So in original. Probably should be capitalized.

(9) a Member of Congress as defined under section 109(12);

(10) an officer or employee of the Congress as defined under section 109(13);

(11) a judicial officer as defined under section 109(10); and

(12) a judicial employee as defined under section 109(8).

(g)(1) Reasonable extensions of time for filing any report may be granted under procedures prescribed by the supervising ethics office for each branch, but the total of such extensions shall not exceed ninety days.

(2)(A) In the case of an individual who is serving in the Armed Forces, or serving in support of the Armed Forces, in an area while that area is designated by the President by Executive order as a combat zone for purposes of section 112 of the Internal Revenue Code of 1986, the date for the filing of any report shall be extended so that the date is 180 days after the later of –

(i) the last day of the individual's service in such area during such designated period; or

(ii) the last day of the individual's hospitalization as a result of injury received or disease contracted while serving in

such area.

(B) The Office of Government Ethics, in consultation with the Secretary of Defense, may prescribe procedures under this paragraph.

(h) The provisions of subsections (a), (b), and (e) shall not apply to an individual who, as determined by the designated agency ethics official or Secretary concerned (or in the case of a Presidential appointee under subsection (b), the Director of the Office of Government Ethics), the congressional ethics committees, or the Judicial Conference, is not reasonably expected to perform the duties of his office or position for more than sixty days in a calendar year, except that if such individual performs the duties of his office or position for more than sixty days in a calendar year –

(1) the report required by subsections (a) and (b) shall be filed within fifteen days of the sixtieth day, and

(2) the report required by subsection (e) shall be filed as provided in such subsection.

(i) The supervising ethics office for each branch may grant a publicly available request for a waiver of any reporting requirement under this section for an individual who is expected to perform or has performed the duties of his office or position less than one hundred and thirty days in a calendar year, but only if the supervising ethics office determines that –

(1) such individual is not a full-time employee of the Government,

- (2) such individual is able to provide services specially needed by the Government,
- (3) it is unlikely that the individual's outside employment or financial interests will create a conflict of interest, and
- (4) public financial disclosure by such individual is not necessary in the circumstances.

–SOURCE–

(Pub. L. 95–521, title I, Sec. 101, Oct. 26, 1978, 92 Stat. 1824; Pub. L. 96–19, Sec. 2(a)(1), (b), (c)(1), 4(b)(1), (d)–(f), 5, June 13, 1979, 93 Stat. 37, 38, 40; Pub. L. 101–194, title II, Sec. 202, Nov. 30, 1989, 103 Stat. 1725; Pub. L. 101–280, Sec. 3(1), (2), May 4, 1990, 104 Stat. 152; Pub. L. 102–25, title VI, Sec. 605(a), Apr. 6, 1991, 105 Stat. 110; Pub. L. 102–378, Sec. 4(a)(1), Oct. 2, 1992, 106 Stat. 1356.)

–REFTEXT–

REFERENCES IN TEXT

This Act, referred to in subsec. (b)(1), is Pub. L. 95–521, Oct. 26, 1978, 92 Stat. 1824, as amended, known as the Ethics in Government Act of 1978. For complete classification of this Act to the Code, see Short Title note set out below and Tables.

Section 301 of the Federal Campaign Act of 1971, referred to in subsec. (c), probably means section 301 of the Federal Election Campaign Act of 1971, Pub. L. 92–225, which is classified to section 431 of Title 2, The Congress.

The General Schedule, referred to in subsec. (f)(3), (6), is set out under section 5332 of this title.

Section 112 of the Internal Revenue Code of 1986, referred to in subsec. (g)(2), is classified to section 112 of Title 26, Internal Revenue Code.

–COD–

CODIFICATION

Section was formerly classified to section 701 of Title 2, The Congress.

–MISC3–

AMENDMENTS

1992 – Subsec. (f)(3). Pub. L. 102–378, Sec. 4(a)(1)(A), substituted "who occupies a position classified above GS–15 of the General Schedule or, in the case of positions not under the General Schedule, for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS–15 of the General Schedule" for "whose position is classified at GS–16 or above of the General Schedule prescribed by section 5332 of title 5, United States Code, or the rate of basic pay for which is fixed (other than under the General Schedule) at a rate equal to or greater than the minimum rate of basic pay fixed for GS–16".

Subsec. (f)(6). Pub. L. 102–378, Sec. 4(a)(1)(B), substituted "who occupies a position for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS–15 of the General Schedule" for "whose basic rate of pay is equal to or greater than the minimum rate of basic pay fixed for GS–16".

1991 – Subsec. (g). Pub. L. 102–25 designated existing provisions

as par. (1) and added par. (2).

1990 – Subsec. (e). Pub. L. 101–280, Sec. 3(2), struck out "the later of May 15 or" after "shall, on or before".

Subsec. (h). Pub. L. 101–280, Sec. 3(1), struck out "of the United States" after "Judicial Conference".

1989 – Pub. L. 101–194 substituted "Persons required to file" for "Legislative personnel financial disclosure" as section catchline and amended text generally, substituting subsecs. (a) to (i) relating to filing of financial disclosure reports by Federal personnel for former subsecs. (a) to (h) relating to filing of financial disclosure reports by legislative personnel.

1979 – Subsec. (b). Pub. L. 96–19, Sec. 2(b), 4(d), (e), designated existing provisions as par. (1), substituted "described in subsection (e)" for "designated in subsection (e)" and "information described in section 102(a) if such individual is or will be such an officer or employee on such May 15" for "information as described in section 102(a)", and added par. (2).

Subsec. (c). Pub. L. 96–19, Sec. 2(a)(1), 4(d), (f), inserted provisions relating to an individual who is not reasonably expected to perform the duties of his office or position for more than sixty days in a calendar year and substituted "described" for "designated" and ", other than an individual who was employed in the legislative branch immediately before he assumed such position," for "other than an individual employed in the legislative branch upon assuming such position".

Subsec. (d). Pub. L. 96–19, Sec. 5, inserted provision that in

any calendar year in which an individual continues to be a candidate for any office but all elections for such office relating to that candidacy were held in prior calendar years, that individual need not file a report unless he becomes a candidate for another vacancy in that office or another office during that year.

Subsec. (e). Pub. L. 96-19, Sec. 4(b)(1), inserted reference to the National Commission on Air Quality.

Subsec. (h). Pub. L. 96-19, Sec. 2(c)(1), added subsec. (h).

EFFECTIVE DATE OF 1991 AMENDMENT

Section 605(b) of Pub. L. 102-25 provided that: "The amendments made by subsection (a) (amending this section) shall apply with respect to reports required to be filed after January 17, 1991."

EFFECTIVE DATE OF 1990 AMENDMENT

Section 11 of Pub. L. 101-280 provided that: "Except as otherwise provided in this joint resolution, this Act and the amendments made by this joint resolution (amending sections 101 to 106, 109 to 111, former section 202, and sections 501 to 503 of Pub. L. 95-521, set out in this Appendix, sections 3393, 7351, 7353, and 7701 of this title, sections 31-1, 31-2, and 441i of Title 2, The Congress, sections 1601 and 2397a of Title 10, Armed Forces, sections 202, 203, 205, 207, 208, and 216 of Title 18, Crimes and Criminal Procedure, section 3945 of Title 22, Foreign Relations and Intercourse, section 1043 of Title 26, Internal Revenue Code, and sections 1353 and 3730 of Title 31, Money and Finance, renumbering section 1352 of Title 31 as section 1353, repealing section 112 of Pub. L. 95-521, set out in this Appendix,

enacting provisions set out as notes under sections 101 and 105 of Pub. L. 95–521, set out in this Appendix, section 2397a of Title 10, and section 1043 of Title 26, and amending provisions set out as notes under section 207 and 208 of Title 18 and section 1344 of Title 31) take effect on the date of the enactment of this joint resolution (May 4, 1990)."

EFFECTIVE DATE OF 1989 AMENDMENT

Section 204 of title II of Pub. L. 101–194, as added by Pub. L. 101–280, Sec. 3(10)(B), May 4, 1990, 104 Stat. 157, provided that: "The amendments made by this title (enacting sections 110 to 112 of Pub. L. 95–521, set out in this Appendix amending sections 101 to 109 of Pub. L. 95–521, set out in this Appendix, but formerly classified to sections 701 to 709 of Title 2, The Congress) and the repeal made by section 201 (repealing sections 201 to 212 of Pub. L. 95–521, formerly set out under the heading Executive Personnel Financial Disclosure Requirements in this Appendix, and sections 301 to 309 of Pub. L. 95–521, formerly set out under the heading Judicial Personnel Financial Disclosure Requirements in the Appendix to Title 28, Judiciary and Judicial Procedure) shall take effect on January 1, 1991, except that the provisions of section 102(f)(4)(B) of the Ethics in Government Act of 1978 (section 102(f)(4)(B) of Pub. L. 95–521, set out in this Appendix), as amended by this title, shall be effective as of January 1, 1990."

Section 3(10)(C), (D) of Pub. L. 101–280 provided that:

"(C) The provisions of titles I (formerly classified to section 701 et seq. of Title 2, The Congress), II (formerly set out under

the heading Executive Personnel Financial Disclosure Requirements in this Appendix), and III (formerly set out under the heading Judicial Personnel Financial Disclosure Requirements in the Appendix to Title 28, Judiciary and Judicial Procedure) of the Ethics in Government Act of 1978 (Pub. L. 95–521), as in effect on the day before the date of the enactment of the Ethics Reform Act of 1989 (Nov. 30, 1989), shall be effective for the period beginning on November 30, 1989, and ending on January 1, 1991, as if the Ethics Reform Act of 1989 (Pub. L. 101–194) had not been enacted, except that the provisions of section 202(f)(4)(B) of the Ethics in Government Act of 1978 (section 202(f)(4)(B) of Pub. L. 95–521) shall be repealed as of January 1, 1990.

"(D) Nothing in title II of the Ethics Reform Act of 1989 or the amendments made by such title (title II of Pub. L. 101–194, amending title I of Pub. L. 95–521, set out in this Appendix, but formerly classified to sections 701 to 709 of Title 2, and repealing title II of Pub. L. 95–521, formerly set out in this Appendix, and title III of Pub. L. 95–521, formerly set out in the Appendix to Title 28) shall be construed to prevent the prosecution of civil actions against individuals for violations of the Ethics in Government Act of 1978 (Pub. L. 95–521) before January 1, 1991."

SHORT TITLE OF 2002 AMENDMENT

Pub. L. 107–119, Sec. 1, Jan. 15, 2002, 115 Stat. 2382, provided that: "This Act (amending section 405 of Pub. L. 95–521, set out in this Appendix) may be cited as the 'Office of Government Ethics

Authorization Act of 2001'."

SHORT TITLE OF 1996 AMENDMENT

Pub. L. 104–179, Sec. 1, Aug. 6, 1996, 110 Stat. 1566, provided that: "This Act (amending sections 401, 403, 405, and 408 of Pub. L. 95–521, set out in this Appendix, section 1822 of Title 12, Banks and Banking, and section 207 of Title 18, Crimes and Criminal Procedure, and repealing provisions set out as a note under section 7301 of this title) may be cited as the 'Office of Government Ethics Authorization Act of 1996'."

SHORT TITLE OF 1992 AMENDMENT

Pub. L. 102–506, Sec. 1, Oct. 24, 1992, 106 Stat. 3280, provided that: "This Act (amending section 405 of Pub. L. 95–521 set out in this Appendix) may be cited as the 'Office of Government Ethics Amendment of 1992'."

SHORT TITLE OF 1990 AMENDMENT

Pub. L. 101–334, Sec. 1, July 16, 1990, 104 Stat. 318, provided that: "This Act (amending section 405 of Pub. L. 95–521 set out in this Appendix) may be cited as the 'Ethics in Government Act Amendment of 1990'."

SHORT TITLE OF 1989 AMENDMENT

Section 1 of Pub. L. 101–194 provided that: "This Act (see Tables for classification) may be cited as the 'Ethics Reform Act of 1989'."

SHORT TITLE

Section 1 of Pub. L. 95–521 provided: "That this Act (enacting provisions set out in this Appendix, sections 118a, 288 to 288m of

Title 2, The Congress, sections 49, 528, 529, 591 to 598, 1364 of Title 28, Judiciary and Judicial Procedure, amending section 5316 of Title 5, Government Organization and Employees, section 207 of Title 18, Crimes and Criminal Procedure, and sections 3210, 3216, and 3219 of Title 39, Postal Service, and enacting provisions set out as notes under section 288 of Title 2, section 207 of Title 18, and section 591 of Title 28) may be cited as the 'Ethics in Government Act of 1978'."

DECLARATION OF PURPOSE OF 1990 AMENDMENTS

Section 1 of Pub. L. 101–280 provided that: "It is the purpose of this joint resolution to make technical corrections in the Ethics Reform Act of 1989 (Pub. L. 101–194, see Tables for classification)."

RULEMAKING POWER OF CONGRESS

Pub. L. 102–90, title III, Sec. 314(f), Aug. 14, 1991, 105 Stat. 470, provided that: "The provisions of this section (amending sections 102 and 505 of Pub. L. 95–521, set out in this Appendix, section 31–2 of Title 2, The Congress, and section 7701 of Title 26, Internal Revenue Code, and enacting provisions set out as a note under section 31–2 of Title 2) that are applicable to Members, officers, or employees of the legislative branch are enacted by the Congress –

"(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such they shall be considered as part of the rules of each House, respectively, or of that House to which they specifically apply,

and such rules shall supersede other rules only to the extent

that they are inconsistent therewith; and

"(2) with full recognition of the constitutional right of

either House to change such rules (so far as relating to such

House) at any time, in the same manner, and to the same extent as

in the case of any other rule of such House."

Section 1001 of Pub. L. 101–194 provided that: "The provisions

of this Act (see Short Title of 1989 Amendment note above) that are

applicable to Members, officers, or employees of the legislative

branch are enacted by the Congress –

"(1) as an exercise of the rulemaking power of the House of

Representatives and the Senate, respectively, and as such they

shall be considered as part of the rules of each House,

respectively, or of that House to which they specifically apply,

and such rules shall supersede other rules only to the extent

that they are inconsistent therewith; and

"(2) with full recognition of the constitutional right of

either House to change such rules (so far as relating to such

House) at any time, in the same manner, and to the same extent as

in the case of any other rule of such House."

–SECRET–

ACT REFERRED TO IN OTHER SECTIONS

The Ethics in Government Act of 1978 is referred to in section

3374 of this title; title 12 section 2245; title 16 sections

450ss–3, 698v–5; title 18 section 208; title 22 section 3622; title

42 section 280e–11.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 102, 103, 104, 105, 107, 111 of this Appendix; title 26 section 7802; title 31 section 3730; title 42 section 1862m; title 49 section 106; title 50 App. section 2160.

–CITE–

5 USC APPENDIX – ETHICS IN GOVERNMENT ACT OF 1978 Sec.

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–EXPCITE–

TITLE 5 – APPENDIX

ETHICS IN GOVERNMENT ACT OF 1978

TITLE I – FINANCIAL DISCLOSURE REQUIREMENTS OF FEDERAL PERSONNEL

–HEAD–

Sec. 102. Contents of reports

–STATUTE–

(a) Each report filed pursuant to section 101(d) and (e) shall include a full and complete statement with respect to the following:

(1)(A) The source, type, and amount or value of income (other than income referred to in subparagraph (B)) from any source (other than from current employment by the United States Government), and the source, date, and amount of honoraria from any source, received during the preceding calendar year, aggregating \$200 or more in value and, effective January 1, 1991, the source, date, and amount of payments made to charitable organizations in lieu of honoraria, and the reporting individual

shall simultaneously file with the applicable supervising ethics office, on a confidential basis, a corresponding list of recipients of all such payments, together with the dates and amounts of such payments.

(B) The source and type of income which consists of dividends, rents, interest, and capital gains, received during the preceding calendar year which exceeds \$200 in amount or value, and an indication of which of the following categories the amount or value of such item of income is within:

- (i) not more than \$1,000,
 - (ii) greater than \$1,000 but not more than \$2,500,
 - (iii) greater than \$2,500 but not more than \$5,000,
 - (iv) greater than \$5,000 but not more than \$15,000,
 - (v) greater than \$15,000 but not more than \$50,000,
 - (vi) greater than \$50,000 but not more than \$100,000,
 - (vii) greater than \$100,000 but not more than \$1,000,000,
 - (viii) greater than \$1,000,000 but not more than \$5,000,000,
- or
- (ix) greater than \$5,000,000.

(2)(A) The identity of the source, a brief description, and the value of all gifts aggregating more than the minimal value as established by section 7342(a)(5) of title 5, United States Code, or \$250, whichever is greater, received from any source other than a relative of the reporting individual during the preceding calendar year, except that any food, lodging, or entertainment received as personal hospitality of an individual need not be

reported, and any gift with a fair market value of \$100 or less, as adjusted at the same time and by the same percentage as the minimal value is adjusted, need not be aggregated for purposes of this subparagraph.

(B) The identity of the source and a brief description (including a travel itinerary, dates, and nature of expenses provided) of reimbursements received from any source aggregating more than the minimal value as established by section 7342(a)(5) of title 5, United States Code, or \$250, whichever is greater and received during the preceding calendar year.

(C) In an unusual case, a gift need not be aggregated under subparagraph (A) if a publicly available request for a waiver is granted.

(3) The identity and category of value of any interest in property held during the preceding calendar year in a trade or business, or for investment or the production of income, which has a fair market value which exceeds \$1,000 as of the close of the preceding calendar year, excluding any personal liability owed to the reporting individual by a spouse,, (FOOTNOTE 1) or by a parent, brother, sister, or child of the reporting individual or of the reporting individual's spouse, or any deposits aggregating \$5,000 or less in a personal savings account. For purposes of this paragraph, a personal savings account shall include any certificate of deposit or any other form of deposit in a bank, savings and loan association, credit union, or similar financial institution.

(FOOTNOTE 1) So in original.

(4) The identity and category of value of the total liabilities owed to any creditor other than a spouse, or a parent, brother, sister, or child of the reporting individual or of the reporting individual's spouse which exceed \$10,000 at any time during the preceding calendar year, excluding –

(A) any mortgage secured by real property which is a personal residence of the reporting individual or his spouse; and

(B) any loan secured by a personal motor vehicle, household furniture, or appliances, which loan does not exceed the purchase price of the item which secures it.

With respect to revolving charge accounts, only those with an outstanding liability which exceeds \$10,000 as of the close of the preceding calendar year need be reported under this paragraph.

(5) Except as provided in this paragraph, a brief description, the date, and category of value of any purchase, sale or exchange during the preceding calendar year which exceeds \$1,000 –

(A) in real property, other than property used solely as a personal residence of the reporting individual or his spouse;

or

(B) in stocks, bonds, commodities futures, and other forms of securities.

Reporting is not required under this paragraph of any transaction solely by and between the reporting individual, his spouse, or dependent children.

(6)(A) The identity of all positions held on or before the date of filing during the current calendar year (and, for the first report filed by an individual, during the two-year period preceding such calendar year) as an officer, director, trustee, partner, proprietor, representative, employee, or consultant of any corporation, company, firm, partnership, or other business enterprise, any nonprofit organization, any labor organization, or any educational or other institution other than the United States. This subparagraph shall not require the reporting of positions held in any religious, social, fraternal, or political entity and positions solely of an honorary nature.

(B) If any person, other than the United States Government, paid a nonelected reporting individual compensation in excess of \$5,000 in any of the two calendar years prior to the calendar year during which the individual files his first report under this title, the individual shall include in the report –

- (i) the identity of each source of such compensation; and
- (ii) a brief description of the nature of the duties performed or services rendered by the reporting individual for each such source.

The preceding sentence shall not require any individual to include in such report any information which is considered confidential as a result of a privileged relationship, established by law, between such individual and any person nor shall it require an individual to report any information with respect to any person for whom services were provided by any firm

or association of which such individual was a member, partner, or employee unless such individual was directly involved in the provision of such services.

(7) A description of the date, parties to, and terms of any agreement or arrangement with respect to (A) future employment; (B) a leave of absence during the period of the reporting individual's Government service; (C) continuation of payments by a former employer other than the United States Government; and (D) continuing participation in an employee welfare or benefit plan maintained by a former employer.

(8) The category of the total cash value of any interest of the reporting individual in a qualified blind trust, unless the trust instrument was executed prior to July 24, 1995 and precludes the beneficiary from receiving information on the total cash value of any interest in the qualified blind trust.

(b)(1) Each report filed pursuant to subsections (a), (b), and (c) of section 101 shall include a full and complete statement with respect to the information required by –

(A) paragraph (1) of subsection (a) for the year of filing and the preceding calendar year,

(B) paragraphs (3) and (4) of subsection (a) as of the date specified in the report but which is less than thirty–one days before the filing date, and

(C) paragraphs (6) and (7) of subsection (a) as of the filing date but for periods described in such paragraphs.

(2)(A) In lieu of filling out one or more schedules of a

financial disclosure form, an individual may supply the required information in an alternative format, pursuant to either rules adopted by the supervising ethics office for the branch in which such individual serves or pursuant to a specific written determination by such office for a reporting individual.

(B) In lieu of indicating the category of amount or value of any item contained in any report filed under this title, a reporting individual may indicate the exact dollar amount of such item.

(c) In the case of any individual described in section 101(e), any reference to the preceding calendar year shall be considered also to include that part of the calendar year of filing up to the date of the termination of employment.

(d)(1) The categories for reporting the amount or value of the items covered in paragraphs (3), (4), (5), and (8) of subsection (a) are as follows:

(A) not more than \$15,000;

(B) greater than \$15,000 but not more than \$50,000;

(C) greater than \$50,000 but not more than \$100,000;

(D) greater than \$100,000 but not more than \$250,000;

(E) greater than \$250,000 but not more than \$500,000;

(F) greater than \$500,000 but not more than \$1,000,000;

(G) greater than \$1,000,000 but not more than \$5,000,000;

(H) greater than \$5,000,000 but not more than \$25,000,000;

(I) greater than \$25,000,000 but not more than \$50,000,000; and

(J) greater than \$50,000,000.

(2) For the purposes of paragraph (3) of subsection (a) if the

current value of an interest in real property (or an interest in a real estate partnership) is not ascertainable without an appraisal, an individual may list (A) the date of purchase and the purchase price of the interest in the real property, or (B) the assessed value of the real property for tax purposes, adjusted to reflect the market value of the property used for the assessment if the assessed value is computed at less than 100 percent of such market value, but such individual shall include in his report a full and complete description of the method used to determine such assessed value, instead of specifying a category of value pursuant to paragraph (1) of this subsection. If the current value of any other item required to be reported under paragraph (3) of subsection (a) is not ascertainable without an appraisal, such individual may list the book value of a corporation whose stock is not publicly traded, the net worth of a business partnership, the equity value of an individually owned business, or with respect to other holdings, any recognized indication of value, but such individual shall include in his report a full and complete description of the method used in determining such value. In lieu of any value referred to in the preceding sentence, an individual may list the assessed value of the item for tax purposes, adjusted to reflect the market value of the item used for the assessment if the assessed value is computed at less than 100 percent of such market value, but a full and complete description of the method used in determining such assessed value shall be included in the report.

(e)(1) Except as provided in the last sentence of this paragraph, each report required by section 101 shall also contain information listed in paragraphs (1) through (5) of subsection (a) of this section respecting the spouse or dependent child of the reporting individual as follows:

(A) The source of items of earned income earned by a spouse from any person which exceed \$1,000 and the source and amount of any honoraria received by a spouse, except that, with respect to earned income (other than honoraria), if the spouse is self-employed in business or a profession, only the nature of such business or profession need be reported.

(B) All information required to be reported in subsection (a)(1)(B) with respect to income derived by a spouse or dependent child from any asset held by the spouse or dependent child and reported pursuant to subsection (a)(3).

(C) In the case of any gifts received by a spouse or dependent child which are not received totally independent of the relationship of the spouse or dependent child to the reporting individual, the identity of the source and a brief description of gifts of transportation, lodging, food, or entertainment and a brief description and the value of other gifts.

(D) In the case of any reimbursements received by a spouse or dependent child which are not received totally independent of the relationship of the spouse or dependent child to the reporting individual, the identity of the source and a brief description of each such reimbursement.

(E) In the case of items described in paragraphs (3) through (5) of subsection (a), all information required to be reported under these paragraphs other than items (i) which the reporting individual certifies represent the spouse's or dependent child's sole financial interest or responsibility and which the reporting individual has no knowledge of, (ii) which are not in any way, past or present, derived from the income, assets, or activities of the reporting individual, and (iii) from which the reporting individual neither derives, nor expects to derive, any financial or economic benefit.

(F) For purposes of this section, categories with amounts or values greater than \$1,000,000 set forth in sections 102(a)(1)(B) and 102(d)(1) shall apply to the income, assets, or liabilities of spouses and dependent children only if the income, assets, or liabilities are held jointly with the reporting individual. All other income, assets, or liabilities of the spouse or dependent children required to be reported under this section in an amount or value greater than \$1,000,000 shall be categorized only as an amount or value greater than \$1,000,000.

Reports required by subsections (a), (b), and (c) of section 101 shall, with respect to the spouse and dependent child of the reporting individual, only contain information listed in paragraphs (1), (3), and (4) of subsection (a), as specified in this paragraph.

(2) No report shall be required with respect to a spouse living separate and apart from the reporting individual with the intention

of terminating the marriage or providing for permanent separation;
or with respect to any income or obligations of an individual
arising from the dissolution of his marriage or the permanent
separation from his spouse.

(f)(1) Except as provided in paragraph (2), each reporting
individual shall report the information required to be reported
pursuant to subsections (a), (b), and (c) of this section with
respect to the holdings of and the income from a trust or other
financial arrangement from which income is received by, or with
respect to which a beneficial interest in principal or income is
held by, such individual, his spouse, or any dependent child.

(2) A reporting individual need not report the holdings of or the
source of income from any of the holdings of –

(A) any qualified blind trust (as defined in paragraph (3));

(B) a trust –

(i) which was not created directly by such individual, his
spouse, or any dependent child, and

(ii) the holdings or sources of income of which such
individual, his spouse, and any dependent child have no
knowledge of; or

(C) an entity described under the provisions of paragraph (8),
but such individual shall report the category of the amount of
income received by him, his spouse, or any dependent child from the
trust or other entity under subsection (a)(1)(B) of this section.

(3) For purposes of this subsection, the term "qualified blind
trust" includes any trust in which a reporting individual, his

spouse, or any minor or dependent child has a beneficial interest in the principal or income, and which meets the following requirements:

(A)(i) The trustee of the trust and any other entity designated in the trust instrument to perform fiduciary duties is a financial institution, an attorney, a certified public accountant, a broker, or an investment advisor who –

(I) is independent of and not associated with any interested party so that the trustee or other person cannot be controlled or influenced in the administration of the trust by any interested party; and

(II) is not and has not been an employee of or affiliated with any interested party and is not a partner of, or involved in any joint venture or other investment with, any interested party; and

(III) is not a relative of any interested party.

(ii) Any officer or employee of a trustee or other entity who is involved in the management or control of the trust –

(I) is independent of and not associated with any interested party so that such officer or employee cannot be controlled or influenced in the administration of the trust by any interested party;

(II) is not a partner of, or involved in any joint venture or other investment with, any interested party; and

(III) is not a relative of any interested party.

(B) Any asset transferred to the trust by an interested party

is free of any restriction with respect to its transfer or sale unless such restriction is expressly approved by the supervising ethics office of the reporting individual.

(C) The trust instrument which establishes the trust provides that –

(i) except to the extent provided in subparagraph (B) of this paragraph, the trustee in the exercise of his authority and discretion to manage and control the assets of the trust shall not consult or notify any interested party;

(ii) the trust shall not contain any asset the holding of which by an interested party is prohibited by any law or regulation;

(iii) the trustee shall promptly notify the reporting individual and his supervising ethics office when the holdings of any particular asset transferred to the trust by any interested party are disposed of or when the value of such holding is less than \$1,000;

(iv) the trust tax return shall be prepared by the trustee or his designee, and such return and any information relating thereto (other than the trust income summarized in appropriate categories necessary to complete an interested party's tax return), shall not be disclosed to any interested party;

(v) an interested party shall not receive any report on the holdings and sources of income of the trust, except a report at the end of each calendar quarter with respect to the total cash value of the interest of the interested party in the trust or

the net income or loss of the trust or any reports necessary to enable the interested party to complete an individual tax return required by law or to provide the information required by subsection (a)(1) of this section, but such report shall not identify any asset or holding;

(vi) except for communications which solely consist of requests for distributions of cash or other unspecified assets of the trust, there shall be no direct or indirect communication between the trustee and an interested party with respect to the trust unless such communication is in writing and unless it relates only (I) to the general financial interest and needs of the interested party (including, but not limited to, an interest in maximizing income or long-term capital gain), (II) to the notification of the trustee of a law or regulation subsequently applicable to the reporting individual which prohibits the interested party from holding an asset, which notification directs that the asset not be held by the trust, or (III) to directions to the trustee to sell all of an asset initially placed in the trust by an interested party which in the determination of the reporting individual creates a conflict of interest or the appearance thereof due to the subsequent assumption of duties by the reporting individual (but nothing herein shall require any such direction); and

(vii) the interested parties shall make no effort to obtain information with respect to the holdings of the trust, including obtaining a copy of any trust tax return filed or any

information relating thereto except as otherwise provided in this subsection.

(D) The proposed trust instrument and the proposed trustee is approved by the reporting individual's supervising ethics office.

(E) For purposes of this subsection, "interested party" means a reporting individual, his spouse, and any minor or dependent child; "broker" has the meaning set forth in section 3(a)(4) of the Securities and Exchange Act of 1934 (15 U.S.C. 78c(a)(4)); and "investment adviser" includes any investment adviser who, as determined under regulations prescribed by the supervising ethics office, is generally involved in his role as such an adviser in the management or control of trusts.

(F) Any trust qualified by a supervising ethics office before the effective date of title II of the Ethics Reform Act of 1989 shall continue to be governed by the law and regulations in effect immediately before such effective date.

(4)(A) An asset placed in a trust by an interested party shall be considered a financial interest of the reporting individual, for the purposes of any applicable conflict of interest statutes, regulations, or rules of the Federal Government (including section 208 of title 18, United States Code), until such time as the reporting individual is notified by the trustee that such asset has been disposed of, or has a value of less than \$1,000.

(B)(i) The provisions of subparagraph (A) shall not apply with respect to a trust created for the benefit of a reporting individual, or the spouse, dependent child, or minor child of such

a person, if the supervising ethics office for such reporting individual finds that –

(I) the assets placed in the trust consist of a

well–diversified portfolio of readily marketable securities;

(II) none of the assets consist of securities of entities

having substantial activities in the area of the reporting individual's primary area of responsibility;

(III) the trust instrument prohibits the trustee,

notwithstanding the provisions of paragraphs (3)(C)(iii) and (iv) of this subsection, from making public or informing any

interested party of the sale of any securities;

(IV) the trustee is given power of attorney, notwithstanding

the provisions of paragraph (3)(C)(v) of this subsection, to

prepare on behalf of any interested party the personal income tax returns and similar returns which may contain information

relating to the trust; and

(V) except as otherwise provided in this paragraph, the trust

instrument provides (or in the case of a trust established prior

to the effective date of this Act which by its terms does not

permit amendment, the trustee, the reporting individual, and any

other interested party agree in writing) that the trust shall be

administered in accordance with the requirements of this

subsection and the trustee of such trust meets the requirements

of paragraph (3)(A).

(ii) In any instance covered by subparagraph (B) in which the

reporting individual is an individual whose nomination is being

considered by a congressional committee, the reporting individual shall inform the congressional committee considering his nomination before or during the period of such individual's confirmation hearing of his intention to comply with this paragraph.

(5)(A) The reporting individual shall, within thirty days after a qualified blind trust is approved by his supervising ethics office, file with such office a copy of –

- (i) the executed trust instrument of such trust (other than those provisions which relate to the testamentary disposition of the trust assets), and
- (ii) a list of the assets which were transferred to such trust, including the category of value of each asset as determined under subsection (d) of this section.

This subparagraph shall not apply with respect to a trust meeting the requirements for being considered a qualified blind trust under paragraph (7) of this subsection.

(B) The reporting individual shall, within thirty days of transferring an asset (other than cash) to a previously established qualified blind trust, notify his supervising ethics office of the identity of each such asset and the category of value of each asset as determined under subsection (d) of this section.

(C) Within thirty days of the dissolution of a qualified blind trust, a reporting individual shall –

- (i) notify his supervising ethics office of such dissolution, and
- (ii) file with such office a copy of a list of the assets of

the trust at the time of such dissolution and the category of value under subsection (d) of this section of each such asset.

(D) Documents filed under subparagraphs (A), (B), and (C) of this paragraph and the lists provided by the trustee of assets placed in the trust by an interested party which have been sold shall be made available to the public in the same manner as a report is made available under section 105 and the provisions of that section shall apply with respect to such documents and lists.

(E) A copy of each written communication with respect to the trust under paragraph (3)(C)(vi) shall be filed by the person initiating the communication with the reporting individual's supervising ethics office within five days of the date of the communication.

(6)(A) A trustee of a qualified blind trust shall not knowingly and willfully, or negligently, (i) disclose any information to an interested party with respect to such trust that may not be disclosed under paragraph (3) of this subsection; (ii) acquire any holding the ownership of which is prohibited by the trust instrument; (iii) solicit advice from any interested party with respect to such trust, which solicitation is prohibited by paragraph (3) of this subsection or the trust agreement; or (iv) fail to file any document required by this subsection.

(B) A reporting individual shall not knowingly and willfully, or negligently, (i) solicit or receive any information with respect to a qualified blind trust of which he is an interested party that may not be disclosed under paragraph (3)(C) of this subsection or (ii)

fail to file any document required by this subsection.

(C)(i) The Attorney General may bring a civil action in any appropriate United States district court against any individual who knowingly and willfully violates the provisions of subparagraph (A) or (B) of this paragraph. The court in which such action is brought may assess against such individual a civil penalty in any amount not to exceed \$10,000.

(ii) The Attorney General may bring a civil action in any appropriate United States district court against any individual who negligently violates the provisions of subparagraph (A) or (B) of this paragraph. The court in which such action is brought may assess against such individual a civil penalty in any amount not to exceed \$5,000.

(7) Any trust may be considered to be a qualified blind trust if

–

(A) the trust instrument is amended to comply with the requirements of paragraph (3) or, in the case of a trust instrument which does not by its terms permit amendment, the trustee, the reporting individual, and any other interested party agree in writing that the trust shall be administered in accordance with the requirements of this subsection and the trustee of such trust meets the requirements of paragraph (3)(A); except that in the case of any interested party who is a dependent child, a parent or guardian of such child may execute the agreement referred to in this subparagraph;

(B) a copy of the trust instrument (except testamentary

provisions) and a copy of the agreement referred to in subparagraph (A), and a list of the assets held by the trust at the time of approval by the supervising ethics office, including the category of value of each asset as determined under subsection (d) of this section, are filed with such office and made available to the public as provided under paragraph (5)(D) of this subsection; and

(C) the supervising ethics office determines that approval of the trust arrangement as a qualified blind trust is in the particular case appropriate to assure compliance with applicable laws and regulations.

(8) A reporting individual shall not be required to report the financial interests held by a widely held investment fund (whether such fund is a mutual fund, regulated investment company, pension or deferred compensation plan, or other investment fund), if –

(A)(i) the fund is publicly traded; or

(ii) the assets of the fund are widely diversified; and

(B) the reporting individual neither exercises control over nor has the ability to exercise control over the financial interests held by the fund.

(g) Political campaign funds, including campaign receipts and expenditures, need not be included in any report filed pursuant to this title.

(h) A report filed pursuant to subsection (a), (d), or (e) of section 101 need not contain the information described in subparagraphs (A), (B), and (C) of subsection (a)(2) with respect

to gifts and reimbursements received in a period when the reporting individual was not an officer or employee of the Federal Government.

(i) A reporting individual shall not be required under this title to report –

(1) financial interests in or income derived from –

(A) any retirement system under title 5, United States Code (including the Thrift Savings Plan under subchapter III of chapter 84 of such title); or

(B) any other retirement system maintained by the United States for officers or employees of the United States, including the President, or for members of the uniformed services; or

(2) benefits received under the Social Security Act (42 U.S.C. 301 et seq.).

–SOURCE–

(Pub. L. 95–521, title I, Sec. 102, Oct. 26, 1978, 92 Stat. 1825; Pub. L. 96–19, Sec. 3(a)(1), (b), 6(a), 7(a)–(d)(1), (f), 9(b), (c)(1), (j), June 13, 1979, 93 Stat. 39–43; Pub. L. 97–51, Sec. 130(b), Oct. 1, 1981, 95 Stat. 966; Pub. L. 98–150, Sec. 10, Nov. 11, 1983, 97 Stat. 962; Pub. L. 101–194, title II, Sec. 202, Nov. 30, 1989, 103 Stat. 1727; Pub. L. 101–280, Sec. 3(3), May 4, 1990, 104 Stat. 152; Pub. L. 102–90, title III, Sec. 314(a), Aug. 14, 1991, 105 Stat. 469; Pub. L. 104–65, Sec. 20, 22(a), (b), Dec. 19, 1995, 109 Stat. 704, 705.)

–REFTEXT–

REFERENCES IN TEXT

The effective date of title II of the Ethics Reform Act of 1989, referred to in subsec. (f)(3)(F), is Jan. 1, 1991. See section 204 of Pub. L. 101–194, set out as a note under section 101 of this Appendix.

The effective date of this Act, referred to in subsec. (f)(4)(B)(i)(V), probably means the effective date of title II of the Ethics Reform Act of 1989, which amended this title generally and is effective Jan. 1, 1991. See section 204 of Pub. L. 101–194, set out as an Effective Date of 1989 Amendment note under section 101 of this Appendix.

The Social Security Act, referred to in subsec. (i)(2), is act Aug. 14, 1935, ch. 531, 49 Stat. 620, as amended, which is classified generally to chapter 7 (Sec. 301 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

–COD–

CODIFICATION

Section was formerly classified to section 702 of Title 2, The Congress.

–MISC3–

AMENDMENTS

1995 – Subsec. (a)(1)(B)(viii), (ix). Pub. L. 104–65, Sec. 20(a), added cls. (viii) and (ix) and struck out former cl. (viii) which read as follows: "greater than \$1,000,000."

Subsec. (a)(8). Pub. L. 104–65, Sec. 22(a), added par. (8).

Subsec. (d)(1). Pub. L. 104–65, Sec. 22(b), substituted "(5), and (8)" for "and (5)" in introductory provisions.

Subsec. (d)(1)(G) to (J). Pub. L. 104–65, Sec. 20(b), added subpars. (G) to (J) and struck out former subpar. (G) which read as follows: "greater than \$1,000,000."

Subsec. (e)(1)(F). Pub. L. 104–65, Sec. 20(c), added subpar. (F).

1991 – Subsec. (a)(2)(A). Pub. L. 102–90, Sec. 314(a)(3), amended subpar. (A) generally. Prior to amendment, subpar. (A) read as follows: "The identity of the source, a brief description, and the value of all gifts other than transportation, lodging, food, or entertainment aggregating \$100 or more in value received from any source other than a relative of the reporting individual during the preceding calendar year, except that any gift with a fair market value of \$75 or less need not be aggregated for purposes of this subparagraph."

Pub. L. 102–90, Sec. 314(a)(1), (2), redesignated subpar. (B) as (A) and struck out former subpar. (A) which read as follows: "The identity of the source and a brief description (including a travel itinerary, dates, and nature of expenses provided) of any gifts of transportation, lodging, food, or entertainment aggregating \$250 or more in value received from any source other than a relative of the reporting individual during the preceding calendar year, except that any food, lodging, or entertainment received as personal hospitality of any individual need not be reported, and any gift with a fair market value of \$75 or less need not be aggregated for purposes of this subparagraph."

Subsec. (a)(2)(B). Pub. L. 102–90, Sec. 314(a)(2), (4), redesignated subpar. (C) as (B) and substituted "more than the minimal value as established by section 7342(a)(5) of title 5, United States Code, or \$250, whichever is greater" for "\$250 or more in value". Former subpar. (B) redesignated (A).

Subsec. (a)(2)(C), (D). Pub. L. 102–90, Sec. 314(a)(2), (5), redesignated subpar. (D) as (C) and struck out "or (B)" after "(A)". Former subpar. (C) redesignated (B).

1990 – Subsec. (a)(1)(A). Pub. L. 101–280, Sec. 3(3)(A)(i), substituted "the reporting individual" for "such individuals".

Subsec. (a)(3). Pub. L. 101–280, Sec. 3(3)(A)(ii), substituted ", or by a parent, brother, sister, or child of the reporting individual or of the reporting individual's spouse," for "parent, brother, sister, or child".

Subsec. (a)(4). Pub. L. 101–280, Sec. 3(3)(A)(iii), substituted "spouse, or a parent, brother, sister, or child of the reporting individual or of the reporting individual's spouse" for "relative".

Subsec. (e)(1)(E). Pub. L. 101–280, Sec. 3(3)(B), inserted "of subsection (a)" after "(3) through (5)".

Subsec. (f)(3)(A)(i)(II). Pub. L. 101–280, Sec. 3(3)(C)(i)(I), struck out comma after "involved in".

Subsec. (f)(3)(A)(ii)(II). Pub. L. 101–280, Sec. 3(3)(C)(i)(II), amended subcl. (II) generally. Prior to amendment, subcl. (II) read as follows: "is not or has not been a partner of any interested party and is not a partner of, or involved in any joint

venture or other investment with any interested party; and".

Subsec. (f)(3)(F). Pub. L. 101–280, Sec. 3(3)(C)(i)(III), substituted "title II of the Ethics Reform Act of 1989" for "this section".

Subsec. (f)(6)(A), (B). Pub. L. 101–280, Sec. 3(3)(C)(ii), substituted "and willfully, or negligently," for "or negligently".

Subsec. (i). Pub. L. 101–280, Sec. 3(3)(D), added subsec. (i).

1989 – Pub. L. 101–194 amended section generally, substituting subsecs. (a) to (h) for former subsecs. (a) to (g) which related, respectively, to Members of Congress, legislative officers and employees, non–legislative personnel and Congressional candidates, categories of value; interests in real property and other items needing appraisals, information respecting spouses and dependent children, trusts or other financial arrangements including qualified blind trusts, political campaign funds, and gifts and reimbursements.

1983 – Subsec. (e)(5)(A). Pub. L. 98–150, Sec. 10(b), inserted provision that this subparagraph shall not apply with respect to a trust meeting the requirements for being considered a qualified blind trust under paragraph (7) of this subsection.

Subsec. (e)(7). Pub. L. 98–150, Sec. 10(a), amended par. (7) generally. Prior to amendment, par. (7) read as follows: "Any trust which is in existence prior to the date of the enactment of this Act shall be considered a qualified blind trust if –
"(A) the supervising ethics office determines that the trust

was a good faith effort to establish a blind trust;

"(B) the previous trust instrument is amended or, if such trust instrument does not by its terms permit amendment, all parties to the trust instrument, including the reporting individual and the trustee, agree in writing that the trust shall be administered in accordance with the requirements of paragraph (3)(C) and a trustee is (or has been) appointed who meets the requirements of paragraph (3); and

"(C) a copy of the trust instrument (except testamentary provisions), a list of the assets previously transferred to the trust by an interested party and the category of value of each such asset at the time it was placed in the trust, and a list of assets previously placed in the trust by an interested party which have been sold are filed and made available to the public as provided under paragraph (5) of this subsection."

1981 – Subsec. (a)(1)(A). Pub. L. 97–51 inserted "including speeches, appearances, articles, or other publications" after "honoraria from any source".

1979 – Subsec. (a)(2)(B). Pub. L. 96–19, Sec. 3(b)(2), struck out provision that a gift need not be aggregated if, in an unusual case, a publicly available request for a waiver is granted.

Subsec. (a)(2)(D). Pub. L. 96–19, Sec. 3(b)(1), added subpar. (D).

Subsec. (a)(6). Pub. L. 96–19, Sec. 9(b), substituted "The identity of all positions held" for "The identity of all positions".

Subsec. (a)(7). Pub. L. 96–19, Sec. 9(j), struck out a colon

following "arrangement with respect to".

Subsec. (b). Pub. L. 96–19, Sec. 9(c)(1), substituted provisions that the information required by pars. (3) and (4) of subsec. (a) be as of the date specified in the report but which is less than thirty–one days before the filing date and that the information required by par. (6) and, in the case of reports filed under section 101(c), par. (7) of subsec. (a) be as of the filing date but for periods described in such paragraphs for provisions that required that the information covered by pars. (3), (4), (6), and, in the case of reports filed pursuant to section 101(c), par. (7) of subsec. (a) be as of a date specified in such report, which could not be more than thirty–one days prior to the date of filing.

Subsec. (d)(1)(B). Pub. L. 96–19, Sec. 6(a)(1), (2), substituted "any gifts received by a spouse which are" for "any gift which is" and "and a brief description" for "or a brief description".

Subsec. (d)(1)(C). Pub. L. 96–19, Sec. 6(a)(3), (4), substituted "reimbursements received by a spouse which are" for "reimbursement which is" and "description of each such reimbursement" for "description of the reimbursement".

Subsec. (d)(1)(D). Pub. L. 96–19, Sec. 6(a)(5), substituted "represent the spouse's or dependent child's sole financial interest" for "represent the spouse or dependent child's sole financial interest".

Subsec. (e)(3). Pub. L. 96–19, Sec. 7(a)–(d)(1), substituted "a

broker, or an investment adviser" for "or a broker" in subpar.

(A) preceding cl. (i), substituted "is not or has not been" for "is or has not been" in cl. (ii) of subpar. (A), and, in provisions following subpar. (D), substituted "section 78c(a)(4) of title 15" for "section 78 of title 15", substituted "the reports" for "their reports", and inserted definition of "investment adviser".

Subsec. (e)(5)(D). Pub. L. 96–19, Sec. 7(f), substituted "shall apply with respect to such documents and lists" for "shall apply".

Subsec. (g). Pub. L. 96–19, Sec. 3(a)(1), added subsec. (g).

EFFECTIVE DATE OF 1995 AMENDMENT

Amendment by section 20 of Pub. L. 104–65 effective Jan. 1, 1996, see section 24 of Pub. L. 104–65, set out as an Effective Date note under section 1601 of Title 2, The Congress.

Section 22(c) of Pub. L. 104–65 provided that: "The amendment made by this section (amending this section) shall apply with respect to reports filed under title I of the Ethics in Government Act of 1978 (section 101 et seq. of Pub. L. 95–521, set out in this Appendix) for calendar year 1996 and thereafter."

EFFECTIVE DATE OF 1991 AMENDMENT

Amendment by Pub. L. 102–90 effective Jan. 1, 1993, see section 314(g)(2) of Pub. L. 102–90, as amended, set out as a note under section 31–2 of Title 2, The Congress.

EFFECTIVE DATE OF 1989 AMENDMENT

Amendment by Pub. L. 101–194 effective Jan. 1, 1991, except that

subsec. (f)(4)(B) of this section, as amended by Pub. L. 101–194, is effective Jan. 1, 1990, see section 204 of Pub. L. 101–194, set out as a note under section 101 of this Appendix.

EFFECTIVE DATE OF 1983 AMENDMENT

Section 13 of Pub. L. 98–150 provided that: "The amendments made by this Act (enacting sections 211 and 407 of Pub. L. 95–521, set out in this Appendix, amending sections 102, 201–203, 210, 302, and 401–405 of Pub. L. 95–521, set out in this Appendix, and enacting provisions set out as a note under section 402 of this Appendix) shall take effect on October 1, 1983."

–SECREP–

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 101, 104 of this Appendix; title 2 section 31–2.

–CITE–

5 USC APPENDIX – ETHICS IN GOVERNMENT ACT OF 1978 Sec.

103 01/06/03

–EXPCITE–

TITLE 5 – APPENDIX

ETHICS IN GOVERNMENT ACT OF 1978

TITLE I – FINANCIAL DISCLOSURE REQUIREMENTS OF FEDERAL PERSONNEL

–HEAD–

Sec. 103. Filing of reports

–STATUTE–

(a) Except as otherwise provided in this section, the reports required under this title shall be filed by the reporting

individual with the designated agency ethics official at the agency by which he is employed (or in the case of an individual described in section 101(e), was employed) or in which he will serve. The date any report is received (and the date of receipt of any supplemental report) shall be noted on such report by such official.

(b) The President, the Vice President, and independent counsel and persons appointed by independent counsel under chapter 40 of title 28, United States Code, shall file reports required under this title with the Director of the Office of Government Ethics.

(c) Copies of the reports required to be filed under this title by the Postmaster General, the Deputy Postmaster General, the Governors of the Board of Governors of the United States Postal Service, designated agency ethics officials, employees described in section 105(a)(2)(A) or (B), 106(a)(1)(A) or (B), or 107(a)(1)(A) or (b)(1)(A)(i), of title 3, United States Code, candidates for the office of President or Vice President and officers and employees in (and nominees to) offices or positions which require confirmation by the Senate or by both Houses of Congress other than individuals nominated to be judicial officers and those referred to in subsection (f) shall be transmitted to the Director of the Office of Government Ethics. The Director shall forward a copy of the report of each nominee to the congressional committee considering the nomination.

(d) Reports required to be filed under this title by the Director of the Office of Government Ethics shall be filed in the Office of

Government Ethics and, immediately after being filed, shall be made available to the public in accordance with this title.

(e) Each individual identified in section 101(c) who is a candidate for nomination or election to the Office of President or Vice President shall file the reports required by this title with the Federal Election Commission.

(f) Reports required of members of the uniformed services shall be filed with the Secretary concerned.

(g) Each supervising ethics office shall develop and make available forms for reporting the information required by this title.

(h)(1) The reports required under this title shall be filed by a reporting individual with –

(A)(i)(I) the Clerk of the House of Representatives, in the case of a Representative in Congress, a Delegate to Congress, the Resident Commissioner from Puerto Rico, an officer or employee of the Congress whose compensation is disbursed by the Chief Administrative Officer of the House of Representatives, an officer or employee of the Architect of the Capitol, the United States Botanic Garden, the Congressional Budget Office, the Government Printing Office, the Library of Congress, or the Copyright Royalty Tribunal (including any individual terminating service, under section 101(e), in any office or position referred to in this subclause), or an individual described in section 101(c) who is a candidate for nomination or election as a Representative in Congress, a Delegate to Congress, or the

Resident Commissioner from Puerto Rico; and

(II) the Secretary of the Senate, in the case of a Senator, an officer or employee of the Congress whose compensation is disbursed by the Secretary of the Senate, an officer or employee of the General Accounting Office, the Office of Technology Assessment, or the Office of the Attending Physician (including any individual terminating service, under section 101(e), in any office or position referred to in this subclause), or an individual described in section 101(c) who is a candidate for nomination or election as a Senator; and

(ii) in the case of an officer or employee of the Congress as described under section 101(f)(10) who is employed by an agency or commission established in the legislative branch after the date of the enactment of the Ethics Reform Act of 1989 –

(I) the Secretary of the Senate or the Clerk of the House of Representatives, as the case may be, as designated in the statute establishing such agency or commission; or

(II) if such statute does not designate such committee, the Secretary of the Senate for agencies and commissions established in even numbered calendar years, and the Clerk of the House of Representatives for agencies and commissions established in odd numbered calendar years; and

(B) the Judicial Conference with regard to a judicial officer or employee described under paragraphs (11) and (12) of section 101(f) (including individuals terminating service in such office or position under section 101(e) or immediately preceding service

in such office or position).

(2) The date any report is received (and the date of receipt of any supplemental report) shall be noted on such report by such committee.

(i) A copy of each report filed under this title by a Member or an individual who is a candidate for the office of Member shall be sent by the Clerk of the House of Representatives or Secretary of the Senate, as the case may be, to the appropriate State officer designated under section 316(a) (FOOTNOTE 1) of the Federal Election Campaign Act of 1971 of the State represented by the Member or in which the individual is a candidate, as the case may be, within the 30-day period beginning on the day the report is filed with the Clerk or Secretary.

(FOOTNOTE 1) See References in Text note below.

(j)(1) A copy of each report filed under this title with the Clerk of the House of Representatives shall be sent by the Clerk to the Committee on Standards of Official Conduct of the House of Representatives within the 7-day period beginning on the day the report is filed.

(2) A copy of each report filed under this title with the Secretary of the Senate shall be sent by the Secretary to the Select Committee on Ethics of the Senate within the 7-day period beginning on the day the report is filed.

(k) In carrying out their responsibilities under this title with respect to candidates for office, the Clerk of the House of Representatives and the Secretary of the Senate shall avail

themselves of the assistance of the Federal Election Commission.

The Commission shall make available to the Clerk and the Secretary on a regular basis a complete list of names and addresses of all candidates registered with the Commission, and shall cooperate and coordinate its candidate information and notification program with the Clerk and the Secretary to the greatest extent possible.

–SOURCE–

(Pub. L. 95–521, title I, Sec. 103, Oct. 26, 1978, 92 Stat. 1831;
Pub. L. 96–19, Sec. 4(b)(2), 9(a), June 13, 1979, 93 Stat. 40, 42;
Pub. L. 101–194, title II, Sec. 202, Nov. 30, 1989, 103 Stat. 1736;
Pub. L. 101–280, Sec. 3(1), (4), May 4, 1990, 104 Stat. 152, 153;
Pub. L. 102–90, title III, Sec. 313(1), Aug. 14, 1991, 105 Stat.
469; Pub. L. 104–186, title II, Sec. 216(1), Aug. 20, 1996, 110
Stat. 1747.)

–REFTEXT–

REFERENCES IN TEXT

The date of the enactment of the Ethics Reform Act of 1989, referred to in subsec. (h)(1)(A)(ii), is the date of enactment of Pub. L. 101–194, which was approved Nov. 30, 1989.

Section 316(a) of the Federal Election Campaign Act of 1971, referred to in subsec. (i), was probably intended to be a reference to section 312(a) of Federal Election Campaign Act of 1971, Pub. L. 92–225, which is classified to section 439(a) of Title 2, The Congress, and which directs the chief executive officer of each State to designate a State officer to receive reports and statements filed by persons under the Federal Election Campaign Act

of 1971.

–COD–

CODIFICATION

Section was formerly classified to section 703 of Title 2, The Congress.

–MISC3–

AMENDMENTS

1996 – Subsec. (h)(1)(A)(i)(I). Pub. L. 104–186 substituted "by the Chief Administrative Officer" for "by the Clerk".

1991 – Subsec. (i). Pub. L. 102–90 substituted "30–day" for "7–day".

1990 – Subsec. (c). Pub. L. 101–280, Sec. 3(4)(A), inserted "individuals nominated to be judicial officers and" after "Houses of Congress other than".

Subsec. (d). Pub. L. 101–280, Sec. 3(4)(B), inserted "of the Office of Government Ethics" after "Director".

Subsec. (e). Pub. L. 101–280, Sec. 3(4)(C), inserted "who is a candidate for nomination or election to the Office of President or Vice President" after "section 101(c)" and substituted "Election" for "Elections".

Subsec. (g). Pub. L. 101–280, Sec. 3(4)(D), substituted "Each supervising ethics office" for "The Office of Government Ethics".

Subsec. (h)(1)(A)(i). Pub. L. 101–280, Sec. 3(4)(E), amended cl.

(i) generally. Prior to amendment, cl. (i) read as follows: "the appropriate congressional ethics committee with regard to a Member

of Congress, officer or employee of the Congress described under paragraphs (9) and (10) of section 101(f) (including individuals terminating service in such office or position under section 101(e) or immediately preceding service in such office or position); and".

Subsec. (h)(1)(A)(ii)(I). Pub. L. 101–280, Sec. 3(4)(F)(i), substituted "Secretary of the Senate or the Clerk of the House of Representatives, as the case may be, as" for "congressional ethics committee".

Subsec. (h)(1)(A)(ii)(II). Pub. L. 101–280, Sec. 3(4)(F)(ii), substituted "Secretary of the Senate" for "Senate Select Committee on Ethics" and "Clerk" for "Committee on Standards of Official Conduct".

Subsec. (h)(1)(B). Pub. L. 101–280, Sec. 3(1), struck out "of the United States" after "Judicial Conference".

Subsecs. (i) to (k). Pub. L. 101–280, Sec. 3(4)(G), added subsecs. (i) to (k).

1989 – Pub. L. 101–194 amended section generally, substituting subsecs. (a) to (h) for former subsecs. (a) to (f) which related, respectively, to persons filing with the clerk, persons filing with the Secretary, State copies, Committee copies, Federal Election Commission assistance, and reporting forms, rules and regulations.

1979 – Subsec. (b). Pub. L. 96–19, Sec. 4(b)(2), inserted reference to the National Commission on Air Quality.

Subsec. (f). Pub. L. 96–19, Sec. 9(a), substituted "the designated committee of the House of Representatives" for "the

Clerk shall, after consultation with the designated committee of the House of Representatives".

EFFECTIVE DATE OF 1989 AMENDMENT

Amendment by Pub. L. 101–194 effective Jan. 1, 1991, see section 204 of Pub. L. 101–194, set out as a note under section 101 of this Appendix.

~~–SECRET–~~

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 109 of this Appendix.

~~–CITE–~~

5 USC APPENDIX – ETHICS IN GOVERNMENT ACT OF 1978 Sec.

104 01/06/03

~~–EXPCITE–~~

TITLE 5 – APPENDIX

ETHICS IN GOVERNMENT ACT OF 1978

TITLE I – FINANCIAL DISCLOSURE REQUIREMENTS OF FEDERAL PERSONNEL

~~–HEAD–~~

Sec. 104. Failure to file or filing false reports

~~–STATUTE–~~

(a) The Attorney General may bring a civil action in any appropriate United States district court against any individual who knowingly and willfully falsifies or who knowingly and willfully fails to file or report any information that such individual is required to report pursuant to section 102. The court in which such action is brought may assess against such individual a civil penalty in any amount, not to exceed \$10,000.

(b) The head of each agency, each Secretary concerned, the Director of the Office of Government Ethics, each congressional ethics committee, or the Judicial Conference, as the case may be, shall refer to the Attorney General the name of any individual which such official or committee has reasonable cause to believe has willfully failed to file a report or has willfully falsified or willfully failed to file information required to be reported.

Whenever the Judicial Conference refers a name to the Attorney General under this subsection, the Judicial Conference also shall notify the judicial council of the circuit in which the named individual serves of the referral.

(c) The President, the Vice President, the Secretary concerned, the head of each agency, the Office of Personnel Management, a congressional ethics committee, and the Judicial Conference, may take any appropriate personnel or other action in accordance with applicable law or regulation against any individual failing to file a report or falsifying or failing to report information required to be reported.

(d)(1) Any individual who files a report required to be filed under this title more than 30 days after the later of –

(A) the date such report is required to be filed pursuant to the provisions of this title and the rules and regulations promulgated thereunder; or

(B) if a filing extension is granted to such individual under section 101(g), the last day of the filing extension period, shall, at the direction of and pursuant to regulations issued by

the supervising ethics office, pay a filing fee of \$200. All such fees shall be deposited in the miscellaneous receipts of the Treasury. The authority under this paragraph to direct the payment of a filing fee may be delegated by the supervising ethics office in the executive branch to other agencies in the executive branch..

(FOOTNOTE 1)

(FOOTNOTE 1) So in original.

(2) The supervising ethics office may waive the filing fee under this subsection in extraordinary circumstances.

–SOURCE–

(Pub. L. 95–521, title I, Sec. 104, Oct. 26, 1978, 92 Stat. 1832; Pub. L. 96–19, Sec. 8(a), June 13, 1979, 93 Stat. 41; Pub. L. 101–194, title II, Sec. 202, Nov. 30, 1989, 103 Stat. 1737; Pub. L. 101–280, Sec. 3(1), (5), May 4, 1990, 104 Stat. 152, 154; Pub. L. 101–650, title IV, Sec. 405, Dec. 1, 1990, 104 Stat. 5124.)

–COD–

CODIFICATION

Section was formerly classified to section 704 of Title 2, The Congress.

–MISC3–

AMENDMENTS

1990 – Subsec. (b). Pub. L. 101–650 inserted at end "Whenever the Judicial Conference refers a name to the Attorney General under this subsection, the Judicial Conference also shall notify the judicial council of the circuit in which the named individual serves of the referral."

Pub. L. 101–280, Sec. 3(5)(A), substituted "Judicial Conference" for "Chairman of the Judicial Conference".

Pub. L. 101–280, Sec. 3(1), struck out "of the United States" after "Judicial Conference".

Subsec. (c). Pub. L. 101–280, Sec. 3(1), struck out "of the United States" after "Judicial Conference".

Subsec. (d)(1). Pub. L. 101–280, Sec. 3(5)(B), substituted closing provisions for former closing provisions which read "shall pay a filing fee of \$200 to the miscellaneous receipts of the General Treasury".

1989 – Pub. L. 101–194 amended section generally, substituting provisions relating to failure to file or filing false reports for provisions relating to accessibility of reports. See section 105 of this Appendix.

1979 – Subsec. (c). Pub. L. 96–19 designated existing provisions as par. (2) and added par. (1).

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101–650 effective 90 days after Dec. 1, 1990, see section 407 of Pub. L. 101–650, set out as a note under section 332 of Title 28, Judiciary and Judicial Procedure.

EFFECTIVE DATE OF 1989 AMENDMENT

Amendment by Pub. L. 101–194 effective Jan. 1, 1991, see section 204 of Pub. L. 101–194, set out as a note under section 101 of this Appendix.

–SECRET–

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 105 of this Appendix.

–CITE–

5 USC APPENDIX – ETHICS IN GOVERNMENT ACT OF 1978 Sec.

105 01/06/03

–EXPCITE–

TITLE 5 – APPENDIX

ETHICS IN GOVERNMENT ACT OF 1978

TITLE I – FINANCIAL DISCLOSURE REQUIREMENTS OF FEDERAL PERSONNEL

–HEAD–

Sec. 105. Custody of and public access to reports

–STATUTE–

(a) Each agency, each supervising ethics office in the executive or judicial branch, the Clerk of the House of Representatives, and the Secretary of the Senate shall make available to the public, in accordance with subsection (b), each report filed under this title with such agency or office or with the Clerk or the Secretary of the Senate, except that –

(1) this section does not require public availability of a report filed by any individual in the Central Intelligence Agency, the Defense Intelligence Agency, the National Imagery and Mapping Agency, or the National Security Agency, or any individual engaged in intelligence activities in any agency of the United States, if the President finds or has found that, due to the nature of the office or position occupied by such individual, public disclosure of such report would, be (FOOTNOTE 1) revealing the identity of the individual or other sensitive

information, compromise the national interest of the United States; and such individuals may be authorized, notwithstanding section 104(a), to file such additional reports as are necessary to protect their identity from public disclosure if the President first finds or has found that such filing is necessary in the national interest; and

(FOOTNOTE 1) So in original. Probably should be "by".

(2) any report filed by an independent counsel whose identity has not been disclosed by the division of the court under chapter 40 of title 28, United States Code, and any report filed by any person appointed by that independent counsel under such chapter, shall not be made available to the public under this title.

(b)(1) Except as provided in the second sentence of this subsection, each agency, each supervising ethics office in the executive or judicial branch, the Clerk of the House of Representatives, and the Secretary of the Senate shall, within thirty days after any report is received under this title by such agency or office or by the Clerk or the Secretary of the Senate, as the case may be,, (FOOTNOTE 2) permit inspection of such report by or furnish a copy of such report to any person requesting such inspection or copy. With respect to any report required to be filed by May 15 of any year, such report shall be made available for public inspection within 30 calendar days after May 15 of such year or within 30 days of the date of filing of such a report for which an extension is granted pursuant to section 101(g). The agency, office, Clerk, or Secretary of the Senate, as the case may

be (FOOTNOTE 3) may require a reasonable fee to be paid in any amount which is found necessary to recover the cost of reproduction or mailing of such report excluding any salary of any employee involved in such reproduction or mailing. A copy of such report may be furnished without charge or at a reduced charge if it is determined that waiver or reduction of the fee is in the public interest.

(FOOTNOTE 2) So in original.

(FOOTNOTE 3) So in original. Probably should be followed by a comma.

(2) Notwithstanding paragraph (1), a report may not be made available under this section to any person nor may any copy thereof be provided under this section to any person except upon a written application by such person stating –

(A) that person's name, occupation and address;

(B) the name and address of any other person or organization on whose behalf the inspection or copy is requested; and

(C) that such person is aware of the prohibitions on the obtaining or use of the report.

Any such application shall be made available to the public throughout the period during which the report is made available to the public.

(3)(A) This section does not require the immediate and unconditional availability of reports filed by an individual described in section 109(8) or 109(10) of this Act if a finding is made by the Judicial Conference, in consultation with United States

Marshall (FOOTNOTE 4) Service, that revealing personal and sensitive information could endanger that individual.

(FOOTNOTE 4) So in original. Probably should be "Marshal".

(B) A report may be redacted pursuant to this paragraph only –

(i) to the extent necessary to protect the individual who filed the report; and

(ii) for as long as the danger to such individual exists.

(C) The Administrative Office of the United States Courts shall submit to the Committees on the Judiciary of the House of Representatives and of the Senate an annual report with respect to the operation of this paragraph including –

(i) the total number of reports redacted pursuant to this paragraph;

(ii) the total number of individuals whose reports have been redacted pursuant to this paragraph; and

(iii) the types of threats against individuals whose reports are redacted, if appropriate.

(D) The Judicial Conference, in consultation with the Department of Justice, shall issue regulations setting forth the circumstances under which redaction is appropriate under this paragraph and the procedures for redaction.

(E) This paragraph shall expire on December 31, 2005, and apply to filings through calendar year 2005.

(c)(1) It shall be unlawful for any person to obtain or use a report –

(A) for any unlawful purpose;

(B) for any commercial purpose, other than by news and communications media for dissemination to the general public;

(C) for determining or establishing the credit rating of any individual; or

(D) for use, directly or indirectly, in the solicitation of money for any political, charitable, or other purpose.

(2) The Attorney General may bring a civil action against any person who obtains or uses a report for any purpose prohibited in paragraph (1) of this subsection. The court in which such action is brought may assess against such person a penalty in any amount not to exceed \$10,000. Such remedy shall be in addition to any other remedy available under statutory or common law.

(d) Any report filed with or transmitted to an agency or supervising ethics office or to the Clerk of the House of Representatives or the Secretary of the Senate pursuant to this title shall be retained by such agency or office or by the Clerk or the Secretary of the Senate, as the case may be. Such report shall be made available to the public for a period of six years after receipt of the report. After such six-year period the report shall be destroyed unless needed in an ongoing investigation, except that in the case of an individual who filed the report pursuant to section 101(b) and was not subsequently confirmed by the Senate, or who filed the report pursuant to section 101(c) and was not subsequently elected, such reports shall be destroyed one year after the individual either is no longer under consideration by the Senate or is no longer a candidate for nomination or election to

the Office of President, Vice President, or as a Member of

Congress, unless needed in an ongoing investigation.

–SOURCE–

(Pub. L. 95–521, title I, Sec. 105, Oct. 26, 1978, 92 Stat. 1833;
Pub. L. 101–194, title II, Sec. 202, Nov. 30, 1989, 103 Stat. 1737;
Pub. L. 101–280, Sec. 3(6), May 4, 1990, 104 Stat. 154; Pub. L.
102–90, title III, Sec. 313(2), Aug. 14, 1991, 105 Stat. 469; Pub.
L. 103–359, title V, Sec. 501(m), Oct. 14, 1994, 108 Stat. 3430;
Pub. L. 104–201, div. A, title XI, Sec. 1122(b)(2), Sept. 23,
1996, 110 Stat. 2687; Pub. L. 105–318, Sec. 7, Oct. 30, 1998, 112
Stat. 3011; Pub. L. 107–126, Jan. 16, 2002, 115 Stat. 2404.)

–COD–

CODIFICATION

Section was formerly classified to section 705 of Title 2, The
Congress.

–MISC3–

AMENDMENTS

2002 – Subsec. (b)(3)(E). Pub. L. 107–126 substituted "2005"
for "2001" in two places.

1998 – Subsec. (b)(3). Pub. L. 105–318 added par. (3).

1996 – Subsec. (a)(1). Pub. L. 104–201 substituted "National
Imagery and Mapping Agency" for "Central Imagery Office".

1994 – Subsec. (a)(1). Pub. L. 103–359 inserted "the Central
Imagery Office," after "Defense Intelligence Agency,".

1991 – Subsec. (b)(1). Pub. L. 102–90 substituted "Except as
provided in the second sentence of this subsection, each agency"

for "Each agency" and inserted after first sentence "With respect to any report required to be filed by May 15 of any year, such report shall be made available for public inspection within 30 calendar days after May 15 of such year or within 30 days of the date of filing of such a report for which an extension is granted pursuant to section 101(g)."

1990 – Subsec. (a). Pub. L. 101–280, Sec. 3(6)(A), amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: "Each agency and each supervisory ethics office shall make each report filed with it under this title available to the public in accordance with the provisions of subsection (b) of this section, except that this section does not require public availability of a report filed by –

"(1) any individual in the Central Intelligence Agency, the Defense Intelligence Agency, or the National Security Agency, or any individual engaged in intelligence activities in any agency of the United States, if the President finds that, due to the nature of the office or position occupied by such individual, public disclosure of such report would, by revealing the identity of the individual or other sensitive information, compromise the national interest of the United States. In addition, such individuals may be authorized, notwithstanding section 104(a), to file such additional reports as are necessary to protect their identity from public disclosure if the President first finds that such filing is necessary in the national interest; or

"(2) an independent counsel or person appointed by independent

counsel under chapter 40 of title 28, United States Code, whose identity has not otherwise been disclosed."

Subsec. (b)(1). Pub. L. 101–280, Sec. 3(6)(B)(i)(I), substituted ", each supervising ethics office in the executive or judicial branch, the Clerk of the House of Representatives, and the Secretary of the Senate" for "and each supervising ethics office".

Pub. L. 101–280, Sec. 3(6)(B)(i)(II), substituted "under this title by such agency or office or by the Clerk or the Secretary of the Senate, as the case may be," for "by such agency or office under this title".

Pub. L. 101–280, Sec. 3(6)(B)(ii), substituted ", office, Clerk, or Secretary of the Senate, as the case may be" for "or office".

Subsec. (d). Pub. L. 101–280, Sec. 3(6)(C), inserted "or to the Clerk of the House of Representatives or the Secretary of the Senate" after "ethics office" and "or by the Clerk or the Secretary of the Senate" after "or office".

1989 – Pub. L. 101–194 amended section generally, substituting provisions relating to custody of and public access to reports for provisions relating to review and compliance procedures. See section 106 of this Appendix.

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104–201 effective Oct. 1, 1996, see section 1124 of Pub. L. 104–201, set out as a note under section 193 of Title 10, Armed Forces.

EFFECTIVE DATE OF 1989 AMENDMENT

Amendment by Pub. L. 101–194 effective Jan. 1, 1991, see section 204 of Pub. L. 101–194, set out as a note under section 101 of this Appendix.

–TRANS–

TRANSFER OF FUNCTIONS

Certain functions of Clerk of House of Representatives transferred to Director of Non–legislative and Financial Services by section 7 of House Resolution No. 423, One Hundred Second Congress, Apr. 9, 1992. Director of Non–legislative and Financial Services replaced by Chief Administrative Officer of House of Representatives by House Resolution No. 6, One Hundred Fourth Congress, Jan. 4, 1995.

–MISC5–

PUBLIC AVAILABILITY OF REPORTS FILED UNDER PRE–1991 ETHICS IN GOVERNMENT ACT PROVISIONS

Section 9 of Pub. L. 101–280 provided that: "Those reports filed under title I (formerly classified to section 701 et seq. of Title 2, The Congress), II (formerly set out under the heading Executive Personnel Financial Disclosure Requirements in this Appendix), or III (formerly set out under the heading Judicial Personnel Financial Disclosure Requirements in the Appendix to Title 28, Judiciary and Judicial Procedure) of the Ethics in Government Act of 1978 (Pub. L. 95–521), as in effect before January 1, 1991, shall be made available to the public on or after such date in accordance with section 105 of that Act (this section), as amended by the Ethics Reform Act of 1989 (Pub. L. 101–194), and the

provisions of such section shall apply with respect to those reports."

~~–SECRET–~~

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 107 of this Appendix;
title 18 section 208.

~~–CITE–~~

5 USC APPENDIX – ETHICS IN GOVERNMENT ACT OF 1978 Sec.

106 01/06/03

~~–EXPCITE–~~

TITLE 5 – APPENDIX

ETHICS IN GOVERNMENT ACT OF 1978

TITLE I – FINANCIAL DISCLOSURE REQUIREMENTS OF FEDERAL PERSONNEL

~~–HEAD–~~

Sec. 106. Review of reports

~~–STATUTE–~~

(a)(1) Each designated agency ethics official or Secretary concerned shall make provisions to ensure that each report filed with him under this title is reviewed within sixty days after the date of such filing, except that the Director of the Office of Government Ethics shall review only those reports required to be transmitted to him under this title within sixty days after the date of transmittal.

(2) Each congressional ethics committee and the Judicial Conference shall make provisions to ensure that each report filed under this title is reviewed within sixty days after the date of

such filing.

(b)(1) If after reviewing any report under subsection (a), the Director of the Office of Government Ethics, the Secretary concerned, the designated agency ethics official, a person designated by the congressional ethics committee, or a person designated by the Judicial Conference, as the case may be, is of the opinion that on the basis of information contained in such report the individual submitting such report is in compliance with applicable laws and regulations, he shall state such opinion on the report, and shall sign such report.

(2) If the Director of the Office of Government Ethics, the Secretary concerned, the designated agency ethics official, a person designated by the congressional ethics committee, or a person designated by the Judicial Conference, after reviewing any report under subsection (a) –

(A) believes additional information is required to be submitted, he shall notify the individual submitting such report what additional information is required and the time by which it must be submitted, or

(B) is of the opinion, on the basis of information submitted, that the individual is not in compliance with applicable laws and regulations, he shall notify the individual, afford a reasonable opportunity for a written or oral response, and after consideration of such response, reach an opinion as to whether or not, on the basis of information submitted, the individual is in compliance with such laws and regulations.

(3) If the Director of the Office of Government Ethics, the Secretary concerned, the designated agency ethics official, a person designated by a congressional ethics committee, or a person designated by the Judicial Conference, reaches an opinion under paragraph (2)(B) that an individual is not in compliance with applicable laws and regulations, the official or committee shall notify the individual of that opinion and, after an opportunity for personal consultation (if practicable), determine and notify the individual of which steps, if any, would in the opinion of such official or committee be appropriate for assuring compliance with such laws and regulations and the date by which such steps should be taken. Such steps may include, as appropriate –

(A) divestiture,

(B) restitution,

(C) the establishment of a blind trust,

(D) request for an exemption under section 208(b) of title 18,

United States Code, or

(E) voluntary request for transfer, reassignment, limitation of duties, or resignation.

The use of any such steps shall be in accordance with such rules or regulations as the supervising ethics office may prescribe.

(4) If steps for assuring compliance with applicable laws and regulations are not taken by the date set under paragraph (3) by an individual in a position in the executive branch (other than in the Foreign Service or the uniformed services), appointment to which requires the advice and consent of the Senate, the matter shall be

referred to the President for appropriate action.

(5) If steps for assuring compliance with applicable laws and regulations are not taken by the date set under paragraph (3) by a member of the Foreign Service or the uniformed services, the Secretary concerned shall take appropriate action.

(6) If steps for assuring compliance with applicable laws and regulations are not taken by the date set under paragraph (3) by any other officer or employee, the matter shall be referred to the head of the appropriate agency, the congressional ethics committee, or the Judicial Conference, for appropriate action; except that in the case of the Postmaster General or Deputy Postmaster General, the Director of the Office of Government Ethics shall recommend to the Governors of the Board of Governors of the United States Postal Service the action to be taken.

(7) Each supervising ethics office may render advisory opinions interpreting this title within its respective jurisdiction.

Notwithstanding any other provision of law, the individual to whom a public advisory opinion is rendered in accordance with this paragraph, and any other individual covered by this title who is involved in a fact situation which is indistinguishable in all material aspects, and who acts in good faith in accordance with the provisions and findings of such advisory opinion shall not, as a result of such act, be subject to any penalty or sanction provided by this title.

–SOURCE–

(Pub. L. 95–521, title I, Sec. 106, Oct. 26, 1978, 92 Stat. 1833;

Pub. L. 101–194, title II, Sec. 202, Nov. 30, 1989, 103 Stat. 1739;

Pub. L. 101–280, Sec. 3(1), (7), May 4, 1990, 104 Stat. 152, 155.)

–COD–

CODIFICATION

Section was formerly classified to section 706 of Title 2, The Congress.

–MISC3–

AMENDMENTS

1990 – Subsec. (a)(2). Pub. L. 101–280, Sec. 3(1), struck out "of the United States" after "Judicial Conference".

Subsec. (b)(1). Pub. L. 101–280, Sec. 3(7)(B), substituted "the Secretary concerned, the designated agency ethics official," for "Secretary concerned, designated agency ethics official, or".

Pub. L. 101–280, Sec. 3(7)(A), substituted "a person designated by the Judicial Conference" for "the Chairman of the Judicial Conference".

Pub. L. 101–280, Sec. 3(1), struck out "of the United States" after "Judicial Conference".

Subsec. (b)(2). Pub. L. 101–280, Sec. 3(7)(C), substituted "the Secretary concerned, the designated agency ethics official," for "Secretary concerned, designated agency ethics official or".

Pub. L. 101–280, Sec. 3(7)(A), substituted "a person designated by the Judicial Conference" for "the Chairman of the Judicial Conference".

Pub. L. 101–280, Sec. 3(1), struck out "of the United States" after "Judicial Conference".

Subsec. (b)(3). Pub. L. 101–280, Sec. 3(7)(D), substituted "the Secretary concerned, the designated agency ethics official, a person designated by a congressional ethics committee, or a person designated by the" for "Secretary concerned, designated agency ethics official, a congressional ethics committee, or the".

Pub. L. 101–280, Sec. 3(1), struck out "of the United States" after "Judicial Conference".

Subsec. (b)(4). Pub. L. 101–280, Sec. 3(7)(E), inserted "in the executive branch" after "position" and substituted "Foreign Service" for "foreign service".

Subsec. (b)(5). Pub. L. 101–280, Sec. 3(7)(F), substituted "Foreign Service" for "foreign service".

Subsec. (b)(6). Pub. L. 101–280, Sec. 3(1), struck out "of the United States" after "Judicial Conference".

Pub. L. 101–280, Sec. 3(7)(G), substituted "employee," for "employee".

1989 – Pub. L. 101–194 amended section generally, substituting provisions relating to review of reports for provisions relating to failure to file or filing false reports. See section 104(a) of this Appendix.

EFFECTIVE DATE OF 1989 AMENDMENT

Amendment by Pub. L. 101–194 effective Jan. 1, 1991, see section 204 of Pub. L. 101–194, set out as a note under section 101 of this Appendix.

–CITE–

5 USC APPENDIX – ETHICS IN GOVERNMENT ACT OF 1978 Sec.

107 01/06/03

~~–EXPCITE–~~

TITLE 5 – APPENDIX

ETHICS IN GOVERNMENT ACT OF 1978

TITLE I – FINANCIAL DISCLOSURE REQUIREMENTS OF FEDERAL PERSONNEL

~~–HEAD–~~

Sec. 107. Confidential reports and other additional requirements

~~–STATUTE–~~

(a)(1) Each supervising ethics office may require officers and employees under its jurisdiction (including special Government employees as defined in section 202 of title 18, United States Code) to file confidential financial disclosure reports, in such form as the supervising ethics office may prescribe. The information required to be reported under this subsection by the officers and employees of any department or agency shall be set forth in rules or regulations prescribed by the supervising ethics office, and may be less extensive than otherwise required by this title, or more extensive when determined by the supervising ethics office to be necessary and appropriate in light of sections 202 through 209 of title 18, United States Code, regulations promulgated thereunder, or the authorized activities of such officers or employees. Any individual required to file a report pursuant to section 101 shall not be required to file a confidential report pursuant to this subsection, except with respect to information which is more extensive than information otherwise required by this title. Subsections (a), (b), and (d) of

section 105 shall not apply with respect to any such report.

(2) Any information required to be provided by an individual under this subsection shall be confidential and shall not be disclosed to the public.

(3) Nothing in this subsection exempts any individual otherwise covered by the requirement to file a public financial disclosure report under this title from such requirement.

(b) The provisions of this title requiring the reporting of information shall supersede any general requirement under any other provision of law or regulation with respect to the reporting of information required for purposes of preventing conflicts of interest or apparent conflicts of interest. Such provisions of this title shall not supersede the requirements of section 7342 of title 5, United States Code.

(c) Nothing in this Act requiring reporting of information shall be deemed to authorize the receipt of income, gifts, or reimbursements; the holding of assets, liabilities, or positions; or the participation in transactions that are prohibited by law, Executive order, rule, or regulation.

–SOURCE–

(Pub. L. 95–521, title I, Sec. 107, Oct. 26, 1978, 92 Stat. 1834; Pub. L. 96–19, Sec. 9(d), (g), June 13, 1979, 93 Stat. 42, 43; Pub. L. 101–194, title II, Sec. 202, Nov. 30, 1989, 103 Stat. 1740.)

–REFTEXT–

REFERENCES IN TEXT

This Act, referred to in subsec. (c), is Pub. L. 95–521, Oct. 26,

1978, 92 Stat. 1824, as amended, known as the Ethics in Government Act of 1978. For complete classification of this Act to the Code, see Short Title note set out under section 101 of this Appendix and Tables.

–COD–

CODIFICATION

Section was formerly classified to section 707 of Title 2, The Congress.

–MISC3–

AMENDMENTS

1989 – Pub. L. 101–194 amended section generally, substituting provisions relating to confidential reports and other additional requirements for provisions setting forth definitions for purposes of title I of Pub. L. 95–521. See section 109 of this Appendix.

1979 – Par. (1). Pub. L. 96–19, Sec. 9(d), substituted "gross income derived from business (and net income if the individual elects to include it)" for "net and gross income derived from business".

Par. (16). Pub. L. 96–19, Sec. 9(g), inserted quotation marks after "designated committee of the House of Representatives" and before "designated committee of the Senate".

EFFECTIVE DATE OF 1989 AMENDMENT

Amendment by Pub. L. 101–194 effective Jan. 1, 1991, see section 204 of Pub. L. 101–194, set out as a note under section 101 of this Appendix.

–SECREP–

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 2 section 31–2; 50 App.

section 2160.

–CITE–

5 USC APPENDIX – ETHICS IN GOVERNMENT ACT OF 1978 Sec.

108 01/06/03

–EXPCITE–

TITLE 5 – APPENDIX

ETHICS IN GOVERNMENT ACT OF 1978

TITLE I – FINANCIAL DISCLOSURE REQUIREMENTS OF FEDERAL PERSONNEL

–HEAD–

Sec. 108. Authority of Comptroller General

–STATUTE–

(a) The Comptroller General shall have access to financial disclosure reports filed under this title for the purposes of carrying out his statutory responsibilities.

(b) No later than December 31, 1992, and regularly thereafter, the Comptroller General shall conduct a study to determine whether the provisions of this title are being carried out effectively.

–SOURCE–

(Pub. L. 95–521, title I, Sec. 108, Oct. 26, 1978, 92 Stat. 1835;

Pub. L. 96–19, Sec. 9(t), June 13, 1979, 93 Stat. 44; Pub. L.

101–194, title II, Sec. 202, Nov. 30, 1989, 103 Stat. 1741.)

–COD–

CODIFICATION

Section was formerly classified to section 708 of Title 2, The

Congress.

–MISC3–

AMENDMENTS

1989 – Pub. L. 101–194 amended section generally, substituting provisions relating to authority of Comptroller General for provision relating to preemption of State laws.

1979 – Pub. L. 96–19 inserted "holding the office of Member or" after "financial disclosure by reason of".

EFFECTIVE DATE OF 1989 AMENDMENT

Amendment by Pub. L. 101–194 effective Jan. 1, 1991, see section 204 of Pub. L. 101–194, set out as a note under section 101 of this Appendix.

–CITE–

5 USC APPENDIX – ETHICS IN GOVERNMENT ACT OF 1978 Sec.

109 01/06/03

–EXPCITE–

TITLE 5 – APPENDIX

ETHICS IN GOVERNMENT ACT OF 1978

TITLE I – FINANCIAL DISCLOSURE REQUIREMENTS OF FEDERAL PERSONNEL

–HEAD–

Sec. 109. Definitions

–STATUTE–

For the purposes of this title, the term –

(1) "congressional ethics committees" means the Select

Committee on Ethics of the Senate and the Committee on Standards of Official Conduct of the House of Representatives;

(2) "dependent child" means, when used with respect to any reporting individual, any individual who is a son, daughter, stepson, or stepdaughter and who –

(A) is unmarried and under age 21 and is living in the household of such reporting individual; or

(B) is a dependent of such reporting individual within the meaning of section 152 of the Internal Revenue Code of 1986 (26 U.S.C. 152);

(3) "designated agency ethics official" means an officer or employee who is designated to administer the provisions of this title within an agency;

(4) "executive branch" includes each Executive agency (as defined in section 105 of title 5, United States Code), other than the General Accounting Office, and any other entity or administrative unit in the executive branch;

(5) "gift" means a payment, advance, forbearance, rendering, or deposit of money, or any thing of value, unless consideration of equal or greater value is received by the donor, but does not include –

(A) bequest and other forms of inheritance;

(B) suitable mementos of a function honoring the reporting individual;

(C) food, lodging, transportation, and entertainment provided by a foreign government within a foreign country or by the United States Government, the District of Columbia, or a State or local government or political subdivision thereof;

(D) food and beverages which are not consumed in connection with a gift of overnight lodging;

(E) communications to the offices of a reporting individual, including subscriptions to newspapers and periodicals; or

(F) consumable products provided by home-State businesses to the offices of a reporting individual who is an elected official, if those products are intended for consumption by persons other than such reporting individual;

(6) "honoraria" has the meaning given such term in section 505 of this Act;

(7) "income" means all income from whatever source derived, including but not limited to the following items: compensation for services, including fees, commissions, and similar items; gross income derived from business (and net income if the individual elects to include it); gains derived from dealings in property; interest; rents; royalties; dividends; annuities; income from life insurance and endowment contracts; pensions; income from discharge of indebtedness; distributive share of partnership income; and income from an interest in an estate or trust;

(8) "judicial employee" means any employee of the judicial branch of the Government, of the United States Sentencing Commission, of the Tax Court, of the Court of Federal Claims, of the Court of Appeals for Veterans Claims, or of the United States Court of Appeals for the Armed Forces, who is not a judicial officer and who is authorized to perform adjudicatory functions

with respect to proceedings in the judicial branch, or who occupies a position for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule;

(9) "Judicial Conference" means the Judicial Conference of the United States;

(10) "judicial officer" means the Chief Justice of the United States, the Associate Justices of the Supreme Court, and the judges of the United States courts of appeals, United States district courts, including the district courts in Guam, the Northern Mariana Islands, and the Virgin Islands, Court of Appeals for the Federal Circuit, Court of International Trade, Tax Court, Court of Federal Claims, Court of Appeals for Veterans Claims, United States Court of Appeals for the Armed Forces, and any court created by Act of Congress, the judges of which are entitled to hold office during good behavior;

(11) "legislative branch" includes –

(A) the Architect of the Capitol;

(B) the Botanic Gardens;

(C) the Congressional Budget Office;

(D) the General Accounting Office;

(E) the Government Printing Office;

(F) the Library of Congress;

(G) the United States Capitol Police;

(H) the Office of Technology Assessment; and

(I) any other agency, entity, office, or commission

established in the legislative branch;

(12) "Member of Congress" means a United States Senator, a Representative in Congress, a Delegate to Congress, or the Resident Commissioner from Puerto Rico;

(13) "officer or employee of the Congress" means –

(A) any individual described under subparagraph (B), other than a Member of Congress or the Vice President, whose compensation is disbursed by the Secretary of the Senate or the Chief Administrative Officer of the House of Representatives;

(B)(i) each officer or employee of the legislative branch who, for at least 60 days, occupies a position for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS–15 of the General Schedule; and

(ii) at least one principal assistant designated for purposes of this paragraph by each Member who does not have an employee who occupies a position for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS–15 of the General Schedule;

(14) "personal hospitality of any individual" means hospitality extended for a nonbusiness purpose by an individual, not a corporation or organization, at the personal residence of that individual or his family or on property or facilities owned by that individual or his family;

(15) "reimbursement" means any payment or other thing of value received by the reporting individual, other than gifts, to

cover travel-related expenses of such individual other than those which are –

(A) provided by the United States Government, the District of Columbia, or a State or local government or political subdivision thereof;

(B) required to be reported by the reporting individual under section 7342 of title 5, United States Code; or

(C) required to be reported under section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434);

(16) "relative" means an individual who is related to the reporting individual, as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, or who is the grandfather or grandmother of the spouse of the reporting individual, and shall be deemed to include the fiance or fiancée of the reporting individual;

(17) "Secretary concerned" has the meaning set forth in section 101(a)(9) of title 10, United States Code, and, in addition, means –

(A) the Secretary of Commerce, with respect to matters concerning the National Oceanic and Atmospheric Administration;

(B) the Secretary of Health and Human Services, with respect to matters concerning the Public Health Service; and

(C) the Secretary of State, with respect to matters

concerning the Foreign Service;

(18) "supervising ethics office" means –

(A) the Select Committee on Ethics of the Senate, for Senators, officers and employees of the Senate, and other officers or employees of the legislative branch required to file financial disclosure reports with the Secretary of the Senate pursuant to section 103(h) of this title;

(B) the Committee on Standards of Official Conduct of the House of Representatives, for Members, officers and employees of the House of Representatives and other officers or employees of the legislative branch required to file financial disclosure reports with the Clerk of the House of Representatives pursuant to section 103(h) of this title;

(C) the Judicial Conference for judicial officers and judicial employees; and

(D) the Office of Government Ethics for all executive branch officers and employees; and

(19) "value" means a good faith estimate of the dollar value if the exact value is neither known nor easily obtainable by the reporting individual.

–SOURCE–

(Pub. L. 95–521, title I, Sec. 109, Oct. 26, 1978, 92 Stat. 1836;

Pub. L. 101–194, title II, Sec. 202, Nov. 30, 1989, 103 Stat. 1741;

Pub. L. 101–280, Sec. 3(1), (8), May 4, 1990, 104 Stat. 152, 155;

Pub. L. 102–378, Sec. 4(a)(2), Oct. 2, 1992, 106 Stat. 1357; Pub.

L. 102–572, title IX, Sec. 902(b)(2), Oct. 29, 1992, 106 Stat. 4516; Pub. L. 103–160, div. A, title XI, Sec. 1182(d)(3), Nov. 30, 1993, 107 Stat. 1773; Pub. L. 103–337, div. A, title IX, Sec. 924(d)(3), Oct. 5, 1994, 108 Stat. 2832; Pub. L. 104–186, title II, Sec. 216(2), Aug. 20, 1996, 110 Stat. 1747; Pub. L. 105–368, title V, Sec. 512(b)(1)(D), Nov. 11, 1998, 112 Stat. 3342.)

–REFTEXT–

REFERENCES IN TEXT

The General Schedule, referred to in pars. (8) and (13)(B), is set out under section 5332 of this title.

–COD–

CODIFICATION

Section was formerly classified to section 709 of Title 2, The Congress.

–MISC3–

AMENDMENTS

1998 – Pars. (8), (10). Pub. L. 105–368 substituted "Court of Appeals for Veterans Claims" for "Court of Veterans Appeals".

1996 – Par. (13)(A). Pub. L. 104–186 substituted "Chief Administrative Officer" for "Clerk".

1994 – Pars. (8), (10). Pub. L. 103–337 substituted "Court of Appeals for the Armed Forces" for "Court of Military Appeals".

1993 – Par. (17). Pub. L. 103–160 substituted "section 101(a)(9) of title 10" for "section 101(8) of title 10" in introductory provisions.

1992 – Par. (8). Pub. L. 102–572 substituted "Court of Federal

Claims" for "Claims Court".

Pub. L. 102-378, Sec. 4(a)(2)(A), substituted "who occupies a position for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule" for "who is paid at a rate of basic pay equal to or greater than the minimum rate of basic pay in effect for grade GS-16 of the General Schedule".

Par. (10). Pub. L. 102-572 substituted "Court of Federal Claims" for "Claims Court".

Par. (13)(B)(i). Pub. L. 102-378, Sec. 4(a)(2)(B), substituted "who, for at least 60 days, occupies a position for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule" for "who is compensated for at least 60 days at a rate of basic pay equal to or greater than the annual rate of basic pay in effect for grade GS-16 of the General Schedule".

Par. (13)(B)(ii). Pub. L. 102-378, Sec. 4(a)(2)(C), substituted "who occupies a position for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule" for "compensated at a rate equal to or in excess of the annual rate of basic pay in effect for grade GS-16 of the General Schedule".

1990 – Par. (1). Pub. L. 101-280, Sec. 3(8)(A), substituted "Select Committee on Ethics of the Senate" for "Senate Select Committee on Ethics".

Par. (4). Pub. L. 101-280, Sec. 3(8)(B), inserted ", other than

the General Accounting Office," after "Code").

Par. (5)(C). Pub. L. 101–280, Sec. 3(8)(C)(i), inserted ", the District of Columbia, or a State or local government or political subdivision thereof" after "United States Government".

Par. (5)(D). Pub. L. 101–280, Sec. 3(8)(C)(ii), amended subpar. (D) generally. Prior to amendment, subpar. (D) read as follows: "food and beverages consumed at banquets, receptions, or similar events; or".

Par. (5)(E). Pub. L. 101–280, Sec. 3(8)(C)(iii), substituted "individual," for "individual" and inserted "or" after semicolon at end.

Par. (5)(F). Pub. L. 101–280, Sec. 3(8)(C)(iv), added subpar. (F).

Par. (8). Pub. L. 101–280, Sec. 3(8)(D), substituted "United States Sentencing Commission, of the Tax Court, of the Claims Court," for "Tax Court," and "who is paid at a rate of basic pay equal to or greater than the minimum rate of basic pay in effect for grade GS–16 of the General Schedule" for "who receives compensation at a rate at or in excess of the minimum rate prescribed for grade 16 of the General Schedule under section 5332 of title 5, United States Code;".

Par. (10). Pub. L. 101–280, Sec. 3(8)(E), substituted "Guam, the Northern Mariana Islands," for "the Canal Zone, Guam," struck out "Court of Claims," after "Virgin Islands," and inserted "Claims Court, Court of Veterans Appeals," after "Tax Court,".

Par. (13)(B)(i). Pub. L. 101–280, Sec. 3(8)(F), substituted "at

least 60" for "60 consecutive" and "of basic pay equal to or greater than" for "equal to or in excess of".

Par. (15)(A). Pub. L. 101-280, Sec. 3(8)(G), inserted ", the District of Columbia, or a State or local government or political subdivision thereof" after "Government".

Par. (17)(C). Pub. L. 101-280, Sec. 3(8)(H), added subpar. (C).

Par. (18)(A). Pub. L. 101-280, Sec. 3(8)(I)(i), substituted "the Secretary of the Senate" for "such committee".

Par. (18)(B). Pub. L. 101-280, Sec. 3(8)(I)(ii), substituted "the Clerk of the House of Representatives" for "such committee".

Par. (18)(C). Pub. L. 101-280, Sec. 3(1), struck out "of the United States" after "Judicial Conference".

Par. (18)(D). Pub. L. 101-280, Sec. 3(8)(I)(iii), inserted "officers and" after "branch".

1989 – Pub. L. 101-194 amended section generally, substituting provisions setting forth definitions for purposes of title I of Pub. L. 95-521 for provisions relating to a study by the Comptroller General.

EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105-368 effective on first day of first month beginning more than 90 days after Nov. 11, 1998, see section 513 of Pub. L. 105-368, set out as a note under section 7251 of Title 38, Veterans' Benefits.

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102-572 effective Oct. 29, 1992, see section

911 of Pub. L. 102–572, set out as a note under section 171 of

Title 28, Judiciary and Judicial Procedure.

EFFECTIVE DATE OF 1989 AMENDMENT

Amendment by Pub. L. 101–194 effective Jan. 1, 1991, see section

204 of Pub. L. 101–194, set out as a note under section 101 of this

Appendix.

–SECREf–

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 101, 105 of this

Appendix; title 2 section 1602; title 42 section 290b.

–CITE–

5 USC APPENDIX – ETHICS IN GOVERNMENT ACT OF 1978 Sec.

110 01/06/03

–EXPCITE–

TITLE 5 – APPENDIX

ETHICS IN GOVERNMENT ACT OF 1978

TITLE I – FINANCIAL DISCLOSURE REQUIREMENTS OF FEDERAL PERSONNEL

–HEAD–

Sec. 110. Notice of actions taken to comply with ethics agreements

–STATUTE–

(a) In any case in which an individual agrees with that individual's designated agency ethics official, the Office of Government Ethics, a Senate confirmation committee, a congressional ethics committee, or the Judicial Conference, to take any action to comply with this Act or any other law or regulation governing conflicts of interest of, or establishing standards of conduct

applicable with respect to, officers or employees of the Government, that individual shall notify in writing the designated agency ethics official, the Office of Government Ethics, the appropriate committee of the Senate, the congressional ethics committee, or the Judicial Conference, as the case may be, of any action taken by the individual pursuant to that agreement. Such notification shall be made not later than the date specified in the agreement by which action by the individual must be taken, or not later than three months after the date of the agreement, if no date for action is so specified.

(b) If an agreement described in subsection (a) requires that the individual recuse himself or herself from particular categories of agency or other official action, the individual shall reduce to writing those subjects regarding which the recusal agreement will apply and the process by which it will be determined whether the individual must recuse himself or herself in a specific instance.

An individual shall be considered to have complied with the requirements of subsection (a) with respect to such recusal agreement if such individual files a copy of the document setting forth the information described in the preceding sentence with such individual's designated agency ethics official or the appropriate supervising ethics office within the time prescribed in the last sentence of subsection (a).

–SOURCE–

(Pub. L. 95–521, title I, Sec. 110, as added Pub. L. 101–194, title II, Sec. 202, Nov. 30, 1989, 103 Stat. 1744; amended Pub. L.

101–280, Sec. 3(1), May 4, 1990, 104 Stat. 152.)

–REFTEXT–

REFERENCES IN TEXT

This Act, referred to in subsec. (a), is Pub. L. 95–521, Oct. 26, 1978, 92 Stat. 1824, as amended, known as the Ethics in Government Act of 1978. For complete classification of this Act to the Code, see Short Title note set out under section 101 of this Appendix and Tables.

–MISC2–

AMENDMENTS

1990 – Subsec. (a). Pub. L. 101–280 struck out "of the United States" after "Judicial Conference" wherever appearing.

EFFECTIVE DATE

Section effective Jan. 1, 1991, see section 204 of Pub. L.

101–194, set out as an Effective Date of 1989 Amendment note under section 101 of this Appendix.

–CITE–

5 USC APPENDIX – ETHICS IN GOVERNMENT ACT OF 1978 Sec.

111 01/06/03

–EXPCITE–

TITLE 5 – APPENDIX

ETHICS IN GOVERNMENT ACT OF 1978

TITLE I – FINANCIAL DISCLOSURE REQUIREMENTS OF FEDERAL PERSONNEL

–HEAD–

Sec. 111. Administration of provisions

–STATUTE–

The provisions of this title shall be administered by –

(1) the Director of the Office of Government Ethics, the designated agency ethics official, or the Secretary concerned, as appropriate, with regard to officers and employees described in paragraphs (1) through (8) of section 101(f);

(2) the Select Committee on Ethics of the Senate and the Committee on Standards of Official Conduct of the House of Representatives, as appropriate, with regard to officers and employees described in paragraphs (9) and (10) of section 101(f);
and

(3) the Judicial Conference in the case of an officer or employee described in paragraphs (11) and (12) of section 101(f).

The Judicial Conference may delegate any authority it has under this title to an ethics committee established by the Judicial Conference.

–SOURCE–

(Pub. L. 95–521, title I, Sec. 111, as added Pub. L. 101–194, title II, Sec. 202, Nov. 30, 1989, 103 Stat. 1744; amended Pub. L. 101–280, Sec. 3(1), (9), May 4, 1990, 104 Stat. 152, 157.)

–MISC1–

AMENDMENTS

1990 – Pub. L. 101–280, Sec. 3(9)(C), inserted sentence at end authorizing Judicial Conference to delegate its authority to an ethics committee.

Par. (2). Pub. L. 101–280, Sec. 3(9)(A), substituted "Select Committee on Ethics of the Senate" for "Senate Select Committee

on Ethics".

Par. (3). Pub. L. 101–280, Sec. 3(9)(B), struck out "and clerk of the applicable court, as appropriate," before "in the case of".

Pub. L. 101–280, Sec. 3(1), struck out "of the United States" after "Judicial Conference".

EFFECTIVE DATE

Section effective Jan. 1, 1991, see section 204 of Pub. L.

101–194, set out as an Effective Date of 1989 Amendment note under section 101 of this Appendix.

TRANSMITTAL OF FINANCIAL DISCLOSURE REPORTS

Section 902 of Pub. L. 101–194 provided that:

"(a) The Select Committee on Ethics shall transmit a copy of each report filed with it under title I of the Ethics in Government Act of 1978 (section 101 et seq. of Pub. L. 95–521, set out in this Appendix) (other than a report filed by a Member of Congress) to the head of the employing office of the individual filing the report.

"(b) For purposes of this section, the head of the employing office shall be –

"(A) in the case of an employee of a Member, the Member by whom that person is employed;

"(B) in the case of an employee of a Committee, the chairman and ranking minority member of such Committee;

"(C) in the case of an employee on the leadership staff, the Member of the leadership on whose staff such person serves; and

"(D) in the case of any other employee of the legislative branch, the head of the office in which such individual serves."

–CITE–

5 USC APPENDIX – ETHICS IN GOVERNMENT ACT OF 1978 (Sec.

112 01/06/03

–EXPCITE–

TITLE 5 – APPENDIX

ETHICS IN GOVERNMENT ACT OF 1978

TITLE I – FINANCIAL DISCLOSURE REQUIREMENTS OF FEDERAL PERSONNEL

–HEAD–

(Sec. 112. Repealed. Pub. L. 101–280, Sec. 3(10)(A), May 4, 1990, 104 Stat. 157)

–MISC1–

Section, Pub. L. 95–521, title I, Sec. 112, as added Pub. L.

101–194, title II, Sec. 202, Nov. 30, 1989, 103 Stat. 1744,

provided that the provisions made by title I of Pub. L. 95–521 take

effect on Jan. 1, 1990, and be applicable to reports filed under

such title after Jan. 1, 1991. See section 3(10)(C) of Pub. L.

101–280 and section 204 of Pub. L. 101–194, set out as an Effective

Date of 1989 Amendment note under section 101 of this Appendix.

EFFECTIVE DATE OF REPEAL

Repeal effective May 4, 1990, see section 11 of Pub. L. 101–280,

set out as an Effective Date of 1990 Amendment note under section

101 of this Appendix.

–CITE–

5 USC APPENDIX – ETHICS IN GOVERNMENT ACT OF 1978 (TITLE

II – REPEALED) 01/06/03

–EXPCITE–

TITLE 5 – APPENDIX

ETHICS IN GOVERNMENT ACT OF 1978

(TITLE II – REPEALED)

.

–HEAD–

(TITLE II – REPEALED)

–MISC1–

(Sections 201 to 212 of Pub. L. 95–521, title II, Oct. 26, 1978, 92 Stat. 1836, as amended by Pub. L. 96–19, Sec. 2(a)(2), (c)(2), 3(a)(2), (b), 4(a), (d), (g), 5, 6, 7(a)–(c), (d)(2), (e), (f), 8(b), 9(c)(2), (d), (f), (h)–(o), June 13, 1979, 93 Stat. 37–43; Pub. L. 98–150, Sec. 6–11, Nov. 11, 1983, 97 Stat. 960–962; Pub. L. 99–190, Sec. 148(b), Dec. 19, 1985, 99 Stat. 1325; Pub. L. 100–191, Sec. 3(b), Dec. 15, 1987, 101 Stat. 1306, which related to executive personnel financial disclosure requirements, were repealed by Pub. L. 101–194, title II, Sec. 201, Nov. 30, 1989, 103 Stat. 1724.)

EFFECTIVE DATE OF REPEAL

Repeal effective Jan. 1, 1991, see section 204 of Pub. L. 101–194, set out as an Effective Date of 1989 Amendment note under section 101 of this Appendix.

Provisions of title II of Pub. L. 95–521, as in effect prior to Nov. 30, 1989, effective until Jan. 1, 1991, as if Pub. L. 101–194 had not been enacted, except that section 202(f)(4)(B) of Pub. L.

95–521 repealed effective Jan. 1, 1990, and nothing in title II of Pub. L. 101–194 to be construed to prevent prosecution of civil actions against individuals for violations of title II of Pub. L.

95–521 before Jan. 1, 1991, see section 3(10)(C), (D) of Pub. L.

101–280, set out as an Effective Date of 1989 Amendment note under section 101 of this Appendix.

–CITE–

5 USC APPENDIX – ETHICS IN GOVERNMENT ACT OF 1978 (TITLE III – REPEALED) 01/06/03

–EXPCITE–

TITLE 5 – APPENDIX

ETHICS IN GOVERNMENT ACT OF 1978

(TITLE III – REPEALED)

.

–HEAD–

(TITLE III – REPEALED)

–MISC1–

(Sections 301 to 309 of Pub. L. 95–521, title III, Oct. 26, 1978, 92 Stat. 1851, as amended by Pub. L. 96–19, Sec. 2(a)(3), (c)(3), 3(a)(3), (b), 4(c), 6, 7(a)–(c), (d)(2), (e), (f), 8(c), 9(c)(3), (d), (j), (p)–(r), June 13, 1979, 93 Stat. 37–43; Pub. L. 96–417, title VI, Sec. 601(9), Oct. 10, 1980, 94 Stat. 1744; Pub. L. 96–579, Sec. 12(c), Dec. 23, 1980, 94 Stat. 3369; Pub. L. 97–164, title I, Sec. 163(a)(6), Apr. 2, 1982, 96 Stat. 49; Pub. L. 98–150, Sec. 10, Nov. 11, 1983, 97 Stat. 962; Pub. L. 99–573, Sec. 6, Oct. 28, 1986, 100 Stat. 3231; Pub. L. 101–237, title VI, Sec.

602(a)(1), Dec. 18, 1989, 103 Stat. 2094, which related to judicial personnel financial disclosure requirements, were repealed by Pub. L. 101–194, title II, Sec. 201, Nov. 30, 1989, 103 Stat. 1724.)

EFFECTIVE DATE OF REPEAL

Repeal effective Jan. 1, 1991, see section 204 of Pub. L.

101–194, set out as an Effective Date of 1989 Amendment note under section 101 of this Appendix.

Provisions of title III of Pub. L. 95–521, as in effect prior to Nov. 30, 1989, effective until Jan. 1, 1991, as if Pub. L. 101–194 had not been enacted, and nothing in title II of Pub. L. 101–194 to be construed to prevent prosecution of civil actions against individuals for violations of title III of Pub. L. 95–521 before Jan. 1, 1991, see section 3(10)(C), (D) of Pub. L. 101–280, set out as an Effective Date of 1989 Amendment note under section 101 of this Appendix.

–CITE–

5 USC APPENDIX – ETHICS IN GOVERNMENT ACT OF 1978 TITLE

IV – OFFICE OF GOVERNMENT ETHICS 01/06/03

–EXPCITE–

TITLE 5 – APPENDIX

ETHICS IN GOVERNMENT ACT OF 1978

TITLE IV – OFFICE OF GOVERNMENT ETHICS

.

–HEAD–

TITLE IV – OFFICE OF GOVERNMENT ETHICS

–CITE–

5 USC APPENDIX – ETHICS IN GOVERNMENT ACT OF 1978 Sec.

401 01/06/03

–EXPCITE–

TITLE 5 – APPENDIX

ETHICS IN GOVERNMENT ACT OF 1978

TITLE IV – OFFICE OF GOVERNMENT ETHICS

–HEAD–

Sec. 401. Establishment; appointment of Director

–STATUTE–

(a) There is established an executive agency to be known as the Office of Government Ethics.

(b) There shall be at the head of the Office of Government Ethics a Director (hereinafter referred to as the "Director"), who shall be appointed by the President, by and with the advice and consent of the Senate. Effective with respect to any individual appointed or reappointed by the President as Director on or after October 1, 1983, the term of service of the Director shall be five years.

(c) The Director may –

(1) appoint officers and employees, including attorneys, in accordance with chapter 51 and subchapter III of chapter 53 of title 5, United States Code; and

(2) contract for financial and administrative services

(including those related to budget and accounting, financial reporting, personnel, and procurement) with the General Services Administration, or such other Federal agency as the Director determines appropriate, for which payment shall be made in

advance, or by reimbursement, from funds of the Office of Government Ethics in such amounts as may be agreed upon by the Director and the head of the agency providing such services.

Contract authority under paragraph (2) shall be effective for any fiscal year only to the extent that appropriations are available for that purpose.

–SOURCE–

(Pub. L. 95–521, title IV, Sec. 401, Oct. 26, 1978, 92 Stat. 1862; Pub. L. 98–150, Sec. 2, Nov. 11, 1983, 97 Stat. 959; Pub. L. 100–598, Sec. 3, Nov. 3, 1988, 102 Stat. 3031; Pub. L. 104–179, Sec. 4(b)(2)(A), Aug. 6, 1996, 110 Stat. 1567.)

–MISC1–

AMENDMENTS

1996 – Pub. L. 104–179 substituted "Establishment; appointment of Director" for "Office of Government Ethics" in section catchline.

1988 – Subsec. (a). Pub. L. 100–598, Sec. 3(a), substituted "an executive agency to be known as" for "in the Office of Personnel Management an office to be known as".

Subsec. (c). Pub. L. 100–598, Sec. 3(b), added subsec. (c).

1983 – Subsec. (b). Pub. L. 98–150 inserted provision that, effective with respect to any individual appointed or reappointed by the President as Director on or after Oct. 1, 1983, the term of service of the Director shall be five years.

EFFECTIVE DATE OF 1988 AMENDMENT

Section 10 of Pub. L. 100–598 provided that:

"(a) In General. – Except as provided in subsection (b), the amendments made by this Act (enacting section 408 of Pub. L. 95–521, set out in this Appendix, and amending sections 401 to 403, 405, and 407 of Pub. L. 95–521, set out in this Appendix, and sections 5314 and 5316 of this title) shall take effect on the date of the enactment of this Act (Nov. 3, 1988).

"(b) Exception. – The amendments made by section 3 (amending section 401 of Pub. L. 95–521, set out in this Appendix) shall take effect on October 1, 1989."

EFFECTIVE DATE OF 1983 AMENDMENT

Amendment by Pub. L. 98–150 effective Oct. 1, 1983, see section 13 of Pub. L. 98–150 set out as a note under section 102 of this Appendix.

–CITE–

5 USC APPENDIX – ETHICS IN GOVERNMENT ACT OF 1978 Sec.
402 01/06/03

–EXPCITE–

TITLE 5 – APPENDIX

ETHICS IN GOVERNMENT ACT OF 1978

TITLE IV – OFFICE OF GOVERNMENT ETHICS

–HEAD–

Sec. 402. Authority and functions

–STATUTE–

(a) The Director shall provide, in consultation with the Office of Personnel Management, overall direction of executive branch policies related to preventing conflicts of interest on the part of

officers and employees of any executive agency, as defined in section 105 of title 5, United States Code.

(b) The responsibilities of the Director shall include –

(1) developing, in consultation with the Attorney General and the Office of Personnel Management, rules and regulations to be promulgated by the President or the Director pertaining to conflicts of interest and ethics in the executive branch,

including rules and regulations establishing procedures for the filing, review, and public availability of financial statements filed by officers and employees in the executive branch as required by title II of this Act;

(2) developing, in consultation with the Attorney General and the Office of Personnel Management, rules and regulations to be promulgated by the President or the Director pertaining to the identification and resolution of conflicts of interest;

(3) monitoring and investigating compliance with the public financial disclosure requirements of title II of this Act by officers and employees of the executive branch and executive agency officials responsible for receiving, reviewing, and making available financial statements filed pursuant to such title;

(4) conducting a review of financial statements to determine whether such statements reveal possible violations of applicable conflict of interest laws or regulations and recommending appropriate action to correct any conflict of interest or ethical problems revealed by such review;

(5) monitoring and investigating individual and agency

compliance with any additional financial reporting and internal review requirements established by law for the executive branch;

(6) interpreting rules and regulations issued by the President or the Director governing conflict of interest and ethical problems and the filing of financial statements;

(7) consulting, when requested, with agency ethics counselors and other responsible officials regarding the resolution of conflict of interest problems in individual cases;

(8) establishing a formal advisory opinion service whereby advisory opinions are rendered on matters of general applicability or on important matters of first impression after, to the extent practicable, providing interested parties with an opportunity to transmit written comments with respect to the request for such advisory opinion, and whereby such advisory opinions are compiled, published, and made available to agency ethics counselors and the public;

(9) ordering corrective action on the part of agencies and employees which the Director deems necessary;

(10) requiring such reports from executive agencies as the Director deems necessary;

(11) assisting the Attorney General in evaluating the effectiveness of the conflict of interest laws and in recommending appropriate amendments;

(12) evaluating, with the assistance of the Attorney General and the Office of Personnel Management, the need for changes in rules and regulations issued by the Director and the agencies

regarding conflict of interest and ethical problems, with a view toward making such rules and regulations consistent with and an effective supplement to the conflict of interest laws;

(13) cooperating with the Attorney General in developing an effective system for reporting allegations of violations of the conflict of interest laws to the Attorney General, as required by section 535 of title 28, United States Code;

(14) providing information on and promoting understanding of ethical standards in executive agencies; and

(15) developing, in consultation with the Office of Personnel Management, and promulgating such rules and regulations as the Director determines necessary or desirable with respect to the evaluation of any item required to be reported by title II of this Act.

(c) In the development of policies, rules, regulations, procedures, and forms to be recommended, authorized, or prescribed by him, the Director shall consult when appropriate with the executive agencies affected and with the Attorney General.

(d)(1) The Director shall, by the exercise of any authority otherwise available to the Director under this title, ensure that each executive agency has established written procedures relating to how the agency is to collect, review, evaluate, and, if applicable, make publicly available, financial disclosure statements filed by any of its officers or employees.

(2) In carrying out paragraph (1), the Director shall ensure that each agency's procedures are in conformance with all applicable

requirements, whether established by law, rule, regulation, or Executive order.

(e) In carrying out subsection (b)(10), the Director shall prescribe regulations under which –

(1) each executive agency shall be required to submit to the Office an annual report containing –

(A) a description and evaluation of the agency's ethics program, including any educational, counseling, or other services provided to officers and employees, in effect during the period covered by the report; and

(B) the position title and duties of –

(i) each official who was designated by the agency head to have primary responsibility for the administration, coordination, and management of the agency's ethics program during any portion of the period covered by the report; and

(ii) each officer or employee who was designated to serve as an alternate to the official having primary responsibility during any portion of such period; and

(C) any other information that the Director may require in order to carry out the responsibilities of the Director under this title; and

(2) each executive agency shall be required to inform the Director upon referral of any alleged violation of Federal conflict of interest law to the Attorney General pursuant to section 535 of title 28, United States Code, except that nothing under this paragraph shall require any notification or disclosure

which would otherwise be prohibited by law.

(f)(1) In carrying out subsection (b)(9) with respect to executive agencies, the Director –

(A) may –

(i) order specific corrective action on the part of an agency based on the failure of such agency to establish a system for the collection, filing, review, and, when applicable, public inspection of financial disclosure statements, in accordance with applicable requirements, or to modify an existing system in order to meet applicable requirements; or

(ii) order specific corrective action involving the establishment or modification of an agency ethics program (other than with respect to any matter under clause (i)) in accordance with applicable requirements; and

(B) shall, if an agency has not complied with an order under subparagraph (A) within a reasonable period of time, notify the President and the Congress of the agency's noncompliance in writing (including, with the notification, any written comments which the agency may provide).

(2)(A) In carrying out subsection (b)(9) with respect to individual officers and employees –

(i) the Director may make such recommendations and provide such advice to such officers and employees as the Director considers necessary to ensure compliance with rules, regulations, and Executive orders relating to conflicts of interest or standards of conduct;

(ii) if the Director has reason to believe that an officer or employee is violating, or has violated, any rule, regulation, or Executive order relating to conflicts of interest or standards of conduct, the Director –

(I) may recommend to the head of the officer's or employee's agency that such agency head investigate the possible violation and, if the agency head finds such a violation, that such agency head take any appropriate disciplinary action (such as reprimand, suspension, demotion, or dismissal) against the officer or employee, except that, if the officer or employee involved is the agency head, any such recommendation shall instead be submitted to the President; and

(II) shall notify the President in writing if the Director determines that the head of an agency has not conducted an investigation pursuant to subclause (I) within a reasonable time after the Director recommends such action;

(iii) if the Director finds that an officer or employee is violating any rule, regulation, or Executive order relating to conflicts of interest or standards of conduct, the Director –

(I) may order the officer or employee to take specific action (such as divestiture, recusal, or the establishment of a blind trust) to end such violation; and

(II) shall, if the officer or employee has not complied with the order under subclause (I) within a reasonable period of time, notify, in writing, the head of the officer's or employee's agency of the officer's or employee's noncompliance,

except that, if the officer or employee involved is the agency head, the notification shall instead be submitted to the President; and

(iv) if the Director finds that an officer or employee is violating, or has violated, any rule, regulation, or Executive order relating to conflicts of interest or standards of conduct, the Director –

(I) may recommend to the head of the officer's or employee's agency that appropriate disciplinary action (such as reprimand, suspension, demotion, or dismissal) be brought against the officer or employee, except that if the officer or employee involved is the agency head, any such recommendations shall instead be submitted to the President; and

(II) may notify the President in writing if the Director determines that the head of an agency has not taken appropriate disciplinary action within a reasonable period of time after the Director recommends such action.

(B)(i) In order to carry out the Director's duties and responsibilities under subparagraph (A)(iii) or (iv) with respect to individual officers and employees, the Director may conduct investigations and make findings concerning possible violations of any rule, regulation, or Executive order relating to conflicts of interest or standards of conduct applicable to officers and employees of the executive branch.

(ii)(I) Subject to clause (iv) of this subparagraph, before any finding is made under subparagraphs (A)(iii) or (iv), the officer

or employee involved shall be afforded notification of the alleged violation, and an opportunity to comment, either orally or in writing, on the alleged violation.

(II) The Director shall, in accordance with section 553 of title 5, United States Code, establish procedures for such notification and comment.

(iii) Subject to clause (iv) of this subparagraph, before any action is ordered under subparagraph (A)(iii), the officer or employee involved shall be afforded an opportunity for a hearing, if requested by such officer or employee, except that any such hearing shall be conducted on the record.

(iv) The procedures described in clauses (ii) and (iii) of this subparagraph do not apply to findings or orders for action made to obtain compliance with the financial disclosure requirements in title 2 (FOOTNOTE 1) of this Act. For those findings and orders, the procedures in section 206 of this Act shall apply.

(FOOTNOTE 1) So in original. Probably should be title "II".

(3) The Director shall send a copy of any order under paragraph

(2)(A)(iii) to –

(A) the officer or employee who is the subject of such order;

and

(B) the head of officer's or employee's agency or, if such officer or employee is the agency head, to the President.

(4) For purposes of paragraphs (2)(A)(ii), (iii), (iv), and

(3)(B), in the case of an officer or employee within an agency which is headed by a board, committee, or other group of

individuals (rather than by a single individual), any notification, recommendation, or other matter which would otherwise be sent to an agency head shall instead be sent to the officer's or employee's appointing authority.

(5) Nothing in this title shall be considered to allow the Director (or any designee) to make any finding that a provision of title 18, United States Code, or any criminal law of the United States outside of such title, has been or is being violated.

(6) Notwithstanding any other provision of law, no record developed pursuant to the authority of this section concerning an investigation of an individual for a violation of any rule, regulation, or Executive order relating to a conflict of interest shall be made available pursuant to section 552(a)(3) of title 5, United States Code, unless the request for such information identifies the individual to whom such records relate and the subject matter of any alleged violation to which such records relate, except that nothing in this subsection shall affect the application of the provisions of section 552(b) of title 5, United States Code, to any record so identified.

–SOURCE–

(Pub. L. 95–521, title IV, Sec. 402, Oct. 26, 1978, 92 Stat. 1862; Pub. L. 96–19, Sec. 9(e), (s), June 13, 1979, 93 Stat. 43, 44; Pub. L. 98–150, Sec. 3(a), (b), Nov. 11, 1983, 97 Stat. 959; Pub. L. 100–598, Sec. 5–7, Nov. 3, 1988, 102 Stat. 3032, 3033.)

–REFTEXT–

REFERENCES IN TEXT

Title II of this Act, referred to in subsec. (b)(1), (3), and

(15), and title 2 of this Act, referred to in subsec.

(f)(2)(B)(iv), is title II of Pub. L. 95–521, which was set out in this Appendix prior to repeal by Pub. L. 101–194, title II, Sec. 201, Nov. 30, 1989, 103 Stat. 1724.

Section 206 of this Act, referred to in subsec. (f)(2)(B)(iv), is section 206 of Pub. L. 95–521, which was set out in this Appendix prior to repeal by Pub. L. 101–194, title II, Sec. 201, Nov. 30, 1989, 103 Stat. 1724.

–MISC2–

AMENDMENTS

1988 – Subsecs. (d) to (f). Pub. L. 100–598 added subsecs. (d) to (f).

1983 – Subsec. (a). Pub. L. 98–150, Sec. 3(a), substituted "in consultation with" for "under the general supervision of".

Subsec. (b)(1). Pub. L. 98–150, Sec. 3(b)(1), struck out "and recommending to the Office of Personnel Management" after "(1) developing", inserted "and the Office of Personnel Management" after "Attorney General", and substituted "President or the Director" for "President or the Office of Personnel Management".

Subsec. (b)(2). Pub. L. 98–150, Sec. 3(b)(2), struck out "and recommending to the Office of Personnel Management" after "(2) developing", inserted "and the Office of Personnel Management" after "Attorney General", and substituted "President or the Director" for "President or the Office of Personnel Management".

Subsec. (b)(6). Pub. L. 98–150, Sec. 3(b)(3), substituted

"Director" for "Office of Personnel Management".

Subsec. (b)(12). Pub. L. 98–150, Sec. 3(b)(4), inserted "and the Office of Personnel Management" after "Attorney General", and substituted "Director" for "Office of Personnel Management".

Subsec. (b)(15). Pub. L. 98–150, Sec. 3(b)(5), substituted ", in consultation with the Office of Personnel Management, and promulgating" for "and recommending for promulgation by the Office of Personnel Management".

1979 – Subsec. (b)(1). Pub. L. 96–19, Sec. 9(s), substituted "consultation" for "consulation" and struck out a comma after "rules and regulations" and "President".

Subsec. (b)(15). Pub. L. 96–19, Sec. 9(e)(2), added par. (15).

Subsec. (d). Pub. L. 96–19, Sec. 9(e)(1), repealed subsec. (d) which required the promulgation of a regulation establishing a method of readily determining, without expert appraisal, the fair market value of assets required to be disclosed.

EFFECTIVE DATE OF 1983 AMENDMENT

Amendment by Pub. L. 98–150 effective Oct. 1, 1983, see section 13 of Pub. L. 98–150 set out as a note under section 102 of this Appendix.

RULES AND REGULATIONS IN EFFECT BEFORE OCTOBER 1, 1983

Section 3(d) of Pub. L. 98–150 provided that:

"(1) Any rules or regulations issued under section 402 of the Ethics in Government Act of 1978 (this section) which are in effect immediately before the effective date of the amendments made by this Act (Oct. 1, 1983) shall remain in effect according to their

terms until modified, superseded, set aside, or revoked on or after such effective date.

"(2) The responsibilities of the Director of the Office of Government Ethics under paragraphs (6) and (12), respectively, of section 402(b) of the Ethics in Government Act of 1978 (this section), with respect to rules and regulations issued by the Office of Personnel Management before the effective date of the amendments made by this Act (Oct. 1, 1983) shall not be affected by this Act or any of the amendments made by this Act (see Effective Date of 1983 Amendment note set out under section 102 of this Appendix)."

–CITE–

5 USC APPENDIX – ETHICS IN GOVERNMENT ACT OF 1978 Sec.

403 01/06/03

–EXPCITE–

TITLE 5 – APPENDIX

ETHICS IN GOVERNMENT ACT OF 1978

TITLE IV – OFFICE OF GOVERNMENT ETHICS

–HEAD–

Sec. 403. Administrative provisions

–STATUTE–

(a) Upon the request of the Director, each executive agency is directed to –

(1) make its services, personnel, and facilities available to the Director to the greatest practicable extent for the performance of functions under this Act; and

(2) except when prohibited by law, furnish to the Director all information and records in its possession which the Director may determine to be necessary for the performance of his duties.

The authority of the Director under this section includes the authority to request assistance from the inspector general of an agency in conducting investigations pursuant to the Office of Government Ethics responsibilities under this Act. The head of any agency may detail such personnel and furnish such services, with or without reimbursement, as the Director may request to carry out the provisions of this Act (FOOTNOTE 1)

(FOOTNOTE 1) So in original. Probably should be followed by a period.

(b)(1) The Director is authorized to accept and utilize on behalf of the United States, any gift, donation, bequest, or devise of money, use of facilities, personal property, or services for the purpose of aiding or facilitating the work of the Office of Government Ethics.

(2) No gift may be accepted –

(A) that attaches conditions inconsistent with applicable laws or regulations; or

(B) that is conditioned upon or will require the expenditure of appropriated funds that are not available to the Office of Government Ethics.

(3) The Director shall establish written rules setting forth the criteria to be used in determining whether the acceptance of contributions of money, services, use of facilities, or personal

property under this subsection would reflect unfavorably upon the ability of the Office of Government Ethics, or any employee of such Office, to carry out its responsibilities or official duties in a fair and objective manner, or would compromise the integrity or the appearance of the integrity of its programs or any official involved in those programs.

–SOURCE–

(Pub. L. 95–521, title IV, Sec. 403, Oct. 26, 1978, 92 Stat. 1863; Pub. L. 98–150, Sec. 5, Nov. 11, 1983, 97 Stat. 960; Pub. L. 100–598, Sec. 9, Nov. 3, 1988, 102 Stat. 3035; Pub. L. 104–179, Sec. 2, Aug. 6, 1996, 110 Stat. 1566.)

–REFTEXT–

REFERENCES IN TEXT

This Act, referred to in subsec. (a), is Pub. L. 95–521, Oct. 26, 1978, 92 Stat. 1824, as amended, known as the Ethics in Government Act of 1978. For complete classification of this Act to the Code, see Short Title note set out under section 101 of this Appendix and Tables.

–MISC2–

AMENDMENTS

1996 – Pub. L. 104–179 designated existing provisions as subsec. (a) and added subsec. (b).

1988 – Pub. L. 100–598 substituted "pursuant to the Office of Government Ethics responsibilities under this Act. The head of any agency may detail such personnel and furnish such services, with or without reimbursement, as the Director may request to carry out the

provisions of this Act" for "pursuant to subsections (b)(3) and (b)(4) of section 402." in closing provisions.

1983 – Pub. L. 98–150 inserted provision that the authority of the Director under this section includes the authority to request assistance from the inspector general of an agency in conducting the investigations pursuant to subsections (b)(3) and (b)(4) of section 402.

EFFECTIVE DATE OF 1983 AMENDMENT

Amendment by Pub. L. 98–150 effective Oct. 1, 1983, see section 13 of Pub. L. 98–150 set out as a note under section 102 of this Appendix.

–CITE–

5 USC APPENDIX – ETHICS IN GOVERNMENT ACT OF 1978 Sec.

404 01/06/03

–EXPCITE–

TITLE 5 – APPENDIX

ETHICS IN GOVERNMENT ACT OF 1978

TITLE IV – OFFICE OF GOVERNMENT ETHICS

–HEAD–

Sec. 404. Rules and regulations

–STATUTE–

In promulgating rules and regulations pertaining to financial disclosure, conflict of interest, and ethics in the executive branch, the Director shall issue rules and regulations in accordance with chapter 5 of title 5, United States Code. Any person may seek judicial review of any such rule or regulation.

–SOURCE–

(Pub. L. 95–521, title IV, Sec. 404, Oct. 26, 1978, 92 Stat. 1863;

Pub. L. 98–150, Sec. 3(c), Nov. 11, 1983, 97 Stat. 960.)

–MISC1–

AMENDMENTS

1983 – Pub. L. 98–150 substituted "Director" for "Office of Personnel Management".

EFFECTIVE DATE OF 1983 AMENDMENT

Amendment by Pub. L. 98–150 effective Oct. 1, 1983, see section 13 of Pub. L. 98–150 set out as a note under section 102 of this Appendix.

–CITE–

5 USC APPENDIX – ETHICS IN GOVERNMENT ACT OF 1978 Sec.

405 01/06/03

–EXPCITE–

TITLE 5 – APPENDIX

ETHICS IN GOVERNMENT ACT OF 1978

TITLE IV – OFFICE OF GOVERNMENT ETHICS

–HEAD–

Sec. 405. Authorization of appropriations

–STATUTE–

There are authorized to be appropriated to carry out this title such sums as may be necessary for each of fiscal years 2002 through 2006.

–SOURCE–

(Pub. L. 95–521, title IV, Sec. 405, Oct. 26, 1978, 92 Stat. 1863;

Pub. L. 98–150, Sec. 12, Nov. 11, 1983, 97 Stat. 963; Pub. L. 100–598, Sec. 2, Nov. 3, 1988, 102 Stat. 3031; Pub. L. 101–334, Sec. 2, July 16, 1990, 104 Stat. 318; Pub. L. 102–506, Sec. 2, Oct. 24, 1992, 106 Stat. 3280; Pub. L. 104–179, Sec. 3, Aug. 6, 1996, 110 Stat. 1566; Pub. L. 107–119, Sec. 2, Jan. 15, 2002, 115 Stat. 2382.)

–MISC1–

AMENDMENTS

2002 – Pub. L. 107–119 substituted "2002 through 2006" for "1997 through 1999".

1996 – Pub. L. 104–179 amended text of section generally. Prior to amendment, text read as follows: "There are authorized to be appropriated to carry out the provisions of this title and for no other purpose –

"(1) not to exceed \$2,500,000 for the fiscal year ending September 30, 1989;

"(2) not to exceed \$5,000,000 for the fiscal year ending September 30, 1990; and

"(3) such sums as may be necessary for each of the 4 fiscal years thereafter."

1992 – Pub. L. 102–506 struck out "and" at end of par. (1), substituted "the fiscal year ending September 30, 1990; and" for "each of the 5 fiscal years thereafter." in par. (2), and added par. (3).

1990 – Par. (2). Pub. L. 101–334 substituted "\$5,000,000" for "\$3,500,000".

1988 – Pub. L. 100–598 amended section generally. Prior to amendment, section read as follows: "There are authorized to be appropriated to carry out the provisions of this title, and for no other purpose –

"(1) not to exceed \$2,000,000 for the fiscal year ending September 30, 1979; and

"(2) not to exceed \$2,000,000 for each of the nine fiscal years thereafter."

1983 – Par. (2). Pub. L. 98–150 substituted "nine" for "four".

EFFECTIVE DATE OF 1983 AMENDMENT

Amendment by Pub. L. 98–150 effective Oct. 1, 1983, see section 13 of Pub. L. 98–150 set out as a note under section 102 of this Appendix.

–CITE–

5 USC APPENDIX – ETHICS IN GOVERNMENT ACT OF 1978 Sec.

406 01/06/03

–EXPCITE–

TITLE 5 – APPENDIX

ETHICS IN GOVERNMENT ACT OF 1978

TITLE IV – OFFICE OF GOVERNMENT ETHICS

–HEAD–

Sec. 406. Annual pay

–STATUTE–

(Section amended section 5316 of Title 5, Government Organization and Employees.)

–CITE–

5 USC APPENDIX – ETHICS IN GOVERNMENT ACT OF 1978 Sec.

407 01/06/03

–EXPCITE–

TITLE 5 – APPENDIX

ETHICS IN GOVERNMENT ACT OF 1978

TITLE IV – OFFICE OF GOVERNMENT ETHICS

–HEAD–

Sec. 407. Annual pay of Director

–STATUTE–

(Section amended sections 5314 and 5316 of Title 5, Government Organization and Employees.)

–SOURCE–

(Pub. L. 95–521, title IV, Sec. 407, as added Pub. L. 98–150, Sec. 4, Nov. 11, 1983, 97 Stat. 960; amended Pub. L. 100–598, Sec. 8, Nov. 3, 1988, 102 Stat. 3035.)

–MISC1–

AMENDMENTS

1988 – Pub. L. 100–598 substituted "Annual pay of Director" for "Submission of budget" in section catchline and amended text generally. Prior to amendment, text read as follows:

"(a) In the budget submitted to the Congress pursuant to section 1105(a) of title 31, United States Code, the President shall include estimated expenditures and proposed appropriations the President decides are necessary to support the Office of Government Ethics in the fiscal year for which the budget is submitted and the

four fiscal years after that year.

"(b) In the statement of changes submitted to Congress with respect to the budget pursuant to section 1106(b) of title 31, United States Code, the President shall specify the effect of such changes on the information submitted pursuant to subsection (a) of this section."

EFFECTIVE DATE

Section effective Oct. 1, 1983, see section 13 of Pub. L. 98-150 set out as an Effective Date of 1983 Amendment note under section 102 of this Appendix.

–CITE–

5 USC APPENDIX – ETHICS IN GOVERNMENT ACT OF 1978 Sec.

408 01/06/03

–EXPCITE–

TITLE 5 – APPENDIX

ETHICS IN GOVERNMENT ACT OF 1978

TITLE IV – OFFICE OF GOVERNMENT ETHICS

–HEAD–

Sec. 408. Reports to Congress

–STATUTE–

The Director shall, no later than April 30 of each year in which the second session of a Congress begins, submit to the Congress a report containing –

(1) a summary of the actions taken by the Director during a 2-year period ending on December 31 of the preceding year in order to carry out the Director's functions and responsibilities

under this title; and

(2) such other information as the Director may consider appropriate.

–SOURCE–

(Pub. L. 95–521, title IV, Sec. 408, as added Pub. L. 100–598, Sec. 4, Nov. 3, 1988, 102 Stat. 3031; amended Pub. L. 104–179, Sec. 4(b)(2)(B), Aug. 6, 1996, 110 Stat. 1567.)

–MISC1–

AMENDMENTS

1996 – Pub. L. 104–179 substituted "April 30" for "March 31" in introductory provisions.

–CITE–

5 USC APPENDIX – ETHICS IN GOVERNMENT ACT OF 1978 TITLE

V – GOVERNMENT–WIDE LIMITATIONS ON OUTSIDE

EARNED INCOME AND EMPLOYMENT 01/06/03

–EXPCITE–

TITLE 5 – APPENDIX

ETHICS IN GOVERNMENT ACT OF 1978

TITLE V – GOVERNMENT–WIDE LIMITATIONS ON OUTSIDE EARNED INCOME AND EMPLOYMENT

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–HEAD–

TITLE V – GOVERNMENT–WIDE LIMITATIONS ON OUTSIDE EARNED INCOME AND EMPLOYMENT

–CITE–

5 USC APPENDIX – ETHICS IN GOVERNMENT ACT OF 1978 Sec.

501 01/06/03

~~–EXPCITE–~~

TITLE 5 – APPENDIX

ETHICS IN GOVERNMENT ACT OF 1978

TITLE V – GOVERNMENT–WIDE LIMITATIONS ON OUTSIDE EARNED INCOME AND
EMPLOYMENT

~~–HEAD–~~

Sec. 501. Outside earned income limitation

~~–STATUTE–~~

(a) Outside Earned Income Limitation. –

(1) Except as provided by paragraph (2), a Member or an officer or employee who is a noncareer officer or employee and who occupies a position classified above GS–15 of the General Schedule or, in the case of positions not under the General Schedule, for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS–15 of the General Schedule, may not in any calendar year have outside earned income attributable to such calendar year which exceeds 15 percent of the annual rate of basic pay for level II of the Executive Schedule under section 5313 of title 5, United States Code, as of January 1 of such calendar year.

(2) In the case of any individual who during a calendar year becomes a Member or an officer or employee who is a noncareer officer or employee and who occupies a position classified above GS–15 of the General Schedule or, in the case of positions not under the General Schedule, for which the rate of basic pay is

equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule, such individual may not have outside earned income attributable to the portion of that calendar year which occurs after such individual becomes a Member or such an officer or employee which exceeds 15 percent of the annual rate of basic pay for level II of the Executive Schedule under section 5313 of title 5, United States Code, as of January 1 of such calendar year multiplied by a fraction the numerator of which is the number of days such individual is a Member or such officer or employee during such calendar year and the denominator of which is 365.

(b) Honoraria Prohibition. – An individual may not receive any honorarium while that individual is a Member, officer or employee.

(c) Treatment of Charitable Contributions. – Any honorarium which, except for subsection (b), might be paid to a Member, officer or employee, but which is paid instead on behalf of such Member, officer or employee to a charitable organization, shall be deemed not to be received by such Member, officer or employee. No such payment shall exceed \$2,000 or be made to a charitable organization from which such individual or a parent, sibling, spouse, child, or dependent relative of such individual derives any financial benefit.

–SOURCE–

(Pub. L. 95-521, title V, Sec. 501, as added Pub. L. 101-194, title VI, Sec. 601(a), Nov. 30, 1989, 103 Stat. 1760; amended Pub. L. 101-280, Sec. 7(a), May 4, 1990, 104 Stat. 161; Pub. L. 102-378,

Sec. 4(b)(1), (2), Oct. 2, 1992, 106 Stat. 1357.)

–REFTEXT–

REFERENCES IN TEXT

The General Schedule, referred to in subsec. (a), is set out under section 5332 of this title.

–MISC2–

PRIOR PROVISIONS

A prior section 501 of Pub. L. 95–521, title V, Oct. 26, 1978, 92 Stat. 1864, amended section 207 of Title 18, Crimes and Criminal Procedure, and the analysis of chapter 11 of Title 18.

AMENDMENTS

1992 – Subsec. (a)(1). Pub. L. 102–378, Sec. 4(b)(1), substituted "who occupies a position classified above GS–15 of the General Schedule or, in the case of positions not under the General Schedule, for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS–15 of the General Schedule," for "whose rate of basic pay is equal to or greater than the annual rate of basic pay in effect for grade GS–16 of the General Schedule under section 5332 of title 5, United States Code,".

Subsec. (a)(2). Pub. L. 102–378, Sec. 4(b)(2), substituted "who during a calendar year becomes a Member or an officer or employee who is a noncareer officer or employee and who occupies a position classified above GS–15 of the General Schedule or, in the case of positions not under the General Schedule, for which the rate of basic pay is equal to or greater than 120 percent of the minimum

rate of basic pay payable for GS-15 of the General Schedule," for "who becomes a Member or an officer or employee who is a noncareer officer or employee and whose rate of basic pay is equal to or greater than the annual rate of basic pay in effect for grade GS-16 of the General Schedule during a calendar year,".

1990 – Subsec. (a)(1). Pub. L. 101-280, Sec. 7(a)(1), substituted "a noncareer officer or employee" for "not a career civil servant".

Subsec. (a)(2). Pub. L. 101-280, Sec. 7(a)(1), substituted "a noncareer officer or employee" for "not a career civil servant".

Pub. L. 101-280, Sec. 7(a)(2), substituted "Member or such an officer or employee which" for "Member, officer or employee which" and "Member or such officer or employee during" for "Member, officer or employee during".

EFFECTIVE DATE

Section effective Jan. 1, 1991, but shall cease to be effective if the provisions of section 703 of Pub. L. 101-194, 5 U.S.C. 5318 note, are subsequently repealed, see section 603 of Pub. L.

101-194, set out as an Effective Date of 1989 Amendment note under section 7701 of Title 26, Internal Revenue Code.

–SECRET–

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 502, 504 of this Appendix; title 22 section 3613; title 26 section 7701.

–CITE–

5 USC APPENDIX – ETHICS IN GOVERNMENT ACT OF 1978 Sec.

502 01/06/03

~~–EXPCITE–~~

TITLE 5 – APPENDIX

ETHICS IN GOVERNMENT ACT OF 1978

TITLE V – GOVERNMENT–WIDE LIMITATIONS ON OUTSIDE EARNED INCOME AND
EMPLOYMENT

~~–HEAD–~~

Sec. 502. Limitations on outside employment

~~–STATUTE–~~

(a) Limitations. – A Member or an officer or employee who is a noncareer officer or employee and who occupies a position classified above GS–15 of the General Schedule or, in the case of positions not under the General Schedule, for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS–15 of the General Schedule shall not –

(1) receive compensation for affiliating with or being employed by a firm, partnership, association, corporation, or other entity which provides professional services involving a fiduciary relationship;

(2) permit that Member's, officer's, or employee's name to be used by any such firm, partnership, association, corporation, or other entity;

(3) receive compensation for practicing a profession which involves a fiduciary relationship;

(4) serve for compensation as an officer or member of the board

of any association, corporation, or other entity; or

(5) receive compensation for teaching, without the prior notification and approval of the appropriate entity referred to in section 503.

(b) Teaching Compensation of Justices and Judges Retired From Regular Active Service. – For purposes of the limitation under section 501(a), any compensation for teaching approved under subsection (a)(5) of this section shall not be treated as outside earned income –

(1) when received by a justice of the United States retired from regular active service under section 371(b) of title 28, United States Code;

(2) when received by a judge of the United States retired from regular active service under section 371(b) of title 28, United States Code, for teaching performed during any calendar year for which such judge has met the requirements of subsection (f) of section 371 of title 28, United States Code, as certified in accordance with such subsection; or

(3) when received by a justice or judge of the United States retired from regular active service under section 372(a) of title 28, United States Code.

–SOURCE–

(Pub. L. 95–521, title V, Sec. 502, as added Pub. L. 101–194, title VI, Sec. 601(a), Nov. 30, 1989, 103 Stat. 1761; amended Pub. L. 101–280, Sec. 7(a)(1), (b), May 4, 1990, 104 Stat. 161; Pub. L. 101–650, title III, Sec. 319, Dec. 1, 1990, 104 Stat. 5117; Pub. L.

102–198, Sec. 6, Dec. 9, 1991, 105 Stat. 1624; Pub. L. 102–378, Sec. 4(b)(3), Oct. 2, 1992, 106 Stat. 1357.)

–REFTEXT–

REFERENCES IN TEXT

The General Schedule, referred to in subsec. (a), is set out under section 5332 of this title.

–MISC2–

PRIOR PROVISIONS

A prior section 502 of Pub. L. 95–521, title V, Oct. 26, 1978, 92 Stat. 1867, is set out as a note under section 207 of Title 18, Crimes and Criminal Procedure.

AMENDMENTS

1992 – Subsec. (a). Pub. L. 102–378, Sec. 4(b)(3), substituted "who occupies a position classified above GS–15 of the General Schedule or, in the case of positions not under the General Schedule, for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS–15 of the General Schedule" for "whose rate of basic pay is equal to or greater than the annual rate of basic pay in effect for grade GS–16 of the General Schedule".

1991 – Subsec. (b). Pub. L. 102–198 substituted heading for one which read "Senior Judges Teaching Compensation" and amended text generally. Prior to amendment, text read as follows: "Any compensation for teaching received by a senior judge (as designated under section 294(b) of title 28, United States Code) approved under subsection (a)(5) of this section shall not be treated as

outside earned income for the purpose of the limitation under section 501(a)."

1990 – Pub. L. 101–650 designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

Pub. L. 101–280, Sec. 7(a)(1), in introductory provisions substituted "a noncareer officer or employee" for "not a career civil servant".

Pub. L. 101–280, Sec. 7(b)(1), in par. (1) substituted "receive compensation for affiliating with or being" for "affiliate with or be" and "which provides professional services involving" for "to provide professional services which involves", and struck out "for compensation" after "relationship".

Pub. L. 101–280, Sec. 7(b)(2), in par. (3) substituted "receive compensation for practicing" for "practice" and struck out "for compensation" after "relationship".

EFFECTIVE DATE

Section effective Jan. 1, 1991, but shall cease to be effective if the provisions of section 703 of Pub. L. 101–194, 5 U.S.C. 5318 note, are subsequently repealed, see section 603 of Pub. L. 101–194, set out as an Effective Date of 1989 Amendment note under section 7701 of Title 26, Internal Revenue Code.

–SECRET–

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 504 of this Appendix; title 22 section 3613.

–CITE–

503 01/06/03

–EXPCITE–

TITLE 5 – APPENDIX

ETHICS IN GOVERNMENT ACT OF 1978

TITLE V – GOVERNMENT–WIDE LIMITATIONS ON OUTSIDE EARNED INCOME AND
EMPLOYMENT

–HEAD–

Sec. 503. Administration

–STATUTE–

This title shall be subject to the rules and regulations of –

(1) and administered by –

(A) the Committee on Standards of Official Conduct of the
House of Representatives, with respect to Members, officers,
and employees of the House of Representatives; and

(B) in the case of Senators and legislative branch officers
and employees other than those officers and employees specified
in subparagraph (A), the committee to which reports filed by
such officers and employees under title I are transmitted under
such title, except that the authority of this section may be
delegated by such committee with respect to such officers and
employees;

(2) the Office of Government Ethics and administered by
designated agency ethics officials with respect to officers and
employees of the executive branch; and

(3) and administered by the Judicial Conference of the United

States (or such other agency as it may designate) with respect to officers and employees of the judicial branch.

–SOURCE–

(Pub. L. 95–521, title V, Sec. 503, as added Pub. L. 101–194, title VI, Sec. 601(a), Nov. 30, 1989, 103 Stat. 1761; amended Pub. L. 101–280, Sec. 7(c), May 4, 1990, 104 Stat. 161; Pub. L. 102–90, title I, Sec. 6(b)(1), Aug. 14, 1991, 105 Stat. 450.)

–MISC1–

PRIOR PROVISIONS

A prior section 503 of Pub. L. 95–521, title V, Oct. 26, 1978, 92 Stat. 1867, is set out as a note under section 207 of Title 18, Crimes and Criminal Procedure.

AMENDMENTS

1991 – Par. (1)(B). Pub. L. 102–90 substituted "Senators and legislative branch officers and employees" for "legislative branch officers and employees other than Senators, officers, and employees of the Senate and".

1990 – Par. (1). Pub. L. 101–280 amended par. (1) generally.

Prior to amendment, par. (1) read as follows: "and administered by the committee of the House of Representatives assigned responsibility for administering the reporting requirements of title I with respect to Members, officers and employees of the House of Representatives;"

EFFECTIVE DATE OF 1991 AMENDMENT

Section 6(f)(1) of Pub. L. 102–90 provided that: "Except for the provisions of subsection (e)(1) (105 Stat. 451), the provisions of

this section (amending this section and section 505 of Pub. L. 95–521, set out in this Appendix, repealing sections 31–1 and 441i of Title 2, The Congress, enacting provisions set out as a note under section 5318 of this title, and repealing provisions set out as notes under sections 31 and 358 of Title 2) shall take effect on the date of the enactment of this Act (Aug. 14, 1991)."

EFFECTIVE DATE

Section effective Jan. 1, 1991, but shall cease to be effective if the provisions of section 703 of Pub. L. 101–194, 5 U.S.C. 5318 note, are subsequently repealed, see section 603 of Pub. L. 101–194, set out as an Effective Date of 1989 Amendment note under section 7701 of Title 26, Internal Revenue Code.

~~–SECRET–~~

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 502, 504 of this Appendix.

~~–CITE–~~

5 USC APPENDIX – ETHICS IN GOVERNMENT ACT OF 1978 Sec.

504 01/06/03

~~–EXPCITE–~~

TITLE 5 – APPENDIX

ETHICS IN GOVERNMENT ACT OF 1978

TITLE V – GOVERNMENT–WIDE LIMITATIONS ON OUTSIDE EARNED INCOME AND EMPLOYMENT

~~–HEAD–~~

Sec. 504. Civil Penalties

–STATUTE–

(a) Civil Action. – The Attorney General may bring a civil action in any appropriate United States district court against any individual who violates any provision of section 501 or 502. The court in which such action is brought may assess against such individual a civil penalty of not more than \$10,000 or the amount of compensation, if any, which the individual received for the prohibited conduct, whichever is greater.

(b) Advisory Opinions. – Any entity described in section 503 may render advisory opinions interpreting this title, in writing, to individuals covered by this title. Any individual to whom such an advisory opinion is rendered and any other individual covered by this title who is involved in a fact situation which is indistinguishable in all material aspects, and who, after the issuance of such advisory opinion, acts in good faith in accordance with its provisions and findings shall not, as a result of such actions, be subject to any sanction under subsection (a).

–SOURCE–

(Pub. L. 95–521, title V, Sec. 504, as added Pub. L. 101–194, title VI, Sec. 601(a), Nov. 30, 1989, 103 Stat. 1761.)

–MISC1–

EFFECTIVE DATE

Section effective Jan. 1, 1991, but shall cease to be effective if the provisions of section 703 of Pub. L. 101–194, 5 U.S.C. 5318 note, are subsequently repealed, see section 603 of Pub. L. 101–194, set out as an Effective Date of 1989 Amendment note under

section 7701 of Title 26, Internal Revenue Code.

–CITE–

5 USC APPENDIX – ETHICS IN GOVERNMENT ACT OF 1978 Sec.

505 01/06/03

–EXPCITE–

TITLE 5 – APPENDIX

ETHICS IN GOVERNMENT ACT OF 1978

TITLE V – GOVERNMENT–WIDE LIMITATIONS ON OUTSIDE EARNED INCOME AND
EMPLOYMENT

–HEAD–

Sec. 505. Definitions

–STATUTE–

For purposes of this title:

(1) The term "Member" means a Senator in, a Representative in, or a Delegate or Resident Commissioner to, the Congress.

(2) The term "officer or employee" means any officer or employee of the Government except any special Government employee (as defined in section 202 of title 18, United States Code).

(3) The term "honorarium" means a payment of money or any thing of value for an appearance, speech or article (including a series of appearances, speeches, or articles if the subject matter is directly related to the individual's official duties or the payment is made because of the individual's status with the Government) by a Member, officer or employee, excluding any actual and necessary travel expenses incurred by such individual (and one relative) to the extent that such expenses are paid or

reimbursed by any other person, and the amount otherwise determined shall be reduced by the amount of any such expenses to the extent that such expenses are not paid or reimbursed.

(4) The term "travel expenses" means, with respect to a Member, officer or employee, or a relative of any such individual, the cost of transportation, and the cost of lodging and meals while away from his or her residence or principal place of employment.

(5) The term "charitable organization" means an organization described in section 170(c) of the Internal Revenue Code of 1986 (26 U.S.C. 170(c)).

–SOURCE–

(Pub. L. 95–521, title V, Sec. 505, as added Pub. L. 101–194, title VI, Sec. 601(a), Nov. 30, 1989, 103 Stat. 1761; amended Pub. L. 102–90, title I, Sec. 6(b)(2), (3), title III, Sec. 314(b), Aug. 14, 1991, 105 Stat. 450, 469.)

–MISC1–

AMENDMENTS

1991 – Par. (1). Pub. L. 102–90, Sec. 6(b)(2), inserted "a Senator in," before "a Representative".

Par. (2). Pub. L. 102–90, Sec. 6(b)(3), struck out "(A) any individual (other than the Vice President) whose compensation is disbursed by the Secretary of the Senate or (B)" after "except".

Par. (3). Pub. L. 102–90, Sec. 314(b), inserted "(including a series of appearances, speeches, or articles if the subject matter is directly related to the individual's official duties or the

payment is made because of the individual's status with the

Government)" before "by a Member".

EFFECTIVE DATE OF 1991 AMENDMENT

Amendment by section 314(b) of Pub. L. 102–90 effective Jan. 1, 1992, see section 314(g)(1) of Pub. L. 102–90, as amended, set out as a note under section 31–2 of Title 2, The Congress.

EFFECTIVE DATE

Section effective Jan. 1, 1991, but shall cease to be effective if the provisions of section 703 of Pub. L. 101–194, 5 U.S.C. 5318 note, are subsequently repealed, see section 603 of Pub. L. 101–194, set out as an Effective Date of 1989 Amendment note under section 7701 of Title 26, Internal Revenue Code.

–SECREf–

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 109 of this Appendix.

–CITE–

5 USC APPENDIX – REORGANIZATION PLANS 01/06/03

–EXPCITE–

TITLE 5 – APPENDIX

REORGANIZATION PLANS

–HEAD–

REORGANIZATION PLANS

–MISC1–

THIS PORTION OF THE APPENDIX CONTAINS REORGANIZATION PLANS WHICH TOOK EFFECT IN ACCORDANCE WITH THE PROVISIONS OF SECTION 901 ET SEQ. OF THIS TITLE OR CORRESPONDING PRIOR PROVISIONS OF LAW.

–CITE–

5 USC APPENDIX – REORGANIZATION PLAN NO. I OF 1939

REORGANIZATION PLAN NO. I OF 1939 01/06/03

–EXPCITE–

TITLE 5 – APPENDIX

REORGANIZATION PLANS

REORGANIZATION PLAN NO. I OF 1939

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–HEAD–

REORGANIZATION PLAN NO. I OF 1939

–MISC1–

EFF. JULY 1, 1939, 4 F.R. 2727, 53 STAT. 1423, BY ACT JUNE 7, 1939,

CH. 193, 53 STAT. 813, AS AMENDED SEPT. 13, 1982, PUB. L. 97–258,

SEC. 5(B), 96 STAT. 1068, 1085

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, April 25, 1939, pursuant to the provisions of the Reorganization Act of 1939, approved April 3, 1939.

PART 1. EXECUTIVE OFFICE OF THE PRESIDENT

SECTION 1. BUREAU OF THE BUDGET

(Repealed. Pub. L. 97–258, Sec. 5(b), Sept. 13, 1982, 96 Stat.

1068, 1085. Section transferred the Bureau of the Budget and its

functions and personnel from the Treasury Department to the

Executive Office of the President, and provided that the functions

of the Bureau be administered by the Director under the direction

and supervision of the President. See 31 U.S.C. 501 et seq.)

SEC. 2. CENTRAL STATISTICAL BOARD

(Repealed. Pub. L. 97–258, Sec. 5(b), Sept. 13, 1982, 96 Stat.

1068, 1085. Section transferred the Central Statistical Board and its functions and personnel to the Bureau of the Budget, and provided that the Chairman of the Board perform such administrative duties as the Director of the Bureau shall prescribe.)

SEC. 3. CENTRAL STATISTICAL COMMITTEE ABOLISHED AND FUNCTIONS TRANSFERRED

(Repealed. Pub. L. 97–258, Sec. 5(b), Sept. 13, 1982, 96 Stat.

1068, 1085. Section abolished the Board and transferred its functions to the Director of the Bureau of the Budget.)

SEC. 4. NATIONAL RESOURCES PLANNING BOARD

(a) The functions of the National Resources Committee, established by Executive Order No. 7065 of June 7, 1935, and its personnel (except the members of the Committee) and all of the functions of the Federal Employment Stabilization Office in the Department of Commerce and its personnel are hereby transferred to the Executive Office of the President. The functions transferred by this section are hereby consolidated, and they shall be administered under the direction and supervision of the President by the National Resources Planning Board (hereafter referred to as the Board), which shall be composed of five members to be appointed by the President. The President shall designate one of the members of the Board as Chairman and another as Vice Chairman. The Vice Chairman shall act as Chairman in the absence of the Chairman or in the event of a vacancy in that office. The members of the Board

shall be compensated at the rate of \$50 per day for time spent in attending and traveling to and from meetings, or in otherwise exercising the functions and duties of the Board, plus the actual cost of transportation: Provided, That in no case shall a member be entitled to receive compensation for more than thirty days' service in two consecutive months. (Functions of Board were authorized to be carried out until June 30, 1940, and provisions concerning composition of Board were contained in Emergency Relief Appropriation Act of 1939.)

(b) The Board shall determine the rules of its own proceedings, and a majority of its members in office shall constitute a quorum for the transaction of business, but the Board may function notwithstanding vacancies.

(c) The Board may appoint necessary officers and employees and may delegate to such officers authority to perform such duties and make such expenditures as may be necessary. (Board abolished August 31, 1943, by act June 26, 1943, ch. 145, title I, Sec. 1, 57 Stat. 170, and records and files were transferred to the National Archives.)

SEC. 5. NATIONAL RESOURCES COMMITTEE ABOLISHED

The National Resources Committee is hereby abolished, and its outstanding affairs shall be wound up by the National Resources Planning Board.

SEC. 6. FEDERAL EMPLOYMENT STABILIZATION OFFICE ABOLISHED

The Federal Employment Stabilization Office is hereby abolished, and the Secretary of Commerce shall promptly wind up its affairs.

SEC. 7. TRANSFER OF RECORDS AND PROPERTY

All records and property (including office equipment) of the several agencies transferred, or the functions of which are transferred, by this part are hereby transferred to the Executive Office of the President for use in the administration of the agencies and functions transferred by this part.

SEC. 8. TRANSFER OF FUNDS

So much of the unexpended balances of appropriations, allocations, or other funds available (including those available for the fiscal year ending June 30, 1940) for the use of any agency in the exercise of any functions transferred by this part, or for the use of the head of any department or agency in the exercise of any functions so transferred, as the Director of the Bureau of the Budget shall determine, shall be transferred to the Executive Office of the President for use in connection with the exercise of functions transferred by this part. In determining the amount to be transferred the Director of the Bureau of the Budget may include an amount to provide for the liquidation of obligations incurred against such appropriations, allocations, or other funds prior to the transfer: Provided, That the use of the unexpended balances of appropriations, allocations, or other funds transferred by this section shall be subject to the provisions of section 4(d)(3) and section 9 of the Reorganization Act of 1939.

SEC. 9. PERSONNEL

Any personnel transferred by this part found to be in excess of the personnel necessary for the efficient administration of the

functions transferred by this part shall be retransferred under existing law to other positions in the Government service, or separated from the service subject to the provisions of section 10(a) of the Reorganization Act of 1939.

PART 2. FEDERAL SECURITY AGENCY

SEC. 201. FEDERAL SECURITY AGENCY

(a) The United States Employment Service in the Department of Labor and its functions and personnel are transferred from the Department of Labor; the Office of Education in the Department of the Interior and its functions and personnel (including the Commissioner of Education) are transferred from the Department of the Interior; the Public Health Service in the Department of the Treasury and its functions and personnel (including the Surgeon General of the Public Health Service) are transferred from the Department of the Treasury; the National Youth Administration within the Works Progress Administration and its functions and personnel (including its Administrator) are transferred from the Works Progress Administration; and these agencies and their functions, together with the Social Security Board and its functions, and the Civilian Conservation Corps and its functions, are hereby consolidated under one agency to be known as the Federal Security Agency, with a Federal Security Administrator at the head thereof. The Federal Security Administrator shall be appointed by the President, by and with the advice and consent of the Senate, and shall receive a salary at the rate of \$12,000 per annum. He shall have general direction and supervision over the

administration of the several agencies consolidated into the Federal Security Agency by this section and shall be responsible for the coordination of their functions and activities.

(b) The Federal Security Administrator shall appoint an Assistant Federal Security Administrator, who shall receive a salary at the rate of \$9,000 per annum, and he may also appoint such other personnel and make such expenditures as may be necessary.

(c) The Assistant Administrator shall act as Administrator during the absence or disability of the Administrator or in the event of a vacancy in that office and shall perform such other duties as the Administrator shall direct.

(d) The several agencies and functions consolidated by this section into the Federal Security Agency shall carry with them their personnel. (Federal Security Agency abolished and functions transferred to Department of Health, Education, and Welfare (Health and Human Services) by Reorg. Plan No. 3 of 1953.)

SEC. 202. SOCIAL SECURITY BOARD

The Social Security Board and its functions shall be administered as a part of the Federal Security Agency under the direction and supervision of the Federal Security Administrator. The Chairman of the Social Security Board shall perform such administrative duties as the Federal Security Administrator shall direct.

SEC. 203. UNITED STATES EMPLOYMENT SERVICE

(a) The functions of the United States Employment Service shall be consolidated with the unemployment compensation functions of the Social Security Board and shall be administered in the Social

Security Board in connection with such unemployment compensation functions under the direction and supervision of the Federal Security Administrator.

(b) The office of the Director of the United States Employment Service is hereby abolished, and all of the functions of such office are transferred to, and shall be exercised by, the Social Security Board.

(c) All functions of the Secretary of Labor relating to the administration of the United States Employment Service are hereby transferred to, and shall be exercised by, the Federal Security Administrator.

SEC. 204. OFFICE OF EDUCATION

(a) The Office of Education and its functions shall be administered by the Commissioner of Education under the direction and supervision of the Federal Security Administrator.

(b) All functions of the Secretary of the Interior relating to the administration of the Office of Education are hereby transferred to, and shall be exercised by, the Federal Security Administrator.

SEC. 205. PUBLIC HEALTH SERVICE

(a) The Public Health Service and its functions shall be administered by the Surgeon General of the Public Health Service under the direction and supervision of the Federal Security Administrator.

(b) All the functions of the Secretary of the Treasury relating to the administration of the Public Health Service, except those

functions relating to the acceptance and investment of gifts as authorized by sections 23(b) and 137(e), (FOOTNOTE 1) title 42, U.S. Code (see 42 U.S.C. 219, 286d), are hereby transferred to, and shall be exercised by, the Federal Security Administrator.

(FOOTNOTE 1) So in original. Probably should be "sections 23b and 137e,".

SEC. 206. NATIONAL YOUTH ADMINISTRATION

The National Youth Administration and its functions shall be administered by the National Youth Administrator under the direction and supervision of the Federal Security Administrator.

(National Youth Administration was extended until June 30, 1940, by Emergency Relief Appropriation Act of 1939, Sec. 2(d) and until June 30, 1941, by Labor–Federal Security Appropriation Act, 1941, title II), (National Youth Administration was transferred to War Manpower Commission by Ex. Ord. No. 9247.)

(Liquidation of the National Youth Administration was provided for by acts July 12, 1943, ch. 221, title VII, 57 Stat. 518; June 28, 1944, ch. 302, title II, 58 Stat. 564, and disposal of its property was covered by acts July 12, 1943, ch. 229, title I, 57 Stat. 540; Dec. 23, 1943, ch. 380, title I, 57 Stat. 615.)

SEC. 207. CIVILIAN CONSERVATION CORPS

The Civilian Conservation Corps and its functions shall be administered by the Director of the Civilian Conservation Corps under the direction and supervision of the Federal Security Administrator.

SEC. 208. TRANSFER OF RECORDS AND PROPERTY

All records and property (including office equipment) of the several agencies which, with their functions, are consolidated by section 201 into the Federal Security Agency are hereby transferred to the jurisdiction and control of the Federal Security Agency for use in the administration of the agencies and functions consolidated by that section.

SEC. 209. TRANSFER OF FUNDS

So much of the unexpended balances of appropriations, allocations, or other funds (including those available for the fiscal year ending June 30, 1940) available for the use of any agency in the exercise of any functions transferred by this part, or for the use of the head of any department or agency in the exercise of any functions so transferred, as the Director of the Bureau of the Budget shall determine, shall be transferred for use in connection with the exercise of the functions transferred by this part. In determining the amount to be transferred the Director of the Bureau of the Budget may include an amount to provide for the liquidation of obligations incurred against such appropriations, allocations, or other funds prior to the transfer: Provided, That the use of the unexpended balances of appropriations, allocations, or other funds transferred by this section shall be subject to the provisions of section 4(d)(3) and section 9 of the Reorganization Act of 1939.

SEC. 210. ADMINISTRATIVE FUNDS

The Director of the Bureau of the Budget shall allocate to the Federal Security Agency, from appropriations, allocations, or other

funds available (including those available for the fiscal year ending June 30, 1940) for the administrative expenses of the agencies and functions consolidated by this part, such sums, and in such proportions, as he may find necessary for the administrative expenses of the Federal Security Agency.

SEC. 211. PERSONNEL

Any personnel transferred by this part found to be in excess of the personnel necessary for the efficient administration of the functions transferred by this part shall be retransferred under existing law to other positions in the Government service, or separated from the service subject to the provisions of section 10(a) of the Reorganization Act of 1939.

PART 3. FEDERAL WORKS AGENCY

SEC. 301. FEDERAL WORKS AGENCY

(a) The Bureau of Public Roads in the Department of Agriculture and its functions and personnel (including the Chief thereof) are transferred from the Department of Agriculture; the Public Buildings Branch of the Procurement Division in the Treasury Department and its functions and personnel are transferred from the Treasury Department; the Branch of Buildings Management of the National Park Service in the Department of the Interior and its functions and personnel (except those relating to monuments and memorials), and the functions of the National Park Service in the District of Columbia in connection with the general assignment of space, the selection of sites for public buildings, and the determination of the priority in which the construction or

enlargement of public buildings shall be undertaken, and the personnel engaged exclusively in the administration of such functions, and the United States Housing Authority in the Department of the Interior and its functions and personnel (including the Administrator) are transferred from the Department of the Interior; and all of these agencies and functions, together with the Federal Emergency Administration of Public Works and its functions, and all of the Works Progress Administration and its functions (except the National Youth Administration and its functions) are hereby consolidated into one agency to be known as the Federal Works Agency, with a Federal Works Administrator at the head thereof. The Federal Works Administrator shall be appointed by the President, by and with the advice and consent of the Senate, and shall receive a salary at the rate of \$12,000 per annum. He shall have general direction and supervision over the administration of the several agencies consolidated into the Federal Works Agency by this section and shall be responsible for the coordination of their functions. (Federal Works Agency abolished and functions transferred to General Services Administration by act June 30, 1949, ch. 288, title I, Sec. 103, 63 Stat. 380.)

(b) The Federal Works Administrator shall appoint an Assistant Federal Works Administrator, who shall receive a salary at the rate of \$9,000 per annum, and he may also appoint such other personnel and make such expenditures as may be necessary.

(c) The Assistant Administrator shall act as Administrator during

the absence or disability of the Administrator, or in the event of a vacancy in that office, and shall perform such other duties as the Administrator shall direct.

(d) The several agencies and functions consolidated by this section in the Federal Works Agency shall carry with them their personnel.

SEC. 302. PUBLIC ROADS ADMINISTRATION

(a) The Bureau of Public Roads and its functions shall be administered as the Public Roads Administration at the head of which shall be the Chief of the Bureau of Public Roads whose title shall be changed to Commissioner of Public Roads. Hereafter the Commissioner of Public Roads shall be appointed by the Federal Works Administrator.

(b) All functions of the Secretary of Agriculture relating to the administration of the Bureau of Public Roads are hereby transferred to, and shall be exercised by, the Federal Works Administrator.

SEC. 303. PUBLIC BUILDINGS ADMINISTRATION

(a) The Public Buildings Branch of the Procurement Division and its functions the Branch of Buildings Management of the National Park Service and its functions (except those relating to monuments and memorials) and the functions of the National Park Service in the District of Columbia in connection with the general assignment of space, the selection of sites for public buildings, and the determination of the priority in which the construction or enlargement of public buildings shall be undertaken, are hereby consolidated and shall be administered as the Public Buildings

Administration, with a Commissioner of Public Buildings at the head thereof. The Commissioner of Public Buildings shall be appointed by the Federal Works Administrator and shall receive a salary at the rate of \$9,000 per annum. The Commissioner of Public Buildings shall act under the direction and supervision of the Federal Works Administrator.

(b) All functions of the Secretary of the Treasury and the Director of Procurement relating to the Administration of the Public Buildings Branch of the Procurement Division and to the selection of location and sites for public buildings, and all functions of the Secretary of the Interior and the Director of the National Park Service relating to the administration of the functions of the Branch of Buildings Management and the functions of the National Park Service in the District of Columbia in connection with the general assignment of space, the selection of sites for public buildings, and the determination of the priority in which the construction or enlargement of public buildings shall be undertaken, are hereby transferred to, and shall be exercised by, the Federal Works Administrator.

SEC. 304. UNITED STATES HOUSING AUTHORITY

(a) The United States Housing Authority and its functions shall be administered by the United States Housing Administrator under the direction and supervision of the Federal Works Administrator.

(b) All functions of the Secretary of the Interior relating to the administration of the United States Housing Authority are hereby transferred to, and shall be exercised by, the Federal Works

Administrator. (United States Housing Authority consolidated with other agencies into National Housing Authority during World War II, see Ex. Ord. No. 9070.) (Change of name of United States Housing Authority to Public Housing Administration and transfer to Housing and Home Finance Agency, see 1947 Reorg. Plan No. 3.) (Housing and Home Finance Agency lapsed and functions were transferred to Secretary of Housing and Urban Development, see section 9(c) of Pub. L. 89-174, Sept. 9, 1965, 79 Stat. 670, set out as a note under 42 U.S.C. 3531.)

SEC. 305. PUBLIC WORKS ADMINISTRATION

The Federal Emergency Administration of Public Works and its functions shall be administered as the Public Works Administration with a Commissioner of Public Works at the head thereof. The Commissioner of Public Works shall be appointed by the Federal Works Administrator and shall receive a salary at the rate of \$10,000 per annum. The Commissioner of Public Works shall act under the direction and supervision of the Federal Works Administrator.

(Appropriations for liquidation of the Public Works Administration were authorized by the Second Deficiency Appropriation Act of 1944, act June 28, 1944, ch. 304, title I, 58 Stat. 602, and First Deficiency Appropriation Act, 1945, act Apr. 25, 1945, ch. 95, title I, Sec. 1, 59 Stat. 80.)

SEC. 306. WORK PROJECTS ADMINISTRATION

The Works Progress Administration and its functions (except the National Youth Administration and its functions) shall be

administered as the Work Projects Administration, with a Commissioner of Work Projects at the head thereof. The Commissioner shall be appointed by the Federal Works Administrator and shall receive a salary at the rate of \$10,000 per annum. The Commissioner shall act under the direction and supervision of the Federal Works Administrator. (Functions were authorized to be carried out until June 30, 1941, and provisions concerning appointment of Commissioner were contained in Emergency Relief Appropriation Act of 1939, Sec. 1(f and g) and Emergency Relief Appropriation Act of 1941, Sec. 1(i and j), set out in note under chapter 16 of Title 15, Commerce and trade.) (Functions were authorized to be carried out until June 30, 1941, and provisions concerning appointment of Commissioner were contained in Emergency Relief Appropriation Act of 1939, Sec. 1(f and g) and Emergency Relief Appropriation Act of 1941, Sec. 1(i and j).) (Functions, records, property, personnel and administration of the Sample Surveys Section of Work Projects Administration transferred to Bureau of Census, Dept. of Commerce, see Ex. Ord. No. 9232.) (Liquidation of the Works Projects Administration was ordered by President's letter of December 4, 1942, and appropriations for the liquidation were authorized by act July 12, 1943, ch. 229, title I, 57 Stat. 540.)

SEC. 307. TRANSFER OF RECORDS AND PROPERTY

All records and property (including office equipment) of the several agencies which, with their functions, are consolidated by section 301 into the Federal Works Agency are hereby transferred to

the jurisdiction and control of the Federal Works Agency for use in the administration of the agencies and functions consolidated by that section.

SEC. 308. TRANSFER OF FUNDS

(a) So much of the unexpended balances of appropriations, allocations, or other funds available (including those available for the fiscal year ending June 30, 1940) for the use of any agency (except the United States Housing Authority) in the exercise of any functions transferred by this part, or for the use of the head of any department or agency in the exercise of any functions so transferred, and so much of such balances available to the United States Housing Authority for administrative expenses, as the Director of the Bureau of the Budget shall determine, shall be transferred for use in connection with the exercise of the functions transferred by this Part. In determining the amount to be transferred the Director of the Bureau of the Budget may include an amount to provide for the liquidation of obligations incurred against such appropriations, allocations, or other funds prior to the transfer: Provided, That the use of the unexpended balances of appropriations, allocations, or other funds transferred by this section shall be subject to the provisions of section 4(d)(3) and section 9 of the Reorganization Act of 1939.

(b) All unexpended balances of appropriations, allocations, or other funds available (including those available for the fiscal year ending June 30, 1940) for the use of the United States Housing Authority, other than those transferred by subsection (a) of this

section, are hereby transferred with the United States Housing Authority and shall remain available to it for the exercise of its functions.

SEC. 309. ADMINISTRATIVE FUNDS

The Director of the Bureau of the Budget shall allocate to the Federal Works Agency, from appropriations, allocations, or other funds available (including those available for the fiscal year ending June 30, 1940) for the administrative expenses of the agencies and functions consolidated by section 301, such sums, and in such proportions, as he may find necessary for the administrative expenses of the Federal Works Agency.

SEC. 310. PERSONNEL

Any of the personnel transferred by this part found to be in excess of the personnel necessary for the efficient administration of the functions transferred by this part shall be retransferred under existing law to other positions in the Government service, or separated from the service subject to the provisions of section 10(a) of the Reorganization Act of 1939.

PART 4. LENDING AGENCIES

SEC. 401. (A) TRANSFERS TO THE DEPARTMENT OF AGRICULTURE

The Farm Credit Administration, the Federal Farm Mortgage Corporation, and the Commodity Credit Corporation, and their functions and activities, together with their respective personnel, records, and property (including office equipment), are hereby transferred to the Department of Agriculture and shall be administered in such Department under the general direction and

supervision of the Secretary of Agriculture, who shall be responsible for the coordination of their functions and activities.

(B) TRANSFER OF ADMINISTRATIVE FUNDS

So much of the unexpended balances of appropriations, allocations, or other funds available (including those available for the fiscal year ending June 30, 1940) for the administrative expenses of any agency transferred by this section, as the Director of the Bureau of the Budget shall determine, shall be transferred to the Secretary of Agriculture for such use; and the Director of the Bureau of the Budget shall allocate to the Secretary of Agriculture from such funds, such sums, and in such proportions, as he may find necessary for the administrative expenses of the Secretary of Agriculture in connection with the agencies and functions transferred by this section. In determining the amount to be transferred, the Director of the Bureau of the Budget may include an amount to provide for the liquidation of obligations incurred against such appropriations, allocations, or other funds prior to the transfer. The use of the unexpended balances of appropriations, allocations, or other funds transferred by this subsection shall be subject to the provision of section 4(d)(3) and section 9 of the Reorganization Act of 1939.

(C) TRANSFER OF OTHER FUNDS

All unexpended balances of appropriations, allocations, or other funds, other than those mentioned in subsection (b) of this section, available (including those available for the fiscal year ending June 30, 1940) for any agency transferred by subsection (a)

of this section shall be transferred with such agency and shall remain available to it for the exercise of its functions. (Electric Home and Farm Authority was terminated as a federal agency by Ex. Ord. No. 9256, Oct. 13, 1942.)

(D) PERSONNEL

Any of the personnel transferred by this section to the Department of Agriculture which the Secretary of Agriculture shall find to be in excess of the personnel necessary for the administration of the functions transferred by this section shall be retransferred under existing law to other positions in the Government, or separated from the service subject to the provisions of section 10(a) of the Reorganization Act of 1939.

SEC. 402. (A) FEDERAL LOAN AGENCY

There shall be at the seat of the Government a Federal Loan Agency, with a Federal Loan Administrator at the head thereof. The Federal Loan Administrator shall be appointed by the President by and with the advice and consent of the Senate, and shall receive a salary at the rate of \$12,000 per annum.

(B) ASSISTANT FEDERAL LOAN ADMINISTRATOR

The Federal Loan Administrator shall appoint an Assistant Federal Loan Administrator, who shall receive a salary at the rate of \$9,000 per annum. The Assistant Administrator shall act as Administrator during the absence or disability of the Administrator, or in the event of a vacancy in that office, and shall perform such other duties as the Administrator shall direct.

(C) POWERS AND DUTIES OF ADMINISTRATOR

The Administrator shall supervise the administration, and shall be responsible for the coordination of the functions and activities, of the following agencies: Reconstruction Finance Corporation, Electric Home and Farm Authority, R.F.C. Mortgage Company, Disaster Loan Corporation, Federal National Mortgage Association, Federal Home Loan Bank Board, Home Owners' Loan Corporation, Federal Savings and Loan Insurance Corporation, Federal Housing Administration, and Export–Import Bank of Washington. The Administrator may appoint such officers and employees and make such expenditures as may be necessary. (For subsequent history, see Codification note set out under 15 U.S.C. 1801 et seq.)

(D) ADMINISTRATIVE FUNDS

The Director of the Bureau of the Budget shall allocate to the Federal Loan Agency, from appropriations, allocations, or other funds available (including those available for the fiscal year ending June 30, 1940) for the administrative expenses of the agencies named in this section, such sums, and in such proportion, as he may find necessary for the administrative expenses of the Federal Loan Agency.

MESSAGE OF THE PRESIDENT

To the Congress of the United States:

Pursuant to the provisions of the Reorganization Act of 1939 (Public, No. 19, 76th Cong., 1st sess.), approved April 3, 1939, I herewith transmit Reorganization Plan No. I, which, after investigation, I have prepared in accordance with the provisions of

section 4 of the act; and I declare that with respect to each transfer, consolidation, or abolition made in Reorganization Plan No. I, I have found that such transfer, consolidation, or abolition is necessary to accomplish one or more of the purposes of section 1(a) of the act.

In these days of ruthless attempts to destroy democratic government, it is boldly asserted that democracies must always be weak in order to be democratic at all; and that, therefore, it will be easy to crush all free states out of existence.

Confident in our Republic's 150 years of successful resistance to all subversive attempts upon it, whether from without or within, nevertheless we must be constantly alert to the importance of keeping the tools of American democracy up to date. It is our responsibility to make sure that the people's government is in condition to carry out the people's will, promptly, effectively, without waste or lost motion.

In 1883 under President Arthur we strengthened the machinery of democracy by the Civil Service law; beginning in 1905 President Roosevelt initiated important inquiries into Federal administration; in 1911 President Taft named the Economy and Efficiency Commission which made very important recommendations; in 1921 under Presidents Wilson and Harding we tightened up our budgetary procedure. Presidents Theodore Roosevelt, Taft, Wilson, Harding, Coolidge, and Hoover in succession strongly recommended the rearrangement of Federal administrative activities. In 1937 I proposed, on the basis of an inquiry authorized and appropriated

for by the Congress, the strengthening of the administrative management of the executive establishment.

None of all this long series of suggestions, running over more than a quarter of a century, was in any sense personal or partisan in design.

These measures have all had only one supreme purpose – to make democracy work – to strengthen the arms of democracy in peace or war and to ensure the solid blessings of free government to our people in increasing measure.

We are not free if our administration is weak. But we are free if we know, and others know, that we are strong; that we can be tough as well as tender hearted; and that what the American people decide to do can and will be done, capably and effectively, with the best national equipment that modern organizing ability can supply in a country where management and organization is so well understood in private affairs.

My whole purpose in submitting this plan is to improve the administrative management of the Republic, and I feel confident that our Nation is united in this central purpose, regardless of differences upon details.

This plan is concerned with the practical necessity of reducing the number of agencies which report directly to the President and also of giving the President assistance in dealing with the entire executive branch by modern means of administrative management.

Forty years ago in 1899 President McKinley could deal with the whole machinery of the executive branch through his 8 cabinet

secretaries and the heads of 2 commissions; and there was but 1 commission of the so-called quasi-judicial type in existence. He could keep in touch with all the work through 8 or 10 persons. Now, 40 years later, not only do some 30 major agencies (to say nothing of the minor ones) report directly to the President, but there are several quasi-judicial bodies which have enough administrative work to require them also to see him on important executive matters.

It has become physically impossible for one man to see so many persons, to receive reports directly from them, and to attempt to advise them on their own problems which they submit. In addition the President today has the task of trying to keep their programs in step with each other or in line with the national policy laid down by the Congress. And he must seek to prevent unnecessary duplication of effort.

The administrative assistants provided for the President in the Reorganization Act cannot perform these functions of over-all management and direction. Their task will be to help me get information, and condense and summarize it – they are not to become in any sense Assistant Presidents nor are they to have any authority over anybody in any department or agency.

The only way in which the President can be relieved of the physically impossible task of directly dealing with 30 or 40 major agencies is by reorganization – by the regrouping of agencies according to their major purposes under responsible heads who will report to the President, just as is contemplated by the

Reorganization Act of 1939.

This act says that the President shall investigate the organization of all agencies of the Government and determine what changes are necessary to accomplish any one or more of five definite purposes:

- (1) To reduce expenditures;
- (2) To increase efficiency;
- (3) To consolidate agencies according to major purposes;
- (4) To reduce the number of agencies by consolidating those having similar functions and by abolishing such as may not be necessary;
- (5) To eliminate overlapping and duplication of effort.

It being obviously impracticable to complete this task at one time, but having due regard to the declaration of Congress that it should be accomplished immediately and speedily, I have decided to undertake it promptly in several steps.

The first step is to improve over-all management, that is, to do those things which will accomplish the purposes set out in the law, and which, at the same time, will reduce the difficulties of the President in dealing with the multifarious agencies of the executive branch and assist him in distributing his responsibilities as the chief administrator of the Government by providing him with the necessary organization and machinery for better administrative management.

The second step is to improve the allocation of departmental activities, that is, to do those things which will accomplish the

purposes set out in the law and at the same time help that part of the work of the executive branch which is carried on through executive departments and agencies. In all this the responsibility to the people is through the President.

The third step is to improve intradepartmental management, that is, to do those things which will enable the heads of departments and agencies the better to carry out their own duties and distribute their own work among their several assistants and subordinates.

Each of these three steps may require from time to time the submission of one or more plans involving one or more reorganizations, but it is my purpose to fulfill the duty imposed upon me by the Congress as expeditiously as practicable and to the fullest extent possible in view of the exceptions and exemptions set out in the act.

The plan I now transmit is divided into four parts or sections which I shall describe briefly as follows:

PART 1. EXECUTIVE OFFICE OF THE PRESIDENT

In my message to the Congress of January 12, 1937, in discussing the problem of how to improve the administrative management of the executive branch, I transmitted with my approval certain recommendations for strengthening and developing the management arms of the President. Those three management arms deal with (1) budget, and efficiency research, (2) planning, and (3) personnel. My accumulated experience during the 2 years since that time has deepened my conviction that it is necessary for the President to

have direct access to these managerial agencies in order that he may have the machinery to enable him to carry out his constitutional responsibility, and in order that he may be able to control expenditures, to increase efficiency, to eliminate overlapping and duplication of effort, and to be able to get the information which will permit him the better to advise the Congress concerning the state of the Union and the program of the Government.

Therefore, I find it necessary and desirable in carrying out the purposes of the act to transfer the Bureau of the Budget to the Executive Office of the President from the Treasury Department. It is apparent from the legislative history of the Budget and Accounting Act that it was the purpose in 1921 to set up an Executive Budget for which the President would be primarily responsible to the Congress and to the people, and that the Director of the Budget was to act under the immediate direction and supervision of the President. While no serious difficulties have been encountered because of the fact that the Bureau of the Budget was placed in the Treasury Department so far as making budgetary estimates has been concerned, it is apparent that its coordinating activities and its research and investigational activities recently provided for by the Congress, will be facilitated if the Bureau is not a part of 1 of the 10 executive departments. Also, in order that the Bureau of the Budget may the better carry out its work of coordination and investigation, I find it desirable and necessary in order to accomplish the purposes of the act to transfer to the

Bureau of the Budget the functions of the Central Statistical Board.

By these transfers to the Executive Office, the President will be given immediate access to that managerial agency which is concerned with the preparation and administration of the Budget, with the coordination of the work of the governmental agencies, and with research and investigation necessary to accomplish the five definite purposes of the Reorganization Act of 1939.

I also find it necessary and desirable to transfer to the Executive Office of the President the National Resources Committee, now an independent establishment, and to consolidate with it by transfer from the Department of Commerce the functions of the Federal Employment Stabilization Office, the consolidated unit to be known as the National Resources Planning Board. This Board would be made up as is the present Advisory Board of the National Resources Committee of citizens giving part-time services to the Government, who aided by their technical staff would be able to advise the President, the Congress, and the people with respect to plans and programs for the conservation of the national resources, physical and human. By these transfers to the Executive Office, the President will be given more direct access to and immediate direction over that agency which is concerned with planning for the utilization and conservation of the national resources, an indispensable part of the equipment of the Chief Executive.

On previous occasions I have recommended and I hereby renew and emphasize my recommendation that the work of this Board be placed

upon a permanent statutory basis.

Because of an exemption in the act, it is impossible to transfer to the Executive Office the administration of the third managerial function of the Government, that of personnel. However, I desire to inform the Congress that it is my purpose to name one of the administrative assistants to the President, authorized in the Reorganization Act of 1939, to serve as a liaison agent of the White House on personnel management.

In this manner, the President will be given for the first time direct access to the three principal necessary management agencies of the Government. None of the three belongs in any existing department. With their assistance, and with this reorganization, it will be possible for the President to continue the task of making investigations of the organization of the Government in order to control expenditures, increase efficiency, and eliminate overlapping.

PART 2. FEDERAL SECURITY AGENCY

Studies heretofore made by me and researches made at my direction, as well as recommendations submitted by me to the Congress, and especially those contained in my message of January 12, 1937, indicate clearly that to carry out the purposes of the Reorganization Act of 1939 to group, coordinate, and consolidate agencies of the Government according to major purposes and to reduce the number of agencies by consolidating those having similar functions under a single head, would require the provision of 3 general agencies in addition to the 10 executive departments.

It is my objective, then, by transfer, consolidation, and abolition to set up a Federal Security Agency, a Federal Works Agency, and a Federal Loan Agency, and then to distribute among the 10 executive departments and these 3 new agencies, the major independent establishments in the Government (excepting those exempt from the operations of the act) in order to minimize overlapping and duplication, to increase efficiency and to reduce expenditures to the fullest extent consistent with the efficient operation of the Government.

I find it necessary and desirable to group in a Federal Security Agency those agencies of the Government, the major purposes of which are to promote social and economic security, educational opportunity, and the health of the citizens of the Nation.

The agencies to be grouped are the Social Security Board, now an independent establishment, the United States Employment Service, now in the Department of Labor, the Office of Education, now in the Department of the Interior, the Public Health Service, now in the Treasury Department, the National Youth Administration, now in the Works Progress Administration, and the Civilian Conservation Corps, now an independent agency.

The Social Security Board is placed under the Federal Security Agency, and at the same time the United States Employment Service is transferred from the Department of Labor and consolidated with the unemployment compensation functions of the Social Security Board in order that their similar and related functions of social and economic security may be placed under a single head and their

internal operations simplified and integrated.

The unemployment compensation functions of the Social Security Board and the employment service of the Department of Labor are concerned with the same problem, that of the employment, or the unemployment, of the individual worker.

Therefore, they deal necessarily with the same individual. These particular services to the particular individual also are bound up with the public-assistance activities of the Social Security Board.

Not only will these similar functions be more efficiently and economically administered at the Federal level by such grouping and consolidation, but this transfer and merger also will be to the advantage of the administration of State social security programs and result in considerable saving of money in the administrative costs of the governments of the 48 States as well as those of the United States. In addition to this saving of money there will be a considerable saving of time and energy not only on the part of administrative officials concerned with this program in both Federal and State Governments, but also on the part of employers and workers, permitting through the simplification of procedures a reduction in the number of reports required and the elimination of unnecessary duplication in contacts with workers and with employers.

Because of the relationship of the educational opportunities of the country to the security of its individual citizens, the Office of Education with all of its functions, including, of course, its administration of Federal-State programs of vocational education,

is transferred from the Department of the Interior to the Federal Security Agency. This transfer does not increase or extend the activities of the Federal Government in respect to education, but does move the existing activities into a grouping where the work may be carried on more efficiently and expeditiously, and where coordination and the elimination of overlapping may be better accomplished. The Office of Education has no relationship to the other functions of the Department of the Interior.

The Public Health Service is transferred from the Treasury Department to the Federal Security Agency. It is obvious that the health activities of the Federal Government may be better carried out when so grouped than if they are left in the Treasury, which is primarily a fiscal agency, and where the necessary relationships with other social security, employment, and educational activities now must be carried on by an elaborate scheme of interdepartmental committee work.

The National Youth Administration is transferred from the Works Progress Administration to the Federal Security Agency since its major purpose is to extend the educational opportunities of the youth of the country and to bring them through the processes of training into the possession of skills which enable them to find employment. Other divisions of the Federal Security Agency will have the task of finding jobs, providing for unemployment compensation, and other phases of social security, while still other units of the new agency will be concerned with the problem of primary and secondary education, as well as vocational education

and job training and retraining for employment. While much of the work of the National Youth Administration has been carried on through work projects, these have been merely the process through which its major purpose was accomplished, and, therefore, this agency under the terms of the act should be grouped with the other security agencies rather than with the work agencies.

For similar reasons the Civilian Conservation Corps, now an independent establishment, is placed under the Federal Security Agency because of the fact that its major purpose is to promote the welfare and further the training of the individuals who make up the corps, important as may be the construction work which they have carried on so successfully. The Civilian Conservation Corps is a small coordinating agency which supervises work carried on with the cooperation of several regular departments and independent units of the Government. This transfer would not interfere with the plan of work heretofore carried on but it would enable the Civilian Conservation Corps to coordinate its policies, as well as its operations, with those other agencies of the Government concerned with the educational and health activities and with human security.

PART 3. FEDERAL WORKS AGENCY

In order to carry out the purpose of the Reorganization Act of 1939 I find it necessary and desirable to group and consolidate under a Federal Works Agency those agencies of the Federal Government dealing with public works not incidental to the normal work of other departments, and which administer Federal grants or loans to State and local governments or other agencies for the

purposes of construction.

The agencies so to be grouped are: The Bureau of Public Roads, now in the Department of Agriculture; the Public Buildings Branch of the Procurement Division, now in the Treasury Department; and the Branch of Building Management of the National Park Service (so far as it is concerned with public buildings which it operates for other departments or agencies) now in the Department of the Interior; the United States Housing Authority, now in the Department of the Interior; the Federal Emergency Administration of Public Works (familiarily known as P. W. A.); and the Works Progress Administration (familiarily known as W. P. A.) except the functions of the National Youth Administration.

The transfer of both the Public Works Administration and the Works Progress Administration to the new Federal Works Agency would provide for both principal types of public works that have been carried on by the Federal Government directly or in cooperation with the State and local governments. I find that it will be possible to reduce administrative costs as well as to improve efficiency and to eliminate overlapping by bringing these different programs of public works under a common head. But, because of the differences that justified their separate operation in the past and differences that will continue in the future to distinguish certain phases of major public works from work relief, I find it necessary to maintain them at least for the present as separate subordinate units of the Federal Works Agency.

The present Federal Emergency Administration of Public Works is

placed under the Federal Works Agency under the shorter name of Public Works Administration.

The name of the Works Progress Administration has been changed to Works Projects Administration in order to make its title more descriptive of its major purpose.

The Bureau of Public Roads is transferred from the Department of Agriculture to the Federal Works Agency and as a separate unit under the name of Public Roads Administration. This will bring the administration of the Federal roads program with its grants-in-aid to the States into coordination with other major public-works programs and other programs of grants and loans to the States.

The construction and operation of many public buildings is now carried on in two agencies which are consolidated under the new Federal Works Agency, namely the Public Buildings Branch of the Procurement Division of the Treasury Department (which is concerned with the construction of Federal buildings and with the operation of many public buildings outside the District of Columbia) and the Branch of Building Management of the National Park Service, of the Department of the Interior, which is concerned with the operation of public buildings in the District of Columbia. These two separate activities are consolidated in one unit to be known as the Public Buildings Administration. Improved efficiency, coordination of effort, and savings will result from this transfer and consolidation.

Then, also, there is transferred from the Department of the Interior to the Federal Works Agency the United States Housing

Authority. The major purpose of the United States Housing Authority is to administer grants-in-aid and loans to local public housing authorities in accordance with its established standards of construction in that part of the housing field which cannot be reached economically by private enterprise. For these reasons, it should be grouped with those other agencies which have to do with public works, with grants and loans to State and local governments and with construction practices and standards.

PART 4. FEDERAL LOAN AGENCY AND TRANSFERS OF INDEPENDENT LENDING AGENCIES

In order to carry out the purposes of the Reorganization Act of 1939 I find it necessary and desirable to group under a Federal Loan Agency those independent lending agencies of the Government which have been established from time to time for the purpose of stimulating and stabilizing the financial, commercial, and industrial enterprises of the Nation.

The agencies to be grouped in the Federal Loan Agency are: The Reconstruction Finance Corporation, the Electric Home and Farm Authority, the Federal Home Loan Bank Board, the Federal Housing Administration, and their associated agencies and boards, as well as the Export-Import Bank of Washington.

Since 1916 the Congress has established from time to time agencies for providing loans, directly or indirectly, for the stimulation and stabilization of agriculture, and such agencies should in my opinion be grouped with the other agricultural activities of the Government. For that reason I find it necessary

and desirable to accomplish the purposes of the act to transfer the Farm Credit Administration, the Federal Farm Mortgage Corporation, and the Commodity Credit Corporation and associated agencies to the Department of Agriculture.

ECONOMY AND EFFICIENCY

One of the five purposes of the Reorganization Act of 1939 is "to reduce expenditures to the fullest extent consistent with the efficient operation of the Government." This purpose is important in each phase of the plan here presented. The Reorganization Act prohibits abolishing functions – in other words basic services or activities performed. Therefore the reduction in expenditures to be effected must necessarily be brought about chiefly in the overhead administrative expenses of the agencies set up to perform certain functions. The chance for economy arises therefore not from stopping work, but from organizing the work and the overhead more efficiently in combination with other similar activities.

Only the Congress can abolish or curtail functions now provided by law.

The overhead administrative costs of all the agencies affected in Reorganization Plan No. I is about \$235,000,000. This does not include the loans they make, the benefits they pay, the wages of the unemployed who have been given jobs; it does not include the loans and grants to States or, in short, the functional expense.

It does include the overhead expense of operating and administering all these agencies.

The reduction of administrative expenditures which it is probable

will be brought about by the taking effect of the reorganizations specified in the plan is estimated as nearly as may be at between \$15,000,000 and \$20,000,000 annually, a substantial lowering of the existing overhead. Certain of these economies can be brought about almost immediately, others will require a painstaking and gradual readjustment in the machinery and business practices of the Government.

Any such estimate is incomplete, however, without reference to the corresponding savings which will follow in the States and cities through the recommended consolidation of the Federal services with which they cooperate, and the improved efficiency and convenience which will be felt by citizens all over the Nation – many of whom will be able to find in a single office many of the services now scattered in several places. These economies will undoubtedly exceed the direct savings in the Federal Budget.

It will not be necessary to ask the Congress for any additional appropriations for the administrative expenses of the three consolidated agencies set up in this plan, since their costs will be met from funds now available for the administrative expenses of their component units. Actually new expenses will be only a fractional part of the expected savings.

Neither on this Reorganization Plan No. I nor on future reorganization plans, covering interdepartmental changes and intradepartmental changes, will every person agree on each and every detail. It is true that out of the many groupings and regroupings proposed in this message a few of the individual

agencies could conceivably be placed elsewhere.

Nevertheless, I have been seeking to consider the functional origin and purpose of each agency as required by the reorganization bill itself.

If in the future experience shows that one or two of them should be regrouped, it will be wholly possible for the President and the Congress to make the change.

The plan presented herewith represents 2 years of study. It is a simple and easily understood plan. It conforms to methods of executive administration used by large private enterprises which are engaged in many lines of production. Finally, it will save a sum of money large in comparison with the existing overhead of the agencies involved.

I trust, therefore, that the Congress will view the plan as a whole and make it possible to take the first step in improving the executive administration of the Government of the United States.

Franklin D. Roosevelt.

The White House, April 25, 1939.

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5 USC APPENDIX – REORGANIZATION PLAN NO. II OF 1939 01/06/03

–EXPCITE–

TITLE 5 – APPENDIX

REORGANIZATION PLANS

REORGANIZATION PLAN NO. II OF 1939

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–HEAD–

REORGANIZATION PLAN NO. II OF 1939

–MISC1–

EFF. JULY 1, 1939, 4 F.R. 2731, 53 STAT. 1431, BY ACT JUNE 7, 1939,
CH. 193, 53 STAT. 813, AS AMENDED AUG. 13, 1946, CH. 957, TITLE XI,
SEC. 1131(65), 60 STAT. 1040; AUG. 12, 1963, PUB. L. 88–94, SEC.
2(F), 77 STAT. 122; SEPT. 13, 1982, PUB. L. 97–258, SEC. 5(B), 96
STAT. 1068, 1085

Prepared by the President and transmitted to the Senate and the
House of Representatives in Congress assembled, May 9, 1939,
pursuant to the provisions of the Reorganization Act of 1939,
approved April 3, 1939.

PART 1. DEPARTMENTS

SECTION 1. STATE DEPARTMENT

Transfers and consolidations relating to the Department of State
are hereby effected as follows:

(a)–(c). (Repealed. August 13, 1946, ch. 957, title XI, Sec.

1131(65), 60 Stat. 1040. The act, Aug. 13, 1946 was repealed by
Pub. L. 96–465, title II, Sec. 2205(1), Oct. 17, 1980, 94 Stat.

2159. Subsecs. provided that Foreign Commerce Service and Foreign
Agricultural Service were transferred to Department of State and
consolidated with and administered as part of Foreign Service under
Secretary of State, and that functions of Secretary of Commerce and
Secretary of Agriculture with respect thereto were transferred,
with certain exceptions to Secretary of State.)

(D) CHINA TRADE ACT REGISTRAR

Such officer of the Foreign Service as the Secretary of State

shall make available for that purpose may be authorized by the Secretary of Commerce to perform the duties of China Trade Act Registrar provided for in the act of September 19, 1922, (42 Stat. 849) (15 U.S.C. 143), under the direction of the Secretary of Commerce.

(e) (Repealed. Pub. L. 88-94, Sec. 2(f), Aug. 12, 1963, 77 Stat.

122. Subsection transferred the Foreign Service Buildings Commission and its functions to the Department of State. See 22 U.S.C. 295(d).)

SEC. 2. TREASURY DEPARTMENT

(Repealed. Pub. L. 97-258, Sec. 5(b), Sept. 13, 1982, 96 Stat.

1068, 1085. Section made following transfers, consolidations, and abolitions relating to the Treasury Department: (a) The Bureau of Lighthouses in the Department of Commerce and its functions were transferred to and consolidated with, and to be administered as a part of, the Coast Guard in the Treasury Department; (b) The office of Director General of Railroads was abolished and the functions and duties were transferred to the Secretary of the Treasury; (c) The War Finance Corporation was abolished, the remaining functions, property, and obligations were transferred to the Treasury Department, and the Secretary was directed to wind up its affairs and dispose of its assets.)

SEC. 3. DEPARTMENT OF JUSTICE

Transfers, consolidations, and abolitions relating to the Department of Justice are hereby effected as follows:

(A) FEDERAL PRISON INDUSTRIES, INC.

The Federal Prison Industries, Inc. (together with its Board of Directors), and its functions are hereby transferred to the Department of Justice and shall be administered under the general direction and supervision of the Attorney General.

(B) NATIONAL TRAINING SCHOOL FOR BOYS

The National Training School for Boys and its functions (including the functions of its Board of Trustees) are hereby transferred to the Department of Justice and shall be administered by the Director of the Bureau of Prisons, under the direction and supervision of the Attorney General.

**(C) BOARD OF TRUSTEES OF THE NATIONAL TRAINING SCHOOL FOR BOYS
ABOLISHED**

The Board of Trustees of the National Training School for Boys (including the consulting trustees) is hereby abolished.

SEC. 4. DEPARTMENT OF THE INTERIOR

Transfers, consolidations, and abolitions relating to the Department of the Interior are hereby effected as follows:

**(A) FUNCTIONS OF THE NATIONAL BITUMINOUS COAL COMMISSION
TRANSFERRED**

The functions of the National Bituminous Coal Commission (including the functions of the members of the Commission) are hereby transferred to the Secretary of the Interior to be administered under his direction and supervision by such division, bureau, or office in the Department of the Interior as the Secretary shall determine.

(B) NATIONAL BITUMINOUS COAL COMMISSION ABOLISHED

The National Bituminous Coal Commission and the offices of the members thereof are hereby abolished and the outstanding affairs of the Commission shall be wound up by the Secretary of the Interior.

(C) OFFICE OF CONSUMERS' COUNSEL ABOLISHED AND FUNCTIONS TRANSFERRED

The office of Consumers' Counsel of the National Bituminous Coal Commission is hereby abolished and its functions are transferred to, and shall be administered in, the office of the Solicitor of the Department of the Interior under the direction and supervision of the Secretary of the Interior.

(Functions, records, property, and personnel of Consumer's Counsel of the National Bituminous Coal Commission, which were transferred by this Plan to office of Solicitor of Department of Interior, were retransferred to Office of Bituminous Coal Consumer Counsel by 15 U.S.C. 852. Such Office terminated Aug. 24, 1943.)

(D) BUREAU OF INSULAR AFFAIRS

The Bureau of Insular Affairs of the War Department and its functions are hereby transferred to the Department of the Interior and shall be consolidated with the Division of Territories and Island Possessions in the Department of the Interior and administered in such Division under the direction and supervision of the Secretary of the Interior. The office of the Chief of the Bureau and offices subordinate thereto provided for in section 14 of the act of June 4, 1920 (41 Stat. 769) (48 U.S.C. 2, 3), are hereby abolished and all of the functions of such offices are transferred to, and shall be exercised by, the Director of the

Division of Territories and Island Possessions.

(E) BUREAU OF FISHERIES

The Bureau of Fisheries in the Department of Commerce and its functions are hereby transferred to the Department of the Interior and shall be administered in that Department under the direction and supervision of the Secretary of the Interior. The functions of the Secretary of Commerce relating to the protection of fur seals and other fur-bearing animals, to the supervision of the Pribilof Islands and the care of the natives thereof, and to the Whaling Treaty Act (16 U.S.C. 901–915), are hereby transferred to, and shall be exercised by, the Secretary of the Interior.

(F) BUREAU OF BIOLOGICAL SURVEY

The Bureau of Biological Survey in the Department of Agriculture and its functions are hereby transferred to the Department of the Interior and shall be administered in that Department under the direction and supervision of the Secretary of the Interior. The functions of the Secretary of Agriculture relating to the conservation of wildlife, game, and migratory birds are hereby transferred to, and shall be exercised by, the Secretary of the Interior. The provisions of the act of May 18, 1934, (c. 299, 48 Stat. 780), as amended by the act of February 8, 1936 (c. 40, 49 Stat. 1105 (see 18 U.S.C. 111, 1114, 2231), insofar as they relate to officers or employees of the Department of Agriculture designated by the Secretary of Agriculture to enforce any act of Congress for the protection, preservation, or restoration of game and other wildlife and animals shall apply to officers and

employees of the Department of the Interior designated by the Secretary of the Interior to exercise and discharge such duties.

(G) OFFICERS OF BIOLOGICAL SURVEY MAY ADMINISTER OATHS

The provisions of the act of January 31, 1925 (c. 124, 43 Stat. 803), (former 5 U.S.C. 17, 7 U.S.C. 2217, 2218), shall be applicable to such officers, agents, or employees of the Department of the Interior performing functions of the Bureau of Biological Survey as are designated by the Secretary of the Interior for the purposes named in the act.

(H) MIGRATORY BIRD CONSERVATION COMMISSION

The Secretary of the Interior shall be chairman of the Migratory Bird Conservation Commission, and the Secretary of Agriculture shall be a member thereof.

(I) MOUNT RUSHMORE NATIONAL MEMORIAL COMMISSION

The Mount Rushmore National Memorial Commission and its functions are hereby transferred to the National Park Service in the Department of the Interior. The functions vested in the Commission by sections 3 and 4(a) of the act of June 15, 1938 (c. 402, 52 Stat. 694) shall continue to be exercised by the Commission. All other functions of the Mount Rushmore National Memorial Commission shall be administered by the National Park Service under the direction and supervision of the Secretary of the Interior.

SEC. 5. DEPARTMENT OF AGRICULTURE: RURAL ELECTRIFICATION ADMINISTRATION TRANSFERRED

The Rural Electrification Administration and its functions and activities are hereby transferred to the Department of Agriculture

and shall be administered in that Department by the Administrator of the Rural Electrification Administration under the general direction and supervision of the Secretary of Agriculture.

SEC. 6. DEPARTMENT OF COMMERCE: TRANSFER OF INLAND WATERWAYS CORPORATION

The Inland Waterways Corporation and all of its functions and obligations are hereby transferred to the Department of Commerce and shall be administered in that Department under the supervision and direction of the Secretary of Commerce. The capital stock of the Corporation shall continue to be held for the United States by the Secretary of the Treasury, but all other functions, rights, privileges, and powers and all duties and liabilities of the Secretary of War relating to the Inland Waterways Corporation are hereby transferred to, and shall be exercised, performed, and discharged by, the Secretary of Commerce. The Secretary of Commerce shall be substituted for the Secretary of War, as and shall be deemed to be, the incorporator of the Inland Waterways Corporation.

(Pub. L. 88-67, Sec. 2, July 19, 1963, 77 Stat. 81, provided for liquidation of the affairs of the Inland Waterways Corporation.)

PART 2. INDEPENDENT AGENCIES

SEC. 201. FEDERAL SECURITY AGENCY

Transfers and consolidations relating to the Federal Security Agency are hereby effected as follows:

(A) RADIO SERVICE AND UNITED STATES FILM SERVICE TRANSFERRED

The functions of the Radio Division and the United States Film Service of the National Emergency Council are hereby transferred to

the Federal Security Agency and shall be administered in the Office of Education under the direction and supervision of the Federal Security Administrator. (Functions of Radio Division were authorized to be carried out until June 30, 1940, by Emergency Relief Appropriation Act of 1939, Sec. 8.)

(B) AMERICAN PRINTING HOUSE FOR THE BLIND

The functions of the Secretary of the Treasury with respect to the administration of the appropriations for the American Printing House for the Blind (except the function relating to the perpetual trust fund) are hereby transferred to the Federal Security Agency and shall be administered under the direction and supervision of the Federal Security Administrator. The annual report and vouchers required to be furnished to the Secretary of the Treasury by the trustees of the American Printing House for the Blind shall be furnished to the Federal Security Administrator.

SEC. 202. NATIONAL ARCHIVES

Transfers, consolidations, and abolitions relating to the National Archives are hereby effected as follows:

(A) FUNCTIONS OF CODIFICATION BOARD TRANSFERRED

The functions of the Codification Board, established by the Act of June 19, 1937 (50 Stat. 304) (44 U.S.C. 1510), are hereby transferred to the National Archives and shall be consolidated in that agency with the functions of the Division of the Federal Register and shall be administered by such Division under the direction and supervision of the Archivist.

(B) CODIFICATION BOARD ABOLISHED

The Codification Board is hereby abolished and its outstanding affairs shall be wound up by the Archivist through the Division of the Federal Register in the National Archives.

PART 3. EXECUTIVE OFFICE OF THE PRESIDENT

Sec. 301. Transfers and abolitions relating to the Executive Office of the President are hereby effected as follows:

(A) FUNCTIONS OF NATIONAL EMERGENCY COUNCIL TRANSFERRED

All functions of the National Emergency Council other than those relating to Radio Service and Film Service (transferred by Section 201(a) of this plan to the Federal Security Agency) are hereby transferred to the Executive Office of the President and shall be administered under the direction and supervision of the President.

(Functions of National Emergency Council transferred to Executive Office of President were authorized to be carried out until June 30, 1940, by Emergency Relief Appropriation Act of 1939, Sec. 8.)

(B) NATIONAL EMERGENCY COUNCIL ABOLISHED

The National Emergency Council is hereby abolished and its outstanding affairs shall be wound up under the direction and supervision of the President.

PART 4. GENERAL PROVISIONS

SEC. 401. TRANSFER OF FUNCTIONS OF HEADS OF DEPARTMENTS

Except as otherwise provided in this plan, the functions of the head of any Department relating to the administration of any agency or function transferred from his Department by this plan, are hereby transferred to, and shall be exercised by, the head of the department or agency to which such transferred agency or function

is transferred by this plan.

SEC. 402. TRANSFER OF RECORDS, PROPERTY, AND PERSONNEL

All records and property (including office equipment) of the several agencies, and all records and property used primarily in the administration of any functions, transferred by this plan and, except as otherwise provided, all the personnel used in the administration of such agencies and functions (including officers whose chief duties relate to such administration) are hereby transferred to the respective departments or agencies concerned, for use in the administration of the agencies and functions transferred by this plan: Provided, That any personnel transferred to any department or agency by this section found by the head of such department or agency to be in excess of the personnel necessary for the administration of the functions transferred to his department or agency shall be retransferred under existing law to other positions in the Government service, or separated from the service subject to the provisions of section 10(a) of the Reorganization Act of 1939.

SEC. 403. TRANSFER OF FUNDS

So much of the unexpended balances of appropriations, allocations, or other funds available for the use of any agency in the exercise of any function transferred by this plan, or for the use of the head of any department or agency in the exercise of any function so transferred, as the Director of the Bureau of the Budget with the approval of the President shall determine, shall be transferred to the department or agency concerned for use in

connection with the exercise of the function so transferred. In determining the amount to be transferred the Director of the Bureau of the Budget may include an amount to provide for the liquidation of obligations incurred against such appropriations, allocations, or other funds prior to the transfer: Provided, That the use of the unexpended balances of appropriations, allocations, or other funds transferred by this section shall be subject to the provisions of section 4(d)(3) and section 9 of the Reorganization Act of 1939.

SEC. 404. TRANSFER OF FUNCTIONS RELATING TO PERSONNEL

Except as prohibited by the Reorganization Act of 1939, all functions relating to the appointment, fixing of compensation, transfer, promotion, demotion, suspension, or dismissal of persons to or from offices and positions in any department vested by law in any officer of such department other than the head thereof are hereby transferred to the head of such department and shall be administered under his direction and supervision by such division, bureau, office, or persons as he shall determine.

MESSAGE OF THE PRESIDENT

To the Congress of the United States:

Pursuant to the provisions of the Reorganization Act of 1939 (Public, No. 19, 76th Cong., 1st Sess.) approved April 3, 1939, I herewith transmit Reorganization Plan No. II, which, after investigation, I have prepared in accordance with the provisions of section 4 of the act; and I declare that with respect to each transfer, consolidation, or abolition made in Reorganization Plan No. II, I have found that such transfer, consolidation, or

abolition is necessary to accomplish one or more of the purposes of section 1 (a) of the act.

In my message to the Congress on April 25, 1939, transmitting Reorganization Plan No. I, I took occasion to say that, it being obviously impracticable to complete the task of reorganization at one time, I had decided, in view of the declaration of the Congress that it should be accomplished immediately and speedily, to undertake it in several steps.

Plan No. I, had to do with overall management. Plan No. II, transmitted herewith, is designed to improve the work of the executive branch for which, although carried on through executive departments and agencies, the responsibility to the people is through the President. It is concerned with the sole purpose of improving the administrative management of the executive branch by a more logical grouping of existing units and functions and by a further reduction in the number of independent agencies.

I am transmitting Reorganization Plan No. II as the result of studies that have been made for me and of my own experience over a period of several years, as the best way in which to regroup the agencies affected so as to fulfill the purposes of the act:

1. To reduce expenditures;
 2. To increase efficiency;
 3. To consolidate agencies according to major purposes;
 4. To reduce the number of agencies by consolidating those having similar functions and by abolishing such as may not be necessary;
- and

5. To eliminate overlapping and duplication of effort.

The plan I now transmit I shall describe briefly as follows:

I proposed to transfer the Foreign Commerce Service of the United States and its functions now in the Bureau of Foreign and Domestic Commerce of the Department of Commerce and the Foreign Agricultural Service of the United States and its functions in the Department of Agriculture to the Department of State, and to consolidate them with the Foreign Service of the United States under the direction and supervision of the Secretary of State.

By this transfer and consolidation, there will be a single Foreign Service in the Department of State, but this does not mean that the interests of the commercial and agricultural communities are to be neglected, for it is a part of the Plan that representatives of the Secretary of Agriculture and the Secretary of Commerce shall be placed on the Board of Foreign Service Personnel and that specific investigations relating to commerce and agriculture shall be initiated directly by the Secretaries of these two Departments who will receive directly the results of investigations in their own fields.

A much greater degree of coordination and effectiveness in our foreign establishments can be achieved under the plan than has ever before been possible. The needs of the different Departments and Agencies of the Government will be met more efficiently and the responsiveness of the foreign establishments to these needs will be greatly improved.

The plan presupposes that it may be necessary from time to time

for various Departments and Agencies of the Government to send abroad specialists and technicians for relatively temporary duty. While these will not be in the Foreign Service, strictly speaking, they will be given a suitable commission by the Department of State, on a temporary basis, so that they may have the same obligations as other officers of the Foreign Service while on duty abroad.

The plan also presupposes a special training period within the Department of Commerce and the Department of Agriculture for Foreign Service officers selected to specialize in commercial or agricultural work and contemplates the fullest utilization of the experience gained abroad by Foreign Service officers in the work of the Departments of Commerce and Agriculture in this country. There will be stationed in the Department of State a liaison officer of the Department of Commerce and of the Department of Agriculture to make effective the proposed cooperation.

The plan specifically leaves undisturbed the relationships of the Department of Commerce and of the Department of Agriculture with the commercial and agricultural communities. What it does do is to consolidate the foreign services into one Foreign Service in the Department of State, where it ought to be, with the resulting advantages of economy, efficiency, better functional grouping, elimination of overlapping and duplication of effort, and greater service to our commercial and agricultural interests.

There is also transferred to the Department of State the Foreign Service Buildings Commission and its functions. This Commission is

advisory to the administrative work of the Department of State and should no longer have the status of an independent establishment.

The Bureau of Lighthouses now in the Department of Commerce is transferred to the Treasury Department and consolidated with the Coast Guard in that Department. The advantages of this consolidation are obvious and fall clearly within the provision of the act requiring me to consolidate agencies according to major purposes. This will save money on equipment and administration and will permit the better use of personnel.

The plan also includes the abolition of the Office of the Director General of Railroads and of the War Finance Corporation and the transfer of their functions to the Secretary of the Treasury to be wound up by him as rapidly as may be. In the case of the War Finance Corporation, it is directed that the final dissolution shall be accomplished not later than December 31, 1939.

I further propose to transfer to the Department of Justice the Federal Prison Industries, Inc., and the National Training School for Boys, and at the same time to abolish the board of trustees of the National Training School for Boys. Responsibility for the Federal penal and correctional institutions is in the Department of Justice and these two independent establishments should be consolidated therein. None of the other Federal penal or correctional institutions has a board of trustees and there is no need of further continuing the board of the National Training School.

The plan also provides for the abolition of the Codification

Board established for the purpose of codifying existing administrative law and the transfer of its functions to the Division of the Federal Register in the National Archives. The work of this board has now progressed to the point where a separate board is no longer necessary and the future work of keeping the codification up to date can more efficiently and economically be carried on by the editorial staff of the Federal Register.

I find it necessary and desirable in order to accomplish the purposes of the Reorganization Act to abolish the National Bituminous Coal Commission and to transfer its functions to the Secretary of the Interior. Thus the task of conserving the bituminous-coal resources of the country may be carried on directly by the head of the Department principally responsible for the conservation of fuel and other mineral supplies. The Congress placed this Commission in the Department of the Interior, but experience has shown that direct administration will be cheaper, better, and more effective than through the cumbersome medium of an unnecessary commission.

The transfer to the Department of the Interior of the Bureau of Insular Affairs in the War Department and its consolidation with the Division of Territories and Island Possessions in Interior is a functional transfer of obvious desirability. Under the provisions of existing law, however, I shall direct, where necessary, that certain correspondence from the Governor General of the Philippines shall be transmitted to the President through the Department of State.

The plan provides for the transfer to the Department of the Interior of the Bureau of Fisheries from the Department of Commerce and of the Bureau of Biological Survey from the Department of Agriculture. These two Bureaus have to do with conservation and utilization of the wildlife resources of the country, terrestrial and aquatic. Therefore, they should be grouped under the same departmental administration, and in that Department which, more than any other, is directly responsible for the administration and conservation of the public domain. However, I intend to direct that the facilities of the Department of Agriculture shall continue to be used for research studies which have to do with the protection of domestic animals from diseases of wildlife; and also where most economical for the protection to farmers and stockmen against predatory animals.

The plan also provides for the transfer of the Mount Rushmore National Memorial Commission to the National Park Service in the Department of the Interior in order that this great memorial may be administered as a part of the similar work of the Park Service.

Included in the plan is a provision to transfer to the Department of Agriculture the Rural Electrification Administration, now operated as an independent establishment. The work of this administration in its educational as well as its lending functions is clearly a part of the rural life activities of the country and should, therefore, be administered in coordination with the other agricultural activities of the Government.

The Inland Waterways Corporation is transferred to the Department

of Commerce from the War Department. This corporation, which operates inland waterways transportation facilities, should be coordinated with the administration of other aids to commerce and industry.

I propose to transfer to the Federal Security Agency, for administration in the Office of Education, the film and radio functions of the National Emergency Council. These are clearly a part of the educational activities of the Government and should be consolidated with similar activities already carried on in the Office of Education. Similarly, Government participation in the work of the American Printing House for the Blind, except fiscal functions relating to trust funds, is transferred from the Secretary of the Treasury to the Federal Security Agency, in order that this work may be coordinated with the other work for the blind now being carried on in the Social Security Board.

The plan provides for the abolition of the National Emergency Council and the transfer to the Executive Office of the President of all its functions with the exception of the film and radio activities which go to the Office of Education. Subject to appropriations by the Congress, these activities transferred to the White House would be administered in the manner best designed to give the President the information he requires from all parts of the country.

The National Emergency Council was established by Executive order in 1933 and is composed of the President, the Vice President, the Members of the Cabinet, and the heads of some 23 independent

establishments. Its usefulness as an actual council, which met weekly under my chairmanship, was very great in the period of the emergency which then confronted the country, but, as time has gone on, it no longer operates as a council but does continue to carry on important activities which are indispensable to the President of the United States, as well as to other branches of the Government, and the public. It maintains an information service and a press intelligence service, it publishes the United States Government Manual, and it carries on through State and central staffs an important work of coordinating and reporting.

The information service makes available general information concerning all phases of governmental activity and is provided for all who submit questions or inquiries by mail, by telephone, or by personal call. In one sense it may be called a post-office address – "Uncle Sam, Post Office Box No. 1, Washington, D.C." – to which persons who want information about the Government but do not know the exact division or agency of the Government to which to apply, may write with confidence that their questions will be answered or else sent on to the proper agency for direct reply.

The press intelligence service carried on in the Council is not a service for giving intelligence to the press, but rather for making available to responsible persons in the Government, both in the executive and in the legislative branches, a clipping service, which shows what the press of the country has printed. The partial consolidation of clipping services in this unit – a consolidation which should go further – already has resulted in economy and

convenience. A clipping service of this kind, on a smaller scale, was maintained for many years in the White House but it was not then available to other branches of the Government. Its return to the White House with the additional feature of availability to all the rest of the Government will promote efficiency without violating tradition.

The publication of the United States Government Manual makes available to every citizen a simplified textbook of information as to the organization and availability of the Federal agencies.

Published in loose-leaf form, it is sold by the Superintendent of Documents of the Government Printing Office.

The coordinating and reporting functions of the Council have to do with the presentation to the President of factual information, independently gathered, as to the progress and effect of our governmental activities. Through its State offices the Council has been able to facilitate the various Federal programs particularly with respect to State and local governments.

The plan also includes certain general provisions in order to accomplish fully the purposes of the act. In addition to the transfer of bureaus and other units, it is necessary also to transfer certain functions of heads of departments; to transfer records, property, and personnel; to transfer funds; and to provide that the power of appointment occasionally, and sometimes apparently quite accidentally, vested in a subordinate official of a department, shall be vested in the head of the department. It is impossible to exercise the proper direction and supervision over

subordinate units unless the definite power of appointment, fixing of compensation, transfer, and promotion or dismissal of personnel is vested in the principal responsible head. In no other way can the purpose of consolidating similar functions under a single head as required by the act be accomplished in practice.

It is one of the five purposes of the Reorganization Act "to reduce expenditures to the fullest extent consistent with the efficient operation of the Government." This is an important purpose in each phase of the plan here presented. The Reorganization Act prohibits abolishing functions – in other words, basic services or activities performed. Therefore, the reduction in expenditures must necessarily be brought about chiefly in the overhead administrative expenses of the agencies affected. In a great many cases the economies to be effected by Reorganization Plan No. II will be the result of improved efficiency which will, as the plan works out, require fewer persons to perform the work or will require the employment of less temporary assistance.

In the case of the consolidation of the foreign services it is estimated that the administration by a single administrative unit in the Department of State will achieve a saving of \$20,000 a year and that consolidation of the three field forces will make it possible to drop alien employees and, by a more effective use of personnel, to save an additional \$100,000 a year when the readjustments have been made.

The total administrative expense of all of the agencies affected by this plan is about \$25,000,000 per annum.

The reduction of such expenditures, which it is probable will be brought about by the taking effect of the reorganizations specified in the plan, is estimated at \$1,250,000 per annum. Certain of these economies can be brought about at once. Others will require a gradual readjustment in machinery and business practices of the agencies affected.

May I repeat what I said in my message transmitting Reorganization Plan No. I, that in this as in future reorganization plans not every person will agree on each and every detail. Out of the many groupings and regroupings proposed, a few of the individual agencies conceivably could be placed elsewhere, but I have been seeking to consider the functional purpose of each agency as required by the Reorganization Act itself and have made this plan with the sole purpose of improving the service rendered by the Government to its citizens in accordance with the purposes set out in the act.

In view of the fact that it is now May 9, and that any reorganization plan must lie before the Congress for 60 calendar days, and because the reorganization of an intradepartmental character requires a great deal of research and careful painstaking detailed work, I do not propose to send any further general reorganization plans to the Congress at this session.

However, there are certain transfers, abolitions, and consolidations of committees, commissions, and boards which I propose to do by means of Executive and military orders under existing law as complementary to Reorganization Plan No. II when it

becomes effective.

Then, also, by mere administrative procedure, some small agencies which have been listed in various publications as independent establishments but whose independence has no basis in law or in formal Executive or military orders, may be reassigned to an appropriate placement by administrative procedure on the part of their respective heads.

Not all of the interdepartmental transfers and consolidations that are necessary and desirable have been accomplished in this Reorganization Plan No. II. I am directing the Bureau of the Budget to study these problems in order that they may be included in plans to be transmitted to the Congress at its next session.

For example, in order to save money and to do the work more efficiently there are some units which should be divided so that a part of the work may be done by one agency and a part by another.

Take, for example, the business of mapping. It is obviously important that the work of making surveys and accumulating data for maps should be done in the various agencies which are concerned primarily with the purpose for which the map is being drawn. On the other hand, the business of manufacturing maps might very well be consolidated in order to save money, and to manufacture better maps.

I have considered the desirability of transferring the jurisdiction over deportable aliens from the Immigration and Naturalization Service in the Department of Labor to the Department of Justice, but I find that this matter will require further study,

or perhaps legislation, and therefore it is not included in this plan.

I have also considered the problem of certain public lands insofar as they present overlapping jurisdiction between the Departments of the Interior and Agriculture.

Insofar as crops, including tree crops, are involved there is something to be said for their retention in the Department of Agriculture. But where lands are to be kept for the primary purpose of recreation and permanent public use and conservation they fall more logically into the Department of the Interior.

I hope to offer a reorganization plan on this early in the next session.

There are other types of work carried on in the Federal Government where it may prove necessary and desirable to divide the functions now being carried on by a particular unit so as the better to serve the basic purpose for which the work was undertaken. Such problems I shall continue to study with the view of sending other reorganization plans involving both interdepartmental and intradepartmental reorganizations to the Congress at its next session. Franklin D. Roosevelt.

The White House, May 22, 1940.

–EXEC–

EX. ORD. NO. 8357. ADMINISTRATION OF THE FOREIGN SERVICE

Ex. Ord. No. 8357 Mar. 2, 1940, 5 F.R. 950, provided:

Under the authority vested in me by section 1(b) of Part I of Reorganization Plan No. II (effective July 1, 1939, by Public

Resolution approved June 7, 1939, 53 Stat. 1431), and in effectuation of the provisions of subdivisions (2), (3), and (4) of that section, I hereby prescribe the following regulations pertaining to officers designated by the Secretary of Commerce and the Secretary of Agriculture under the said subdivisions:

1. Officers designated by the Secretary of Commerce and the Secretary of Agriculture under subdivisions (2) and (3), respectively, of the said section 1(b) of Part I of Reorganization Plan No. II may, when acceptable to the Secretary of State, be sent abroad as specialists or technicians for temporary service under the provisions of, and subject to the conditions named in, section 5 of the act of March 3, 1927, 44 Stat. 1396 (former section 197d of Title 15), and section 2 of the act of June 5, 1930, 46 Stat. 498 (former section 542 of Title 7), as authorized by the said subdivisions (2) and (3), respectively.

2. The Secretary of State shall give suitable commissions to the officers described in paragraph 1 hereof and shall assign them to such offices as may be deemed necessary by him and the Secretary of the department concerned. Such officers, during the active period of their assignment, shall be considered a part of the organization of the Foreign Service, shall assume the status directed by the Secretary of State, and shall, in this respect, be subject to the jurisdiction of the Secretary of State. With the approval of the chief of the office to which they are attached, such officers may request reports from Foreign Service officers upon matters falling within the jurisdiction of their respective departments. The

duties of such officers shall be restricted to the accomplishment of the special missions within the scope of their assignments.

3. The officers designated by the Secretary of Commerce and the Secretary of Agriculture under subdivision (4) of the said section 1(b) of Part I of Reorganization Plan No. II to serve in the Department of State as liaison officers shall, when acceptable to the Secretary of State, serve in matters of interest to their respective departments.

–CITE–

5 USC APPENDIX – REORGANIZATION PLAN NO. III OF 1940 01/06/03

–EXPCITE–

TITLE 5 – APPENDIX

REORGANIZATION PLANS

REORGANIZATION PLAN NO. III OF 1940

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–HEAD–

REORGANIZATION PLAN NO. III OF 1940

–MISC1–

EFF. JUNE 30, 1940, 5 F.R. 2107, 54 STAT. 1231, BY ACT JUNE 4, 1940, CH. 231, SEC. 4, 54 STAT. 231, AS AMENDED AUG. 23, 1958, PUB. L. 85–726, TITLE XIV, SEC. 1401(C), 72 STAT. 806; SEPT. 13, 1982, PUB. L. 97–258, SEC. 5(B), 96 STAT. 1068, 1085

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, April 2, 1940, pursuant to the provisions of the Reorganization Act of 1939, approved April 3, 1939.

DEPARTMENT OF THE TREASURY

SECTION 1. FISCAL SERVICE OF THE TREASURY DEPARTMENT

(Repealed. Pub. L. 97–258, Sec. 5(b), Sept. 13, 1982, 96 Stat.

1068, 1085. Section established the Fiscal Service of the Treasury Department, provided for the transfer of certain functions to the Fiscal Service and of certain functions relating to accounting, and abolished an office of Assistant Secretary of the Treasury. See 31 U.S.C. 306.)

SEC. 2. FEDERAL ALCOHOL ADMINISTRATION

(Repealed. Pub. L. 97–258, Sec. 5(b), Sept. 13, 1982, 96 Stat.

1068, 1085. Section abolished the Federal Alcohol Administration and provided that the Secretary administer its functions through the Bureau of Internal Revenue.)

DEPARTMENT OF THE INTERIOR

SEC. 3. FISH AND WILDLIFE SERVICE

The Bureau of Fisheries and the Bureau of Biological Survey in the Department of the Interior with their respective functions are consolidated into one agency in the Department of the Interior to be known as the Fish and Wildlife Service. The functions of the consolidated agency shall be administered under the direction and supervision of the Secretary of the Interior by a Director and not more than two Assistant Directors, who shall be appointed by the Secretary and perform such duties as he shall prescribe. The offices of Commissioner and Deputy Commissioner of Fisheries and the offices of Chief and Associate Chief of the Bureau of Biological Survey are abolished and their functions transferred to

the consolidated agency.

SEC. 4. RECORDER OF GENERAL LAND OFFICE

The office of Recorder of the General Land Office is abolished.

The functions of the Recorder shall be exercised under the direction and supervision of the Secretary of the Interior through such officers or employees of the General Land Office as he may designate.

DEPARTMENT OF AGRICULTURE

SEC. 5. SURPLUS MARKETING ADMINISTRATION

The Division of Marketing and Marketing Agreements of the Agricultural Adjustment Administration of the Department of Agriculture and its functions and the Federal Surplus Commodities Corporation as an agency of the Department of Agriculture and its functions are consolidated into an agency in the Department of Agriculture to be known as the Surplus Marketing Administration.

The Surplus Marketing Administration shall be headed by an Administrator, who shall be appointed by and be subject to the direction and supervision of the Secretary of Agriculture.

DEPARTMENT OF LABOR

SEC. 6. OFFICES IN THE IMMIGRATION AND NATURALIZATION SERVICE

ABOLISHED

The offices of commissioner of immigration of the several ports and the offices of district commissioner of immigration and naturalization in the Department of Labor are abolished, and their functions shall be administered under the supervision of the Secretary of Labor by the Commissioner of Immigration and

Naturalization through such district directors of immigration and naturalization as the Commissioner shall designate.

CIVIL AERONAUTICS AUTHORITY

SEC. 7. FUNCTIONS OF THE ADMINISTRATOR TRANSFERRED

(Repealed. Pub. L. 85-726, title XIV, Sec. 1401(c), Aug. 23, 1958, 72 Stat. 806. Section transferred to Administrator of Civil Aeronautics functions vested in Civil Aeronautics Authority by Civilian Pilot Training Act of 1939, functions of aircraft registration and safety regulation in titles V and VI of the Civil Aeronautics Act of 1938 with certain exceptions, the function provided for by section 1101 of that Act, and functions of appointing employees and authorizing necessary expenditures and travel.)

GENERAL PROVISIONS

SEC. 8. TRANSFER OF RECORDS, PROPERTY, AND PERSONNEL

All records and property (including office equipment) of the several agencies, and all records and property used primarily in the administration of any functions, transferred or consolidated by this Plan and all the personnel used in the administration of such agencies and functions (including officers whose chief duties relate to such administration and whose offices are not abolished) are transferred or consolidated, as the case may be, within the department or agency concerned, for use in the administration of the agencies and functions transferred or consolidated by this Plan: Provided, That any personnel transferred or consolidated within any department or agency by this section found by the head

of such department or agency to be in excess of the personnel necessary for the administration of the functions transferred or consolidated shall be retransferred under existing law to other positions in the Government service, or separated from the service subject to the provisions of section 10(a) of the Reorganization Act of 1939.

SEC. 9. TRANSFER OF FUNDS

So much of the unexpended balances of appropriations, allocations, or other funds available (including funds available for the fiscal year ending June 30, 1941) for the use of any agency in the exercise of any function transferred or consolidated by this Plan, or for the use of the head of any department or agency in the exercise of any function so transferred or consolidated, as the Director of the Bureau of the Budget with the approval of the President shall determine, shall be transferred within the department or agency concerned for use in connection with the exercise of the function so transferred or consolidated. In determining the amount to be transferred the Director of the Bureau of the Budget may include an amount to provide for the liquidation of obligations incurred against such appropriations, allocations, or other funds prior to the transfer: Provided, That the use of the unexpended balances of appropriations, allocations, or other funds transferred by this section shall be subject to the provisions of sections 4(d)(3) and section 9 of the Reorganization Act of 1939.

MESSAGE OF THE PRESIDENT

To the Congress of the United States:

When I submitted Reorganization Plans I and II at the last regular session of Congress, I indicated that certain reorganizations of an intradepartmental character were necessary but that detailed study would be required for the preparation of specific plans. Since that time the heads of the executive departments and my own office have continued to study the internal organization of the several agencies of the Government. I have considered recommendations made to me as a result of these studies and have found it possible to make a number of needed improvements of organization by administrative action. In other instances, I can effect the necessary changes only under the procedure set up in the Reorganization Act of 1939.

I am transmitting herewith Reorganization Plan III, which I have prepared in accordance with the provisions of section 4 of the Reorganization Act of 1939 (Public, No. 19, 76th Cong., 1st sess.) approved April 3, 1939; and I declare that with respect to each reorganization made in this plan, I have found that such reorganization is necessary to accomplish one or more of the purposes of section 1(a) of the act:

1. To reduce expenditures;
 2. To increase efficiency;
 3. To consolidate agencies according to major purposes;
 4. To reduce the number of agencies by consolidating those having similar functions and by abolishing such as may not be necessary;
- and
5. To eliminate overlapping and duplication of effort.

TREASURY DEPARTMENT

I am proposing two intradepartmental reorganizations relating to the Treasury Department.

The first reorganization consolidates in a Fiscal Service, under the direction of a permanent Fiscal Assistant Secretary, those functions of the Treasury Department pertaining to financing and fiscal activities. This Fiscal Service will bring together the Office of the Treasurer of the United States, the Office of Commissioner of Accounts and Deposits, and the Public Debt Service, including their various subdivisions and certain other related functions.

Some adjustments are made in the assignment of functions of the units which will comprise the Fiscal Service, and certain changes are made in titles. The net effect of these adjustments is to establish within the Fiscal Service the Office of Fiscal Assistant Secretary, the Office of the Treasurer of the United States, and a Bureau of Accounts under a Commissioner of Accounts, and a Bureau of Public Debt under the Commissioner of Public Debt. In addition to responsibility for the administration of these four segments of the Department's operations, the Fiscal Assistant Secretary is vested with the financing functions of the Under Secretary of the Treasury and of the Assistant Secretaries.

The functions brought together in the Fiscal Service are all closely interrelated and are essential parts of the general functions of financing and fiscal control. The internal organization of the Fiscal Service conforms to accepted principles

of financial management and provides the framework for adequate internal controls. At the same time, under the proposed plan these functions can be coordinated more effectively, duplications eliminated, and a more efficient service provided. To assure continued effective management of this highly important and technical phase of the Treasury functions, I am placing the Fiscal Service under the supervision of a career official. The plan, therefore, provides that the Fiscal Assistant Secretary will be appointed by the Secretary of the Treasury in accordance with civil-service laws and will perform his duties under the general direction of the Secretary. This is in accord with the policy of this administration of bringing higher administrative positions within the career service. The creation of the office of Fiscal Assistant Secretary will not increase the number of Assistant Secretaries in the Treasury Department since the plan expressly provides for the abolition of one of the three existing offices of Assistant Secretary.

The second reorganization affecting the Treasury Department vests in the Secretary of the Treasury full authority for the administration of the Federal Alcohol Administration Act. At present the Federal Alcohol Administration occupies an anomalous position. It is legally a part of the Treasury Department, but actually it is clothed with almost complete independence under existing statutory provisions. Under certain conditions the Administration would by law become an independent agency, whereas the interests of improved management require its integration with

allied activities in the Treasury Department.

I propose, therefore, that the functions of the Federal Alcohol Administration be correlated with the activities of the Bureau of Internal Revenue, particularly its Alcohol Tax Unit. The Bureau is already performing a large part of the field enforcement work of the Administration and could readily take over complete responsibility for its work. The Bureau is daily making, for other purposes, a majority of the contacts with units of the liquor industry which the Federal Alcohol Administration should but cannot make without the establishment of a large and duplicating field force. Under the provisions of this plan, it will be possible more effectively to utilize the far-flung organization of the Treasury Department, including its many laboratories, in discharging the functions of the Federal Alcohol Administration. Thus, I find the proposed consolidation will remedy deficiencies in organization structure as well as afford a more effective service at materially reduced costs.

DEPARTMENT OF THE INTERIOR

Reorganization Plan II transferred the Bureau of Fisheries of the Department of Commerce and the Bureau of Biological Survey of the Department of Agriculture to the Department of the Interior and thus concentrated in one department the two bureaus responsible for the conservation and utilization of the wildlife resources of the Nation. On the basis of experience gained since this transfer, I find it necessary and desirable to consolidate these units into a single bureau to be known as the Fish and Wildlife Service.

The Bureau of Biological Survey administers Federal laws relating to birds, land mammals, and amphibians whereas the Bureau of Fisheries deals with fishes, marine mammals, and other aquatic animals. The natural areas of operation of these two bureaus frequently coincide, and their activities are interrelated and similar in character. Consolidation will eliminate duplication of work, facilitate coordination of programs, and improve service to the public.

Another provision relating to the Department of the Interior is the abolition of the statutory office of Recorder of the General Land Office. This office is a relic of the quill-and-sand-box period in the transcription of land records. Its duties can readily be absorbed by the regular civil-service personnel of the Land Office.

DEPARTMENT OF AGRICULTURE

I propose to consolidate the Division of Marketing and Marketing Agreements of the Agricultural Adjustment Administration and the Federal Surplus Commodities Corporation into a single agency to be known as the Surplus Marketing Administration. This consolidation will facilitate the work of the Department of Agriculture relating to the formulation and administration of marketing agreements and the disposition of agricultural surpluses.

Because the two programs require unified planning and direction, the Secretary of Agriculture has found it desirable to designate the same person as the head of both. In one capacity he reports directly to the Secretary of Agriculture while in the other he is

responsible by law to the Administrator of the Agricultural Adjustment Administration. Consolidation of the two units will assure unified management, eliminate confusion in administration, and make for more efficient operation. Furthermore, this reorganization will remove from the Agricultural Adjustment Administration the legal responsibility for functions which differ administratively from its major operations.

DEPARTMENT OF LABOR

I propose to abolish the offices of commissioner of immigration and the offices of district commissioner of immigration and naturalization. The former have been vacant since 1933; the latter impose an unnecessary level of supervision above that of district director of immigration and naturalization in certain of our ports and should be eliminated in the interests of economy and sound administration.

CIVIL AERONAUTICS AUTHORITY

I propose to clarify the relations of the Administrator of the Civil Aeronautics Authority and the five-member Board of the Civil Aeronautics Authority. The Administrator is made the chief administrative officer of the Authority with respect to all functions other than those relating to economic regulation and certain other activities primarily of a rule-making and adjudicative character which are entrusted to the Board. This will eliminate the confusion of responsibilities existing under the Civil Aeronautics Act and provide a more clear-cut and effective plan of organization for the agency.

IMPROVEMENT AND SAVINGS

The principal advantage of the reorganizations proposed in this plan will be increased effectiveness of operation of the agencies concerned. In addition to improved service, some economies may be expected. I estimate that immediate annual savings in administrative expense of approximately \$150,000 will result. This comparatively small amount in no way measures the worth of the proposals. In fact, if they resulted in no administrative savings at all, I should still consider them worthwhile in view of the increased effectiveness of administration that will result.

NEED FOR CONTINUOUS STUDY

The management problems of a department or agency are complex and dynamic and require much detailed analysis before findings can be made. These problems cannot be resolved by any one reorganization plan, nor at one time; their study must be a continuing process if our departmental machinery is to keep pace with the changing requirements placed on the Government. Accordingly, in conformity with the Budget and Accounting Act, I have instructed the Director of the Bureau of the Budget to continue studies in collaboration with the several departments and agencies, looking to further improvements in the Government's administrative structure.

Franklin D. Roosevelt.

The White House, April 2, 1940.

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5 USC APPENDIX – REORGANIZATION PLAN NO. IV OF 1940 01/06/03

–EXPCITE–

TITLE 5 – APPENDIX

REORGANIZATION PLANS

REORGANIZATION PLAN NO. IV OF 1940

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REORGANIZATION PLAN NO. IV OF 1940

–MISC1–

EFF. JUNE 30, 1940, 5 F.R. 2421, 54 STAT. 1234, BY ACT JUNE 4,
1940, CH. 231, SEC. 4, 54 STAT. 231, AS AMENDED AUG. 23, 1958, PUB.
L. 85–726, TITLE XIV, SEC. 1401(C), 72 STAT. 806; SEPT. 13, 1982,
PUB. L. 97–258, SEC. 5(B), 96 STAT. 1068, 1085

Prepared by the President and transmitted to the Senate and the
House of Representatives in Congress assembled, April 11, 1940,
pursuant to the provisions of the Reorganization Act of 1939,
approved April 3, 1939.

DEPARTMENT OF STATE

SECTION 1. TRANSFER OF DOMINICAN CUSTOMS RECEIVERSHIP

The functions of the Division of Territories and Island
Possessions in the Department of the Interior relating to the
Dominican Customs Receivership are transferred to the Department of
State and shall be administered by the Secretary of State or under
his direction and supervision by such agency in the Department of
State as he shall designate.

DEPARTMENT OF THE TREASURY

SEC. 2. APPROVAL OF COMPROMISES

The functions of the Attorney General relating to the approval of

compromises made in accordance with the provisions of section 7 of the Federal Alcohol Administration Act (27 U.S.C. 207) are transferred to the Secretary of the Treasury, to be exercised by him or under his direction and supervision by such officer in the Department of the Treasury as he shall designate: Provided, That exclusive jurisdiction to compromise cases arising under the Federal Alcohol Administration Act (27 U.S.C. 201 et seq.) which are pending before the courts or which have been or may hereafter be referred to the Department of Justice for action shall be vested in the Attorney General, and may be exercised by him or by any officer in the Department of Justice designated by him.

DEPARTMENT OF JUSTICE

SEC. 3. DISBURSEMENT FUNCTIONS OF UNITED STATES MARSHALS

(Repealed. Pub. L. 97-258, Sec. 5(b), Sept. 13, 1982, 96 Stat.

1068, 1085. Section transferred functions relating to disbursement by United States Marshals to the Department of Justice to be exercised by United States Marshals under the supervision of the Attorney General. See 31 U.S.C. 3321.)

POST OFFICE DEPARTMENT

SEC. 4. FUNCTIONS OF POSTAL DISBURSEMENTS

(Repealed. Pub. L. 97-258, Sec. 5(b), Sept. 13, 1982, 96 Stat.

1068, 1085. Section transferred functions relating to disbursement of all postal revenues and all other funds under the jurisdiction of the Post Office Department, the Postmaster General, and the Board of Trustees of the Postal Savings System to the Board of Trustees as to postal savings disbursements and to the Post Office

Department as to all other disbursements involved.)

SEC. 5. TRANSFER OF INTERBUILDING MESSENGER FUNCTIONS

(a) Except as prohibited by section 3(b) of the Reorganization Act of 1939, the function of regular interbuilding messenger service (including the transportation of mail) and the function of transportation of mail between Government agencies and the city post office, now exercised in the District of Columbia by agencies of the Government, are transferred from such agencies to and consolidated in the Post Office Department and shall be administered by the Postmaster General under such rules and regulations as the President shall prescribe: Provided, That this section shall not apply to the transportation of moneys and securities by armored truck or by other special services, or to messenger service between contiguous buildings.

(b) The Director of the Bureau of the Budget may waive the transfer of any motor vehicle coming within the purview of section 14 of this plan where he finds that the retention of such vehicle is essential to the performance of functions other than those transferred by this section.

DEPARTMENT OF THE INTERIOR

SEC. 6. CERTAIN FUNCTIONS OF THE SOIL CONSERVATION SERVICE

TRANSFERRED

The functions of the Soil Conservation Service in the Department of Agriculture with respect to soil and moisture conservation operations conducted on any lands under the jurisdiction of the Department of the Interior are transferred to the Department of the

Interior and shall be administered under the direction and supervision of the Secretary of the Interior through such agency or agencies in the Department of the Interior as the Secretary shall designate.

DEPARTMENT OF COMMERCE

SEC. 7. TRANSFER OF CIVIL AERONAUTICS AUTHORITY

(Repealed. Pub. L. 85–726, title XIV, Sec. 1401(c), Aug. 23, 1958, 72 Stat. 806. Section transferred Civil Aeronautics Authority and Air Safety Board to Department of Commerce, consolidated their functions into Civil Aeronautics Board, and provided for exercise of rule-making, adjudication and investigation functions of Board independent of Secretary of Commerce.)

SEC. 8. TRANSFER OF WEATHER BUREAU

The Weather Bureau in the Department of Agriculture and its functions are transferred to the Department of Commerce and shall be administered under the direction and supervision of the Secretary of Commerce: Provided, That the Department of Agriculture may continue to make snow surveys and to conduct research concerning: (a) relationships between weather and crops, (b) long-range weather forecasting, and (c) relationships between weather and soil erosion.

DEPARTMENT OF LABOR

SEC. 9. TRANSFER OF CERTAIN FUNCTIONS RELATING TO ENFORCEMENT OF WAGE PAYMENTS ON PUBLIC CONSTRUCTION

The functions of the Secretary of the Treasury and the Secretary of the Interior under section 2 of the Act of June 13, 1934,

entitled "An act to effectuate the purpose of certain statutes concerning rates of pay for labor, by making it unlawful to prevent anyone from receiving the compensation contracted for thereunder, and for other purposes" (48 Stat. 948) (now 40 U.S.C. 3145), are transferred to the Secretary of Labor and shall be administered by him or under his direction and supervision by such agency in the Department of Labor as the Secretary shall designate.

UNITED STATES MARITIME COMMISSION

SEC. 10. TRANSFER OF NAUTICAL SCHOOL FUNCTIONS

The functions of the Secretary of the Navy with respect to furnishing, maintaining, and repairing vessels for the use of State marine or nautical schools and with respect to administering grants of funds for the support of such schools are transferred to and shall be administered by the United States Maritime Commission. Jurisdiction over vessels, apparel, charts, books, and instruments now loaned to State marine or nautical schools is transferred from the Secretary of the Navy to the United States Maritime Commission.

FEDERAL SECURITY AGENCY

SEC. 11. TRANSFER OF CERTAIN INTERIOR DEPARTMENT INSTITUTIONS – (A)

SAINT ELIZABETHS HOSPITAL

Saint Elizabeths Hospital in the Department of the Interior and its functions are transferred to the Federal Security Agency and shall be administered under the direction and supervision of the Federal Security Administrator. The annual report required to be submitted to the Congress by the superintendent of the Hospital shall be submitted through the Federal Security Administrator. The

annual report required to be furnished to the Secretary of the Interior by the Board of Visitors shall be furnished to the Federal Security Administrator.

(B) FREEDMEN'S HOSPITAL

Freedmen's Hospital in the Department of the Interior and its functions are transferred to the Federal Security Agency and shall be administered under the direction and supervision of the Federal Security Administrator.

(C) HOWARD UNIVERSITY

The functions of the Department of the Interior relating to the administration of Howard University are transferred to the Federal Security Agency and shall be administered under the direction and supervision of the Federal Security Administrator. The annual report required to be furnished to the Secretary of the Interior by the president and directors of the University shall be furnished to the Federal Security Administrator. The Office of Education shall continue to make its inspections of and reports on the affairs of Howard University in accordance with the provisions of existing law.

(D) COLUMBIA INSTITUTION FOR THE DEAF

The functions of the Department of the Interior relating to the administration of the Columbia Institution for the Deaf are transferred to the Federal Security Agency and shall be administered under the direction and supervision of the Federal Security Administrator. The annual report required to be furnished to the Secretary of the Interior by the president and directors of

the Institution shall be furnished to the Federal Security Administrator, and the annual report of the superintendent of the Institution to the Congress shall be submitted through the Federal Security Administrator.

(E) FEDERAL SECURITY ADMINISTRATOR

The functions transferred by this section shall be administered under the direction and supervision of the Federal Security Administrator through such officers or subdivisions of the Federal Security Agency as the Administrator shall designate.

SEC. 12. TRANSFER OF FOOD AND DRUG ADMINISTRATION

The Food and Drug Administration in the Department of Agriculture and its functions, except those functions relating to the administration of the Insecticide Act of 1910 and the Naval Stores Act (7 U.S.C. 91–99, 121–134), are transferred to the Federal Security Agency and shall be administered under the direction and supervision of the Federal Security Administrator. The Chief of the Food and Drug Administration shall hereafter be known as the Commissioner of Food and Drugs.

GENERAL PROVISIONS

SEC. 13. TRANSFER OF FUNCTIONS OF HEADS OF DEPARTMENTS

Except as otherwise provided in this Plan, the functions of the head of any department relating to the administration of any agency or function transferred from his department by this Plan are transferred to, and shall be exercised by the head of the department or agency to which such transferred agency or function is transferred by this Plan.

SEC. 14. TRANSFER OF RECORDS, PROPERTY, AND PERSONNEL

Except as otherwise provided in this Plan, all records and property (including office equipment) of the several agencies, and all records and property used primarily in the administration of any functions transferred by this Plan, and all personnel used in the administration of such agencies and functions (including officers whose chief duties relate to such administration and whose offices are not abolished) are transferred to the respective agencies concerned, for use in the administration of the agencies and functions transferred by this Plan: Provided, That any personnel transferred to any agency by this section found by the head of such agency to be in excess of the personnel necessary for the administration of the functions transferred to his agency shall be retransferred under existing law to other positions in the Government service, or separated from the service subject to the provisions of section 10(a) of the Reorganization Act of 1939.

SEC. 15. TRANSFER OF FUNDS

So much of the unexpended balances of appropriations, allocations, or other funds available for the use of any agency in the exercise of any function transferred by this Plan, or for the use of the head of any agency in the exercise of any function so transferred, as the Director of the Bureau of the Budget with the approval of the President shall determine, shall be transferred to the agency concerned for use in connection with the exercise of the function so transferred. In determining the amount to be transferred the Director of the Bureau of the Budget may include an

amount to provide for the liquidation of obligations incurred against such appropriations, allocations, or other funds prior to the transfer: Provided, That the use of the unexpended balances of appropriations, allocations, or other funds transferred by this section shall be subject to the provisions of section 4(d)(3) and section 9 of the Reorganization Act of 1939.

MESSAGE OF THE PRESIDENT

To the Congress of the United States:

One year ago the Congress directed the President to investigate the organization of the Executive establishment and to submit plans for such transfers, consolidations, and abolitions of agencies as were found necessary and desirable.

Shortly thereafter I submitted Reorganization Plan No. I which improved the over-all management of the Executive branch. This was followed by Reorganization Plan No. II which effected a better allocation of certain agencies and activities among departments.

Although these two plans have been in effect less than a year, their benefits have already been gratifying. I have found the task of coordinating the work of the Executive branch less difficult.

Many improvements in service have occurred, and substantial economies have resulted.

Reorganization Plan No. III, recently submitted, is a third step which will improve intradepartmental management through internal adjustment in certain agencies.

I am now proposing a fourth reorganization plan which provides for a number of interdepartmental reorganizations. These changes

are designed to increase efficiency in the administration of Government services by a more logical grouping of certain functions and by a further reduction in the number of independent agencies reporting directly to the Chief Executive.

Accordingly, I am transmitting herewith Reorganization Plan No. IV, which, after investigation, I have prepared in pursuance of section 4 of the Reorganization Act of 1939 (Public, No. 19, 76th Cong., 1st sess.) approved April 3, 1939; and I declare with respect to each reorganization made in this plan, that I have found such reorganization necessary to accomplish one or more of the purposes of section 1 (a) of the act:

1. To reduce expenditures;
2. To increase efficiency;
3. To consolidate agencies according to major purposes;
4. To reduce the number of agencies by consolidating those having similar functions and by abolishing such as may not be necessary;
5. To eliminate overlapping and duplication of effort.

The plan I now transmit I shall describe briefly as follows:

DEPARTMENT OF STATE

The Dominican Customs Receivership is transferred to the Department of State from the Division of Territories and Island Possessions in the Department of the Interior. The State Department is the most appropriate agency to supervise this activity which involves relations with a foreign government.

TREASURY DEPARTMENT

The plan transfers to the Secretary of the Treasury the function

of the Attorney General of approving out-of-court settlements – technically termed compromises – of cases arising under the Federal Alcohol Administration Act which have not, prior to compromise, been referred to the Department of Justice for prosecution. The present requirement that the Attorney General approve all compromises results in a cumbersome, time-consuming procedure which the small amounts involved do not warrant. The proposed handling will be simpler, less likely to cause delay, and consistent with the procedure now followed in compromises arising under other acts which the Treasury Department administers.

DEPARTMENT OF JUSTICE

Executive Order No. 6166, issued June 20, 1933, provided for the centralization of the disbursement function in a Division of Disbursement in the Treasury Department. The resulting increase in efficiency has amply demonstrated the wisdom of centralizing disbursement work. In effectuating the plan, however, I have found it necessary to postpone its application to United States marshals because of the unusual character of their disbursing work in serving the courts. Experience indicates that this arrangement should be continued. I am proposing, therefore, the permanent transfer of the disbursement function of United States marshals from the Treasury Department to the Department of Justice.

POST OFFICE DEPARTMENT

It has also been found desirable to continue permanently in the Post Office Department the disbursement of Post Office funds. The special character of the work of this Department, involving

disbursements in thousands of post offices throughout the Nation, requires here, as well as in the case of the United States marshals, a departure from the sound theory of central disbursing. With its far-flung facilities, the Post Office Department is better equipped to carry on this work than the Division of Disbursement. Another proposal affecting the Post Office Department relates to the transportation of mail and other material between departments. In the early colonial days, the interchange of correspondence and messages was by the simple hand-to-hand method. Gradually a more systematic device became necessary to transport messages, with the resultant evolution of the postal service. Business and private citizens in general have made use of that service, and today we have in our Post Office Department the most efficient organization of its kind in the world. However, here in the Capital City, the Federal Government, instead of utilizing fully the resources of the Post Office Department to maintain its mail and messenger service, has permitted a multiplicity of interdepartmental messenger services, each serving its own department, bureau, or agency. This duplication of services is uneconomical and results in a constant crisscrossing and overlapping of personnel and equipment, all engaged in a common activity. I am sure that the average citizen in Washington, as well as officials of the Government itself, have wondered at this paradox whereby the Federal Government is failing to make the fullest use of one of its own agencies which is specially equipped to render a simple, centralized service for all the other agencies. This reorganization plan proposes to do

exactly that; to provide for the transportation of mail, documents, packages, and similar material between all buildings occupied by Government offices on a regularly scheduled basis of sufficient frequency to meet the reasonable and normal requirements of these offices and to reduce to a minimum the constant dispatching of messengers on so-called urgent and emergency errands. This service will be available on a reimbursement basis to the agencies exempted by the Reorganization Act.

DEPARTMENT OF THE INTERIOR

I propose to transfer to the Department of the Interior the activities of the Soil Conservation Service relating to soil and moisture conservation on lands under the jurisdiction of the Interior Department. With respect to private lands, the soil-conservation work of the Federal Government is primarily of a consultative character and can best be carried on by the Department of Agriculture through cooperation of the farmers throughout the country. In the case of Federal lands, this work includes the actual application by the Government of soil-conservation practices and is an appropriate function of the agency administering the land.

DEPARTMENT OF COMMERCE

One of the purposes of the Reorganization Act is to reduce the number of administrative agencies and thereby simplify the task of executive management. We have made substantial progress toward this objective under previous reorganization plans. I am now proposing another step in this direction by placing the Civil

Aeronautics Authority within the framework of the Department of Commerce. Reorganization Plan No. III, which deals with intradepartmental changes, draws a more practical separation between the functions of the Administrator and the Civil Aeronautics Board. In Plan IV, which is concerned with interdepartmental reorganization, I am bringing the Authority into the departmental structure. The Administrator will report to the Secretary of Commerce. The five-member Board, however, will perform its rule-making, adjudicative, and investigative functions independent of the Department. In the interest of efficiency it will be supplied by the Department with budgeting, accounting, procurement, and other office services. As a result of the adjustments provided in Plans III and IV, I believe the Civil Aeronautics Board will be able effectively to carry forward the important work of accident investigation heretofore performed by the Air Safety Board. In addition to the effective and coordinated discharge of accident investigation work which this transfer will facilitate, economies in administration will be possible.

The importance of the Weather Bureau's functions to the Nation's commerce has also led to the decision to transfer this Bureau to the Department of Commerce. The development of the aviation industry has imposed upon the Weather Bureau a major responsibility in the field of air transportation. The transfer to the Department of Commerce, as provided in this plan, will permit better coordination of Government activities relating to aviation and to commerce generally, without in any way lessening the Bureau's

contribution to agriculture.

DEPARTMENT OF LABOR

The plan transfers to the Secretary of Labor the functions of the Secretary of the Treasury and the Secretary of the Interior relating to the enforcement of the minimum-wage provisions in contracts for Federal construction. The Secretary of Labor is responsible by law for the determination of the prevailing wage rates included in Government contracts and should properly have complete responsibility for their enforcement.

UNITED STATES MARITIME COMMISSION

I propose to transfer to the United States Maritime Commission the functions of the Secretary of the Navy relating to State marine and nautical schools. These schools are devoted to training young men for junior officer positions in the merchant marine. The general responsibility for developing facilities for the training of merchant marine personnel is vested in the Maritime Commission. The proposed transfer will thus permit closer coordination of the nautical schools with the training work of the Maritime Commission.

FEDERAL SECURITY AGENCY

The Federal Security Agency has as its major purposes the promotion of social and economic security, educational opportunity, and the health of the citizens. The functions of Saint Elizabeths Hospital, Freedmen's Hospital, Howard University, and Columbia Institution for the Deaf plainly come squarely within these purposes. Consequently, I find it necessary and desirable in pursuance of the objectives of the Reorganization Act to transfer

to the Federal Security Agency the responsibilities of the Interior Department relating to these institutions. The work of Saint Elizabeths Hospital and Freedmen's Hospital is much more akin to the activities of the Public Health Service in the Federal Security Agency than to those of any other Federal establishment.

Similarly, Howard University and Columbia Institution for the Deaf can derive more benefit from association with the Office of Education in the Federal Security Agency than with any other Federal organization.

I further propose to transfer to the Federal Security Agency the Food and Drug Administration with the exception of two activities intimately related to the work of the Department of Agriculture.

The work of the Food and Drug Administration is unrelated to the basic functions of the Department of Agriculture. There was, however, no other agency to which these functions more appropriately belonged until the Federal Security Agency was created last year. I now believe that the opportunity for the Food and Drug Administration to develop along increasingly constructive lines lies in this new Agency. There is also need for coordination of certain of its functions with those of the Public Health Service. To accomplish these objectives, the plan establishes the Administration as a separate unit within the Federal Security Agency.

ECONOMIES

Functions may be transferred or consolidated under this Reorganization Act, but the abolition of functions is prohibited.

Congress alone can curtail or abolish functions now provided by law. Savings must come from administrative expenses which comprise only a small fraction of Federal expenditures. This precludes the making of large reductions in expenditure through reorganization plans. The major achievements in reorganizations under this formula must inevitably be found in improved management and more effective service. However, some savings in administrative expenses will be possible under this plan. I estimate the immediate annual savings at approximately \$300,000.

FUTURE REORGANIZATION NEEDS

The reorganization plans thus far submitted do not exhaust the transfers, consolidations, and abolitions that may be necessary and desirable. Some changes that now appear to have merit require further study. It is the responsibility of the President as Chief Executive to see that needed adjustments and improvements in administrative organization are made. But this he cannot adequately accomplish without proper statutory authority. The present Reorganization Act entirely exempts some 21 administrative agencies from consideration. Furthermore this act expires on January 20, 1941.

I strongly recommend the reenactment of the Reorganization Act, without exemptions. The structure and management of our Government, like the activities and services it performs, must be kept abreast of social and economic change.

Franklin D. Roosevelt.

The White House, April 11, 1940.

–CITE–

5 USC APPENDIX – REORGANIZATION PLAN NO. V OF 1940 01/06/03

–EXPCITE–

TITLE 5 – APPENDIX

REORGANIZATION PLANS

REORGANIZATION PLAN NO. V OF 1940

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–HEAD–

REORGANIZATION PLAN NO. V OF 1940

–MISC1–

EFF. JUNE 15, 1940, 5 F.R. 2223, 54 STAT. 1238, BY ACT JUNE 4,
1940, CH. 231, SEC. 1, 54 STAT. 230

Prepared by the President and transmitted to the Senate and the
House of Representatives in Congress assembled, May 22, 1940,
pursuant to the provisions of the Reorganization Act of 1939,
Approved April 3, 1939.

IMMIGRATION AND NATURALIZATION SERVICE

SECTION 1. TRANSFER OF IMMIGRATION AND NATURALIZATION SERVICE

The Immigration and Naturalization Service of the Department of
Labor (including the Office of the Commissioner of Immigration and
Naturalization) and its functions are transferred to the Department
of Justice and shall be administered under the direction and
supervision of the Attorney General. All functions and powers of
the Secretary of Labor relating to the administration of the
Immigration and Naturalization Service and its functions or to the
administration of the immigration and naturalization laws are

transferred to the Attorney General. In the event of disagreement between the head of any department or agency and the Attorney General concerning the interpretation or application of any law pertaining to immigration, naturalization, or nationality, final determination shall be made by the Attorney General.

SEC. 2. TRANSFER OF RECORDS, PROPERTY, AND PERSONNEL

All records, property, and personnel (including office equipment) of the Immigration and Naturalization Service, and all records, property, and personnel of the Department of Labor used primarily in the administration of functions transferred by this Plan (including officers whose chief duties relate to such administration), are transferred to the Department of Justice:

Provided, That any personnel so transferred that may be found by the Attorney General to be in excess of the personnel necessary for the administration of the functions transferred by this Plan, shall be retransferred under existing law to other positions in the Government service, or separated from the service subject to the provisions of section 10(a) of the Reorganization Act of 1939.

SEC. 3. TRANSFER OF FUNDS

So much of the unexpended balances of appropriations, allocations, or other funds available (including funds available for the fiscal year ending June 30, 1941) for the use of the Immigration and Naturalization Service or the Department of Labor in the exercise of functions transferred by this Plan as the Director of the Bureau of the Budget with the approval of the President shall determine, shall be transferred to the Department

of Justice for use in connection with the exercise of the functions so transferred. In determining the amount to be transferred the Director of the Bureau of the Budget may include an amount to provide for the liquidation of obligations incurred against such appropriations, allocations, or other funds prior to the transfer: Provided, That the use of the unexpended balances of appropriations, allocations, or other funds transferred by this section shall be subject to the provisions of sections 4(d)(3) and section 9 of the Reorganization Act of 1939.

MESSAGE OF THE PRESIDENT

To the Congress of the United States:

When Reorganization Plan No. IV was submitted to Congress, I did not contemplate the transmittal of any additional plans during the current session. However, the startling sequence of international events which has occurred since then has necessitated a review of the measures required for the Nation's safety. This has revealed a pressing need for the transfer of the immigration and naturalization functions from the Department of Labor to the Department of Justice. I had considered such an interdepartmental transfer for some time but did not include it in the previous reorganization plans since much can be said for the retention of these functions in the Department of Labor during normal times. I am convinced, however, that under existing conditions the immigration and naturalization activities can best contribute to the national well-being only if they are closely integrated with the activities of the Department of Justice.

I am, therefore, transmitting herewith Reorganization Plan No. V which I have prepared in accordance with the provisions of section 4 of the Reorganization Act of 1939 (Public, No. 19, 76th Cong., 1st sess.) approved April 3, 1939; and I declare that I have found that such reorganization is necessary to accomplish one or more of the purposes of section 1(a) (section 133 of this title) of the act:

1. To reduce expenditures;
 2. To increase efficiency;
 3. To consolidate agencies according to major purposes;
 4. To reduce the number of agencies by consolidating those having similar functions and by abolishing such as may not be necessary;
- and
5. To eliminate overlapping and duplication of effort.

This plan provides for transferring the Immigration and Naturalization Service from the Department of Labor to the Department of Justice. While it is designed to afford more effective control over aliens, this proposal does not reflect any intention to deprive them of their civil liberties or otherwise to impair their legal status. This reorganization will enable the Government to deal quickly with those aliens who conduct themselves in a manner that conflicts with the public interest. No monetary savings are anticipated.

I realize that the Congress may adjourn before the termination of the 60-day period provided under the Reorganization Act, but in that event and in view of the urgency of this matter I hope that it

will take such action as will permit this plan to go into effect.

Franklin D. Roosevelt.

The White House, May 22, 1940.

–CITE–

5 USC APPENDIX – REORGANIZATION PLAN NO. 1 OF 1946 01/06/03

–EXPCITE–

TITLE 5 – APPENDIX

REORGANIZATION PLANS

REORGANIZATION PLAN NO. 1 OF 1946

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REORGANIZATION PLAN NO. 1 OF 1946

–MISC1–

Reorganization Plan No. 1 of 1946, which proposed abolition of the Office of Inter–American Affairs and transfer of its functions to the Department of State, abolition of the Office of United States High Commissioner to the Philippine Islands, transfer of functions of the Attorney General under the National Prohibition Act to the Commissioner of Internal Revenue, transfer of functions of six research bureaus, the Office of Experiment Stations, and the Agricultural Research Center to the Secretary of Agriculture, transfer of functions of the Director and Office of Contract Settlement under the Contract Settlement Act of 1944 to the Director and Office of War Mobilization and Reconversion, consolidation of the agencies and functions of the National Housing Agency into a permanent agency of the same name, and transfer of

the functions of the Farm Credit Administration and the Governor thereof and of the Secretary of Agriculture under the Federal Credit Union Act to the Federal Deposit Insurance Corporation, was submitted to Congress on May 16, 1946, and was disapproved by Congress on July 15, 1946.

–CITE–

5 USC APPENDIX – REORGANIZATION PLAN NO. 2 OF 1946 01/06/03

–EXPCITE–

TITLE 5 – APPENDIX

REORGANIZATION PLANS

REORGANIZATION PLAN NO. 2 OF 1946

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REORGANIZATION PLAN NO. 2 OF 1946

–MISC1–

EFF. JULY 16, 1946, 11 F.R. 7873, 60 STAT. 1095, BY ACT DEC. 20, 1945, CH. 582, 59 STAT. 613, AS AMENDED SEPT. 6, 1966, PUB. L. 89–554, SEC. 8(A), 80 STAT. 662

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, May 16, 1946, pursuant to the provisions of the Reorganization Act of 1945, approved December 20, 1945.

FEDERAL SECURITY AGENCY AND DEPARTMENT OF LABOR

SECTION 1. CHILDREN'S BUREAU

(a) The Children's Bureau in the Department of Labor, exclusive of its Industrial Division, is transferred to the Federal Security

Agency. All functions of the Children's Bureau and of the Chief of the Children's Bureau except those transferred by subsection (b) of this section, all functions of the Secretary of Labor under Title V of the Social Security Act (49 Stat. 620, ch. 531), as amended (42 U.S.C. 701 et seq.), and all other functions of the Secretary of Labor relating to the foregoing functions are transferred to the Federal Security Administrator and shall be performed by him or under his direction and control by such officers and employees of the Federal Security Agency as he shall designate, except that the functions authorized by section 2 of the act of April 9, 1912 (37 Stat. 79, ch. 73), as amended (former section 192 of Title 40), and such other functions of the Federal Security Agency as the Administrator may designate, shall be administered, under his direction and control, through the Children's Bureau.

(b) The functions of the Children's Bureau and of the Chief of the Children's Bureau under the Fair Labor Standards Act of 1938 (52 Stat. 1060, ch. 676), as amended (29 U.S.C. 201 et seq.), are transferred to the Secretary of Labor and shall be performed under his direction and control by such officers and employees of the Department of Labor as he shall designate.

SEC. 2. VITAL STATISTICS

The functions of the Secretary of Commerce, the Bureau of the Census, and the Director of the Bureau of the Census with respect to vital statistics (including statistics on births, deaths, marriages, divorces, and annulments) are transferred to the Federal Security Administrator and shall be performed under his direction

and control by the United States Public Health Service or by such officers and employees of the Federal Security Agency as the Administrator shall designate.

SEC. 3. UNITED STATES EMPLOYEES' COMPENSATION COMMISSION

(Repealed. Pub. L. 89-554, Sec. 8(a), Sept. 6, 1966, 80 Stat.

662. Section abolished the United States Employees' Compensation Commission and transferred its functions to the Federal Security Agency. See sections 8145 and 8149 of Title 5, Government Organization and Employees.)

SEC. 4. SOCIAL SECURITY BOARD

The functions of the Social Security Board in the Federal Security Agency, together with the functions of its chairman, are transferred to the Federal Security Administrator and shall be performed by him or under his direction and control by such officers and employees of the Federal Security Agency as he shall designate. The Social Security Board is abolished.

SEC. 5. ASSISTANT HEADS OF FEDERAL SECURITY AGENCY

In addition to the existing Assistant Federal Security Administrator, there shall be not to exceed two assistant heads of the Federal Security Agency, each of whom shall be appointed by the Federal Security Administrator under the classified civil service, receive a salary at the rate of \$10,000 per annum, and perform such duties and head such constituent unit of the Federal Security Agency as the Administrator may provide.

SEC. 6. FUNCTIONS UNDER ACT OF JUNE 20, 1936, WITH RESPECT TO THE BLIND

The functions of the Office of Education and of the Commissioner of Education under the act of June 20, 1936 (49 Stat. 1559, ch. 638) (20 U.S.C. 107 et seq.) are transferred to the Federal Security Administrator and shall be performed under his direction and control by such officers and employees of the Federal Security Agency as he shall designate.

SEC. 7. ASSISTANT COMMISSIONER OF EDUCATION

The functions of the Assistant Commissioner of Education, created by the act of May 26, 1930 (46 Stat. 384, ch. 330) (former section 2a of Title 20) are transferred to the Office of Education to be performed under the direction and control of the Commissioner of Education by such officers or employees of the Office as he may designate with the approval of the Federal Security Administrator. The Office of Assistant Commissioner of Education is abolished.

SEC. 8. FEDERAL BOARD FOR VOCATIONAL EDUCATION

The Federal Board for Vocational Education and its functions are abolished.

SEC. 9. BOARD OF VISITORS OF ST. ELIZABETH'S HOSPITAL

The Board of Visitors of St. Elizabeth's Hospital and its functions are abolished.

SEC. 10. COORDINATION OF GRANT-IN-AID PROGRAMS

In order to coordinate more fully the administration of grant-in-aid programs by officers and constituent units of the Federal Security Agency, the Federal Security Administrator shall establish, insofar as practicable, (a) uniform standards and procedures relating to fiscal, personnel, and the other

requirements common to two or more such programs, and (b) standards and procedures under which a State agency participating in more than one such program may submit a single plan of operation and be subject to a single Federal fiscal and administrative review of its operation.

SEC. 11. WINDING UP OF AFFAIRS

Suitable measures shall be taken by the Federal Security Administrator to wind up those outstanding affairs of the agencies herein abolished which are not otherwise disposed of by this plan.

SEC. 12. TRANSFER OF PERSONNEL, PROPERTY, RECORDS, AND FUNDS

The personnel, property, records, and unexpended balances of appropriations, allocations, and other funds (available or to be made available), which the Director of the Bureau of the Budget shall determine to relate primarily to the functions transferred hereunder are transferred to the respective agencies concerned for use in the administration of the functions so transferred, except that all of the personnel, property, records, and funds of the Industrial Division of the Children's Bureau shall be transferred to such agency or agencies of the Department of Labor as the Secretary of Labor shall designate. Any of the personnel transferred under this plan which the transferee agency shall find to be in excess of the personnel necessary for the administration of the functions transferred to such agency shall be retransferred under existing law to other positions in the Government or separated from the service.

MESSAGE OF THE PRESIDENT

To the Congress of the United States:

The fundamental strength of a nation lies within its people.

Military and industrial power are evidences, not the real source of strength. Over the years the prosperity of America and its place in the world will depend on the health, the education, the ingenuity, and the integrity of its people and on their ability to work together and with other nations.

The most basic and at the same time the most difficult task of any country is the conservation and development of its human resources. Under our system of government this is a joint responsibility of the Federal, State, and local governments, but in it the Federal Government has a large and vital role to play.

Through its research, advice, stimulation, and financial aid, it contributes greatly to progress and to the equalization of standards in the fields of education, health, and welfare; and in the field of social insurance it also directly administers a major segment of the program.

To meet its full responsibilities in these fields, the Federal Government requires efficient machinery for the administration of its social programs. Until 1939 the agencies in charge of these activities were scattered in many parts of the Government. In that year President Roosevelt took the first great step toward effective organization in this area when he submitted Reorganization Plan 1, establishing the Federal Security Agency – to promote social and economic security, educational opportunity, and the health of the citizens of the Nation.

The time has now come for further steps to strengthen the machinery of the Federal Government for leadership and service in dealing with the social problems of the country. Several programs closely bound up with the objectives of the Federal Security Agency are still scattered in other parts of the Government. As the next step, I consider it essential to transfer these programs to the Federal Security Agency and to strengthen its internal organization and management.

Broadly stated, the basic purpose of the Federal Security Agency is the conservation and development of the human resources of the Nation. Within that broad objective come the following principal functions: Child care and development, education, health, social insurance, welfare (in the sense of care of the needy and the defective), and recreation (apart from the operation of parks in the public domain).

These functions constitute a natural family of closely related services, interwoven at many points and in many ways. For example, the development of day-care centers for children has involved joint planning and service by specialists of the Children's Bureau, the Office of Education, the Public Health Service, and several other agencies. The schools are both a major consumer of public-health services and a leading vehicle for health education and for disseminating the results of research carried on by the Public Health Service. The promotion of social security involves a whole battery of activities, especially social insurance, public assistance, health, and child welfare.

In order to proceed as promptly as possible with the development of the Federal Security Agency to meet the postwar responsibilities of the Government within its field of activity, I am transmitting herewith Reorganization Plan No. 2, which I have prepared in accordance with the provisions of section 3 of the Reorganization Act of 1945 (Public Law 263, 79th Cong., 1st Sess.), approved December 20, 1945; and I declare that, with respect to each reorganization made in this plan, I have found that such reorganization is necessary to accomplish one or more of the purposes of section 2 (a) of the act –

- (1) To facilitate orderly transition from war to peace;
- (2) To reduce expenditures and promote economy;
- (3) To increase efficiency;
- (4) To group, coordinate, and consolidate agencies and functions according to major purposes;
- (5) To reduce the number of agencies by consolidating those having similar functions and to abolish such agencies or functions thereof as may not be necessary for the efficient conduct of the Government; and
- (6) To eliminate overlapping and duplication of effort.

The plan includes certain interagency transfers and several abolitions and changes in the internal organization of the Federal Security Agency.

The plan transfers to the Federal Security Administrator the functions of the Children's Bureau, except those relating to child labor under the Fair Labor Standards Act. These child–labor

functions are transferred to the Secretary of Labor in order that they may be performed by, or in close relationship with, the Wage and Hour Division which administers the rest of the act. The plan continues the Children's Bureau within the Federal Security Agency to deal with problems of child life, but is flexible enough to enable the Administrator to gear in the Bureau's programs effectively with other activities of the Agency.

The child-labor program is the only permanent program of the Children's Bureau that is properly a labor function. The other four – child welfare, crippled children, child and maternal health, and research in problems of child life – all fall within the scope of the Federal Security Agency. The transfer of the Children's Bureau will not only close a serious gap in the work of the Agency, but it will strengthen the child-care programs by bringing them into closer association with the health, welfare, and educational activities with which they are inextricably bound up.

The promotion of the education, health, welfare, and social security of the Nation is a vast cooperative undertaking of the Federal, State, and local governments. It involves numerous grant-in-aid programs and complex intergovernmental relations. The transfer of the Children's Bureau will simplify these relations and make for better cooperation.

To illustrate, State welfare departments now depend on both the Bureau of Public Assistance in the Federal Security Agency and the Children's Bureau in the Labor Department for funds for child-care activities. Similarly, State health departments obtain grants from

the Public Health Service for general public health work and from the Children's Bureau for child and maternal health activities.

All of these grants involve the establishment of minimum standards and a measure of Federal supervision. The transfer of the Children's Bureau programs will make it possible to develop more consistent policies and procedures and to simplify dealings with the States. This will eliminate needless inconvenience for both parties and enable the State and Federal Governments to join more efficiently in their common objective of furthering the health and welfare of the American child.

Next, the plan transfers the vital statistics functions of the Census Bureau to the Federal Security Administrator, to be performed through the Public Health Service or other facilities of the Federal Security Agency. In every State but one the State health department is in charge of vital statistics. The work in the States is partially financed from public-health grants administered by the Public Health Service. This transfer will make the agency providing the grants also responsible for carrying on the Federal part of the vital statistics program. Furthermore, it will make for a better correlation of vital statistics with morbidity statistics, which are closely connected in nature and are already handled by the Public Health Service. In addition, the Federal Security Agency, more than any other Federal agency in peacetime, depends on vital statistics and vital records in the operation of its programs.

The plan transfers the functions of the United States Employees

Compensation Commission to the Federal Security Administrator, and provides for a three-member board of appeals to hear and finally decide appeals on claims of Government employees. By abolishing the Commission, the plan eliminates a small agency and lightens the burden on the President. The Federal Security Administrator, as the head of the Federal agency with the greatest experience in insurance administration, is in the best position to guide and further the program of the Commission.

The abolition of the Commission as an administrative body and the creation of an appeals board will provide the advantages of a single official in charge of operations while affording claimants the protection of a three-member board for the final decision of appeals on claims. This arrangement has proved both administratively efficient and satisfactory to claimants in many similar programs. It is essentially the plan used in the administration of veterans' pensions and old-age and survivors insurance and employed by many States in their workmen's compensation programs. The board of appeals created by this plan will deal only with claims of Government employees since appeals on other types of claims under the jurisdiction of the Commission – (a) longshoremen and harbor workers and (b) private employees in the District of Columbia – are heard by the Federal district courts rather than the Commission.

The reorganization plan which created the Federal Security Agency in 1939 provided that the Federal Security Administrator should direct and supervise the Social Security Board, and that he might

assign administrative duties to the Chairman of the Board, rather than to the Board as a whole. Thus, it took the first step toward establishing a definite line of responsibility for the administration of social security functions in the Agency. The plan I am now submitting further clarifies these lines of responsibility by providing for the normal type of internal organization used in Federal departments and agencies.

A full-time board in charge of a group of bureaus within an agency is at best an anomaly. The Social Security Board rendered an outstanding service in launching the social-security program, and its members deserve the thanks of the Nation for this achievement. That program, however, is now firmly established and its administration needs to be tied in more fully with other programs of the Federal Security Agency. The existence of a department within a department is a serious barrier to effective integration.

In order to obtain more expeditious and effective direction for the social-security program and to further the development of the Federal Security Agency, this plan transfers the functions of the Social Security Board to the Federal Security Administrator and provides for not more than two new assistant heads of the Agency for the administration of the program. Because of the additional functions transferred to the Administrator by this plan, I have found that these officers will be needed to assist him in the general management of the Agency and to head the constituent unit or units which the Administrator will have to establish for the

conduct of social–security activities.

To permit a consolidation of work for the blind, the functions of the Office of Education as to the vending–stand program for the blind are transferred to the Federal Security Administrator, in whom are vested other vocational rehabilitation functions. This transfer will permit the program to be assigned to the Office of Vocational Rehabilitation, where other vocational rehabilitation activities for the blind are now concentrated.

The office of Assistant Commissioner of Education, established by the act of May 26, 1930, is abolished. A basic reorganization of the Office of Education within the past year has made this officer the head of one of the divisions of the Office. It is, therefore, administratively desirable to abolish the post of Assistant Commissioner in conformity with the present organization of the Office.

The plan also abolishes the Federal Board of Vocational Education and its functions. The Board, established by the act of February 23, 1917, as amended (20 U.S.C. 11 et seq.), formerly had charge of the administration of the vocational–education program. Section 15 of Executive Order 6166, of June 10, 1933, issued under authority of the act of June 30, 1932 (47 Stat. 413, ch. 314), as amended, transferred the administration of the program to the Office of Education and limited the Board to acting in an advisory capacity.

The Advisory Committee on Education, on the basis of its study of the vocational–education system, found that the Board was no longer needed and recommended its abolition.

To avoid possible confusion and conflict of authority, the Board of Visitors of St. Elizabeths Hospital and its functions are abolished. The functions of the Board, as provided by section 4842 of the Revised Statutes include supervision of the institution and the adoption of its bylaws, in addition to visiting the institution and advising the superintendent. These functions overlap the responsibilities of the Federal Security Administrator for the general supervision and direction of the hospital.

In order to enable the Administrator more adequately to coordinate the administration of the grant-in-aid programs vested by statute in the constituent units of the Federal Security Agency, the plan provides that, insofar as practicable and consistent with the applicable legislation, he shall establish uniform standards and procedures for these programs and permit States to submit a single plan of operation for related grant-in-aid programs. Most of these programs involve the establishment of certain minimum standards on fiscal, personnel, and other aspects of administration in the States. In many cases the same State agency is operating under two or more grant-in-aid programs. Much needless inconvenience and confusion can be avoided for all concerned by unifying Federal standards and combining State plans for the operation of the programs in such cases.

After careful consideration of a number of other agencies and functions I have refrained from proposing in this plan their transfer to the Federal Security Agency. Most of these involve activities which, though related to the functions of the Federal

Security Agency, are incidental to the purpose of other agencies or are connected so closely with such agencies as to make transfer undesirable. A few are activities which should probably be shifted in whole or in part to the Federal Security Agency, but I believe such shifts can best be accomplished by interagency agreement or action in connection with appropriations.

The reorganization plan here presented is a second important step in building a central agency for the administration of Federal activities primarily relating to the conservation and development of human resources; but, while this step is important in itself, I believe that a third step should soon be taken. The time is at hand when that agency should be converted into an executive department.

The size and scope of the Federal Security Agency and the importance of its functions clearly call for departmental status and a permanent place in the President's Cabinet. In number of personnel and volume of expenditures the Agency exceeds several of the existing departments. Much more important, the fundamental character of its functions – education, health, welfare, social insurance – and their significance for the future of the country demand for it the highest level of administrative leadership and a voice in the central councils of the executive branch.

Accordingly, I shall soon recommend to the Congress that legislation be promptly enacted making the Federal Security Agency an executive department, defining its basic purpose, and authorizing the President to transfer to it such units and

activities as come within that definition.

The people expect the Federal Government to meet its full responsibilities for the conservation and development of the human resources of the Nation in the years that lie ahead. This reorganization plan and the legislation that I shall propose will provide the broad and firm foundation required for the accomplishment of that objective. Harry S. Truman.

The White House, May 16, 1946.

–CITE–

5 USC APPENDIX – REORGANIZATION PLAN NO. 3 OF 1946 01/06/03

–EXPCITE–

TITLE 5 – APPENDIX

REORGANIZATION PLANS

REORGANIZATION PLAN NO. 3 OF 1946

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–HEAD–

REORGANIZATION PLAN NO. 3 OF 1946

–MISC1–

EFF. JULY 16, 1946, 11 F.R. 7875, 60 STAT. 1097, BY ACT DEC. 20, 1945, CH. 582, 59 STAT. 613, AS AMENDED REORG. PLAN NO. 1 OF 1963, EFF. JULY 27, 1963, 28 F.R. 7659, 77 STAT. 869

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, May 16, 1946, pursuant to the provisions of the Reorganization Act of 1945, approved December 20, 1945.

PART I. DEPARTMENT OF THE TREASURY

SECTION 101. FUNCTIONS TRANSFERRED TO THE UNITED STATES COAST GUARD

(a) There are hereby transferred to the Commandant of the Coast Guard those functions of the bureau, offices, and boards specified in the first sentence of section 104 of this plan, and of the Secretary of Commerce, which pertain to approval of plans for the construction, repair, and alteration of vessels; approval of materials, equipment, and appliances; classification of vessels; inspection of vessels and their equipment and appliances; issuance of certificates of inspection, and of permits indicating the approval of vessels for operations which may be hazardous to life or property; administration of load line requirements; enforcement of other provisions for the safety of life and property on vessels; licensing and certificating of officers, pilots, and seamen; suspension and revocation of licenses and certificates; investigation of marine casualties; enforcement of manning requirements, citizenship requirements, and requirements for the mustering and drilling of crews, control of logbooks; shipment, discharge, protection, and welfare of merchant seamen; enforcement of duties of shipowners and officers after accidents; promulgation and enforcement of rules for lights, signals, speed, steering, sailing, passing, anchorage, movement, and towlines of vessels and lights and signals on bridges; numbering of undocumented vessels; prescription and enforcement of regulations for outfitting and operation of motorboats; licensing of motorboat operators; regulation of regattas and marine parades; all other functions of such bureau, offices, and boards which are not specified in section

102 of this plan: and all other functions of the Secretary of Commerce pertaining to those functions of the agencies abolished under section 104 of this plan which are not specified in section 102 of this plan, including the remission and mitigation of fines, penalties, and forfeitures incurred under the laws governing these functions and those incurred under the act of December 17, 1941, 55 Stat. 808, as amended.

(b) The functions relating to the award of numbers to undocumented vessels vested by law in the collectors of customs are hereby transferred to the Commandant of the Coast Guard.

SEC. 102. FUNCTIONS TRANSFERRED TO THE BUREAU OF CUSTOMS

There are hereby transferred to the Commissioner of Customs those functions of the bureau, offices, and boards specified in the first sentence of section 104 of this plan, and of the Secretary of Commerce, which pertain to registry, enrollment, and licensing of vessels, including the issuance of commissions to yachts, the assignment of signal letters, and the preparation of all reports and publications in connection therewith; measurement of vessels, administration of tonnage duties, and collection of tolls; entry and clearance of vessels and aircraft, regulation of vessels in the coasting and fishing trades, and limitation of the use of foreign vessels in waters under the jurisdiction of the United States; recording of sales, conveyances, and mortgages of vessels; protection of steerage passengers; all other functions of such bureau, offices, and boards which were performed by the Bureau of Customs on behalf thereof immediately prior to the effective date

of Executive Order No. 9083 of February 28, 1942 (7 F.R. 1609); and the power to remit and mitigate fines, penalties, and forfeitures incurred under the laws governing these functions.

SEC. 103. POWERS OF THE SECRETARY OF THE TREASURY

The functions transferred by sections 101 and 102 of this plan may be performed through such officers and employees of the United States Coast Guard and the Bureau of Customs, respectively, as may be designated by the Commandant of the Coast Guard and the Commissioner of Customs, respectively, and shall be performed subject to the direction and control of the Secretary of the Treasury except as otherwise required by law with respect to the United States Coast Guard whenever it operates as a part of the Navy.

SEC. 104. ABOLITION OF AGENCIES

The Bureau of Marine Inspection and Navigation, the office of the director thereof, the offices of supervising inspectors, principal traveling inspectors, local inspectors, assistant inspectors, shipping commissioners, deputy shipping commissioners, and the board of supervising inspectors, the boards of local inspectors, the marine casualty investigation board, and the marine boards are hereby abolished. The Secretary of the Treasury shall provide for winding up those affairs of the said abolished agencies which are not otherwise disposed of herein.

PART II. DEPARTMENT OF WAR AND DEPARTMENT OF THE NAVY

SECTION 201. FUNCTIONS WITH RESPECT TO CERTAIN INSANE PERSONS

(a) The functions of St. Elizabeths Hospital and the

Superintendent thereof, and of the Federal Security Agency and the Federal Security Administrator, with respect to the care, treatment, and custody of insane persons as provided in section 4843 of the Revised Statutes (24 U.S.C. 191) are hereby transferred or abolished as follows:

(1) Functions with respect to insane persons belonging to the Army or falling, by reason of employment or service in the Army, within any of the categories enumerated in said section, are transferred to the Secretary of War (now the Secretary of the Army) and shall be performed by the Secretary or, subject to his direction and control, by such officers and agencies of the Department of War (now the Department of the Army) as he may designate.

(2) Functions with respect to insane persons belonging to the Navy or falling, by reason of prior service in the Navy, within any of the categories enumerated in said section, are transferred to the Secretary of the Navy and shall be performed by the Secretary or, subject to his direction and control, by such officers and agencies of the Department of the Navy as he may designate. (For the purposes of this subparagraph (2), the Marine Corps but not the Coast Guard is included in the Navy.)

(3) Functions with respect to insane persons belonging to the Coast Guard are abolished.

(b) Nothing in subsection (a) of this section shall affect the functions and authority of St. Elizabeths Hospital, the Superintendent thereof, the Federal Security Agency, or the Federal

Security Administrator, with respect to any person heretofore admitted to St. Elizabeths Hospital and a patient therein on the effective date of this plan under the provisions of section 4843 of the Revised Statutes (24 U.S.C. 191), or the functions and authority of said officers and agencies or of the Public Health Service with respect to Coast Guard members as beneficiaries of the Public Health Service, as provided by section 504 of the Public Health Service Act (58 Stat. 710, 42 U.S.C. 222).

PART III. DEPARTMENT OF THE NAVY

SECTION 301. HYDROGRAPHIC OFFICE AND NAVAL OBSERVATORY

The Hydrographic Office and the Naval Observatory, together with their respective functions, are hereby transferred from the Bureau of Naval Personnel, Department of the Navy, to the Chief of Naval Operations, and shall be administered, subject to the direction and control of the Secretary of the Navy, under the Chief of Naval Operations.

SEC. 302. SUPPLY DEPARTMENT OF THE UNITED STATES MARINE CORPS

The Paymaster's Department of the United States Marine Corps and the Quartermaster's Department of the United States Marine Corps, and the functions of such departments, are hereby consolidated to form a single new agency, which shall be known as the Supply Department of the United States Marine Corps, and at the head of which there shall be the Quartermaster General of the Marine Corps. The office and title of "The Paymaster General of the Marine Corps," provided for in the Act of March 24, 1944 (58 Stat. 121) are hereby abolished.

PART IV. DEPARTMENT OF THE INTERIOR

SECTION 401. CERTAIN FUNCTIONS WITH RESPECT TO THE FRANKLIN D.

ROOSEVELT LIBRARY

(Superseded. Reorg. Plan No. 1 of 1963, eff. July 27, 1963, 28 F.R. 7659, 77 Stat. 869. Section transferred to the Secretary of the Interior the functions of the Commissioner of Public Buildings and the Archivist of the United States under sections 206 and 207, respectively, of the Act of July 18, 1939, 53 Stat. 1062, relating to care and maintenance of buildings and collection of fees from visitors.)

SEC. 402. FUNCTIONS RELATING TO MINERAL DEPOSITS IN CERTAIN LANDS

The functions of the Secretary of Agriculture and the Department of Agriculture with respect to the uses of mineral deposits in certain lands pursuant to the provisions of the Act of March 4, 1917 (39 Stat. 1134, 1150, 16 U.S.C. 520), Title II of the National Industrial Recovery Act of June 16, 1933 (48 Stat. 195, 200, 202, 205, (former) 40 U.S.C. 401, 403(a) and 408), the 1935 Emergency Relief Appropriation Act of April 8, 1935 (48 Stat. 115, 118), section 55 of Title I of the Act of August 24, 1935 (49 Stat. 750, 781), and the Act of July 22, 1937 (50 Stat. 522, 525, 530), as amended July 28, 1942 (56 Stat. 725, 7 U.S.C. 1011(c) and 1018), are hereby transferred to the Secretary of the Interior and shall be performed by him or, subject to his direction and control, by such officers and agencies of the Department of the Interior as he may designate: Provided, That mineral development on such lands shall be authorized by the Secretary of the Interior only when he

is advised by the Secretary of Agriculture that such development will not interfere with the primary purposes for which the land was acquired and only in accordance with such conditions as may be specified by the Secretary of Agriculture in order to protect such purposes. The provisions of law governing the crediting and distribution of revenues derived from the said lands shall be applicable to revenues derived in connection with the functions transferred by this section. To the extent necessary in connection with the performance of the functions transferred by this section, the Secretary of the Interior and his representatives shall have access to the title records of the Department of Agriculture relating to the lands affected by this section.

SEC. 403. BUREAU OF LAND MANAGEMENT

(a) The functions of the General Land Office and of the Grazing Service in the Department of the Interior are hereby consolidated to form a new agency in the Department of the Interior to be known as the Bureau of Land Management. The functions of the other agencies named in subsection (d) of this section are hereby transferred to the Secretary of the Interior.

(b) There shall be at the head of such Bureau a Director of the Bureau of Land Management, who shall be appointed by the Secretary of the Interior under the classified civil service, who shall receive a salary at the rate of \$10,000 per annum, and who shall perform such duties as the Secretary of the Interior shall designate.

(c) There shall be in the Bureau of Land Management an Associate

Director of the Bureau of Land Management and so many Assistant Directors of the Bureau of Land Management as may be necessary, who shall be appointed by the Secretary of the Interior under the classified civil service and subject to the Classification Act of 1923, as amended, and who shall perform such duties as the Secretary of the Interior may prescribe.

(d) The General Land Office, the Grazing Service, the offices of Commissioner of the General Land Office, Assistant Commissioner of the General Land Office, Director of the Grazing Service, all Assistant Directors of the Grazing Service, all registers of the district land offices, and United States Supervisor of Surveys, together with the Field Surveying Service now known as the Cadastral Engineering Service, are hereby abolished.

(e) The Bureau of Land Management and its functions shall be administered subject to the direction and control of the Secretary of the Interior, and the functions transferred to the Secretary by subsection (a) of this section shall be performed by the Secretary or, subject to his direction and control, by such officers and agencies of the Department of the Interior as he may designate.

PART V. DEPARTMENT OF AGRICULTURE

SECTION 501. FUNCTIONS OF CERTAIN AGENCIES OF THE DEPARTMENT OF AGRICULTURE

The following functions are hereby transferred to the Secretary of Agriculture and shall be performed by him or, subject to his direction and control, by such officers and agencies of the Department of Agriculture as he shall designate:

(a) All functions of the Agricultural Adjustment Administration and the Surplus Marketing Administration and of the respective heads of such Administrations.

(b) The administration of the programs of the Federal Crop Insurance Corporation and the Commodity Credit Corporation.

PART VI. DEPARTMENT OF COMMERCE

SECTION 601. CERTAIN FUNCTIONS OF NATIONAL BUREAU OF STANDARDS

The following functions are hereby transferred to the Secretary of Commerce and shall be performed, subject to his direction and control, by such officers and agencies of the Department of Commerce as he may designate:

(a) Those functions of the National Bureau of Standards under section 2 of the Act of March 3, 1901 (31 Stat. 1449) (15 U.S.C. 272) which are now performed by the Division of Commercial Standards of said Bureau, namely, (1) to assist, coordinate, and cooperate with groups of consumers, distributors or producers, technical organizations, and other persons, in the voluntary establishment, maintenance, recording, publishing, and promoting of commercial standards as a national and internationally recognized basis for testing, grading, labeling, marketing, guaranteeing, or accepting staple, manufactured commodities moving in daily domestic and foreign trade; and (2) to assist in the development of Federal purchase standards specifications and in providing information to the public and the Government of such standards and specifications.

(b) Those functions of said Bureau under said section 2 which are now performed by the Division of Simplified Trade and Practices of

said Bureau, namely, to assist, coordinate, and cooperate with individuals and groups of producers, distributors and users in establishing, recording, publishing, and promoting a Nation-wide program for the elimination of avoidable waste through the formulation of simplified trade practice recommendations which identify and list the sizes, types, dimensions, and varieties of products that are in national demand in the country, including but not limited to simplified trade practice recommendations concerning the following commodities: Wood, textiles, paper and rubber products, metal and mechanical products, containers and miscellaneous products, materials handling equipment, ceramic products, electrical products, construction materials, and metal and woodworking tools.

(c) So much of the functions of the Director of said Bureau as relates to the foregoing activities.

(References to National Bureau of Standards deemed to refer to National Institute of Standards and Technology pursuant to section 5115(c) of Pub. L. 100-418, set out as a Change of Name note under 15 U.S.C. 271.)

PART VII. NATIONAL LABOR RELATIONS BOARD

SECTION 701. STRIKE BALLOTS UNDER WAR LABOR DISPUTES ACT

The functions of the National Labor Relations Board under section 8 of the War Labor Disputes Act (57 Stat. 162, 167, ch. 144) (former section 1508 of Title 50, Appendix) with respect to taking secret ballots of employees on the question of an interruption of war production are hereby abolished.

PART VIII. SMITHSONIAN INSTITUTION

SECTION 801. CANAL ZONE BIOLOGICAL AREA

The functions of the Board of Directors of the Canal Zone

Biological Area (which Board is provided for in the Act of July 2, 1940, 54 Stat. 724, ch. 516) (20 U.S.C. 79 et seq.), together with the functions of the executive officer of such Board, are hereby transferred to the Smithsonian Institution. The said Board of Directors and the office of the said executive officer are hereby abolished.

PART IX. UNITED STATES EMPLOYMENT SERVICE

SECTION 901. PLACEMENT FUNCTIONS UNDER SELECTIVE TRAINING AND SERVICE ACT OF 1940

There is hereby transferred to the United States Employment Service so much of the functions of the Selective Service System and of the Director of Selective Service under section 8(g) of the Selective Training and Service Act of 1940 (54 Stat. 890, ch. 720) (former section 308(g) of Title 50, Appendix) as relates to aiding persons who have satisfactorily completed any period of active duty or of training and service under the said act in securing positions other than the positions held by them prior to said period.

PART X. RECORDS, PROPERTY, PERSONNEL, AND FUNDS

SECTION 1001. TRANSFER OF RECORDS, PROPERTY, PERSONNEL, AND FUNDS

There are hereby transferred to the respective agencies in which functions are vested pursuant to the provisions of this plan, to be used, employed, and expended in connection with such functions, respectively, or in connection with winding up the outstanding

affairs of agencies abolished by this plan, (1) the records and property now being used or held in connection with such functions, (2) the personnel employed in connection with such functions, and (3) the unexpended balances of appropriations, allocations, or other funds available or to be made available for use in connection with such functions.

SEC. 1002. DISPOSITION OF EXCESS PERSONNEL

Any of the personnel transferred under this plan which the transferee agency shall find to be in excess of the personnel necessary for the administration of the functions transferred to such agency by such plan shall be retransferred under existing law to other positions in the Government or separated from the service.

SEC. 1003. DISPOSITIONS BY DIRECTOR OF THE BUREAU OF THE BUDGET

Such further measures and dispositions as the Director of the Bureau of the Budget shall determine to be necessary in order to effectuate the provisions of this part or in order to wind up the outstanding affairs relating to agencies or functions abolished by this plan shall be carried out in such manner as the Director may direct and by such agencies as he may designate.

MESSAGE TO CONGRESS

To the Congress of the United States:

I transmit herewith Reorganization Plan No. 3 of 1946, prepared in accordance with the provisions of the Reorganization Act of 1945.

The plan contains reorganizations affecting a number of departments and establishments. Some continue on a permanent basis

changes made by Executive order under authority of the First War Powers Act. A few make adjustments in the distribution of functions among agencies. The remainder deal with problems of organization within individual agencies. All are concerned with improving and simplifying particular phases of Government administration.

Each proposal is explained in more detail under the appropriate heading below.

I have found, after investigation, that each reorganization contained in the plan is necessary to accomplish one or more of the purposes set forth in section 2(a) of the Reorganization Act of 1945.

DEPARTMENT OF THE TREASURY

The functions of the Bureau of Marine Inspection and Navigation were transferred from the Department of Commerce to the Coast Guard and the Bureau of Customs in 1942 by Executive order under the First War Powers Act. This arrangement has been proved successful by the experience of the past 4 years. Part I of the reorganization plan continues the arrangement on a permanent basis.

UNITED STATES COAST GUARD

The principal functions of the Bureau of Marine Inspection and Navigation were those of the inspection of vessels and their equipment, the licensing and certificating of officers and seamen, and related functions designed to safeguard the safety of life and property at sea. Thus these functions are related to the regular activities and general purposes of the Coast Guard. The Coast Guard administered them successfully during the tremendous expansion of

wartime shipping, by virtue of improvements in organization and program, many of which ought to be continued.

The plan also transfers to the Coast Guard the functions of the collectors of customs relating to the award of numbers to undocumented vessels. These functions, too, were temporarily transferred to the Coast Guard in 1942.

BUREAU OF CUSTOMS

The plan transfers to the Commissioner of Customs the functions of the Bureau of Marine Inspection and Navigation and the Secretary of Commerce, relating to the documentation of vessels, measurement of vessels, administration of tonnage tax and tolls, entry and clearance of vessels and aircraft, regulation of coastwise trade and fisheries, recording of conveyances and mortgages of vessels, and protection of steerage passengers. These functions have always been performed at the ports by the customs service, although legal responsibility for their supervision was vested in the Bureau of Marine Inspection and Navigation and the Secretary of Commerce until transferred temporarily to the Commissioner of Customs under the wartime reorganization power.

The proposed transfer will permit more efficient administration by ending divided responsibility.

DEPARTMENT OF WAR AND DEPARTMENT OF THE NAVY FUNCTIONS WITH RESPECT TO CERTAIN INSANE PERSONS

Prior to World War I practically all mental patients for whom the Federal Government was legally obligated to provide hospital care and treatment, including personnel of the armed forces, were

hospitalized in St. Elizabeths Hospital, Washington, D. C. In addition, this hospital served as the mental hospital for the District of Columbia government. Following World War I, the responsibility for hospital care of mentally ill war veterans was assigned to the Veterans' Administration. Somewhat later, specialized hospital facilities were provided by the Bureau of Prisons of the Department of Justice to enable that agency to care for prisoners suffering from mental disorders.

With the growth in the population of the District of Columbia and the wartime expansion of the armed forces, the facilities of St. Elizabeths Hospital became inadequate. The War Department therefore established its own mental hospitals at the outset of World War II. Furthermore it became necessary a year ago for the Navy Department to discontinue the use of St. Elizabeths and to assume the responsibility for the care of its mental patients.

Since the return of the Coast Guard to the Treasury Department, the Public Health Service now provides care in its mental hospitals for personnel of the Coast Guard in accordance with the basic responsibility delegated to it in the Public Health Service Code enacted in 1944. The plan abolishes the functions of St. Elizabeths Hospital with respect to insane persons belonging to the Coast Guard which are provided for by section 4843 of the Revised Statutes (24 U.S.C. 191).

Responsibility for the care of mental patients has been allocated on the basis of the four broad categories of beneficiaries, namely, (1) veterans, to be cared for by the Veterans' Administration; (2)

military and naval personnel, to be cared for by the War and Navy Departments; (3) prisoners, for whom the Department of Justice will be responsible; and (4) other civilians, to be cared for by the Federal Security Agency. The reorganization plan, in order to carry out this policy, provides for the transfer or abolition of certain functions and legal responsibilities now resting with the Federal Security Administrator and Superintendent of St. Elizabeths Hospital.

NAVY DEPARTMENT

HYDROGRAPHIC OFFICE AND NAVAL OBSERVATORY

The plan transfers the Hydrographic Office and the Naval Observatory from the Bureau of Naval Personnel to the Office of the Chief of Naval Operations. The plan would confirm and make permanent the action taken in 1942 by Executive Order No. 9126. Under the First War Powers Act.

The functions performed by both the Hydrographic Office and the Naval Observatory relate primarily to operational matters and thus are more appropriately placed in the Office of the Chief of Naval Operations than in the Bureau of Naval Personnel. This fact was recognized in the realignment of naval functions at the outbreak of the war. The plan merely confirms an organizational relationship which has existed successfully for the past 4 years.

SUPPLY DEPARTMENT OF THE UNITED STATES MARINE CORPS

The plan consolidates the Paymaster's Department and the Quartermaster's Department of the United States Marine Corps into a single Supply Department. This consolidation will establish in the

Marine Corps an integrated supply organization which parallels that of the Navy Department's Bureau of Supplies and Accounts.

The consolidation will make possible a more efficient and more economical organization of the companion functions of supply and disbursement, eliminating the present handling of related items by two separate departments of the Corps.

DEPARTMENT OF THE INTERIOR

THE FRANKLIN D. ROOSEVELT LIBRARY AT HYDE PARK

At the present time, the National Park Service, the Public Buildings Administration, and the Archivist of the United States all perform "housekeeping" functions at the Franklin D. Roosevelt Library and home at Hyde Park. The plan unifies in the National Park Service responsibility for activities of this character at Hyde Park – that is, the maintenance and protection of buildings and grounds, the collection of fees, and the handling of traffic and visitors. Because of its wide experience in the administration of historic sites, the National Park Service is the logical agency to assume the combined functions.

Transfer of these functions does not affect the responsibility of the Archivist for the contents and professional services of the library proper. It also does not affect the present disposition of the receipts, which is provided by law.

FUNCTIONS RELATING TO MINERAL DEPOSITS IN CERTAIN LANDS

The plan transfers to the Department of the Interior jurisdiction over mineral deposits on lands held by the Department of Agriculture.

The Department of the Interior now administers the mining and mineral leasing laws on various areas of the public lands, including those national forests established on parts of the original public domain. The Department of Agriculture, on the other hand, has jurisdiction with respect to mineral deposits on (1) forest lands acquired under the Weeks Act, (2) lands acquired in connection with the rural rehabilitation program, and (3) lands acquired by the Department as a part of the Government's effort to retire submarginal lands.

Accordingly this reorganization plan provides that these mineral deposits on lands of the Department of Agriculture will be administered by the Department of the Interior, which already has the bulk of the Federal Government's mineral leasing program.

The plan further provides that the administration of mineral leasing on these lands under the jurisdiction of the Department of Agriculture will be carried on subject to limitations necessary to protect the surface uses for which these lands were primarily acquired.

BUREAU OF LAND MANAGEMENT

The plan consolidates the General Land Office and the Grazing Service of the Department of the Interior into a Bureau of Land Management.

The General Land Office and the Grazing Service now divide responsibility for the major portion of the multiple-use federally owned lands now held by the Department of the Interior. The lands under jurisdiction of the two agencies are comparable in character

and in use. In some functions the two agencies employ the same type of personnel and use the same techniques. Other functions are divided between the agencies, so that both are engaged in management of various aspects of the same land. Consolidating these two agencies will permit the development of uniform policies and the integration of two organizations whose responsibilities now overlap.

Integration of the activities of the two agencies will make possible greater utilization and thus more economic use of expert skills. The same practical experience embraced in range administration on public lands in grazing districts will be available for public lands outside the districts.

Utilization of lands within grazing districts for nongrazing purposes will be subject to only one classification examination, rather than dual examination as is now necessary. Economy will be possible in the construction of range improvements, wherever feasible, to serve lands both in and out of districts. Legal procedures, such as adjudication of issues relating to licenses and leases, hearings on appeal from administrative decisions, and the processing of trespass cases, will benefit from unified administration and handling.

In such activities as fire protection, soil and moisture conservation, management of public lands under agreement with other agencies (e.g., Bureau of Reclamation), range surveys, maintenance and improvement of stock driveways, and stabilization of range use on all public domain, the benefits of consolidation will become

increasingly apparent. Further, records relating to grazing lands can be concentrated in fewer field offices and hence administered more effectively.

While the establishment of a new Bureau of Land Management under a Director involves the abolition of the Commissioner and Assistant Commissioners of the General Land Office, the Director and Assistant Directors of Grazing, the Registers of District Land Offices, and the United States Supervisor of Surveys, the statutory functions now discharged by these officers are in no way modified. This plan will place final responsibility for these functions in the Secretary of the Interior and make him responsible for their performance in coordination with the other land activities of his Department. Officers whose offices are specifically abolished, but whose experience will make them valuable to the Department, should be available for appointment in the new Bureau.

I have found and declare that by reason of the reorganization made by the plan the responsibilities and duties of the Bureau of Land Management are of such nature as to require the inclusion in the plan of provisions for the appointment and compensation of a Director, an Associate Director, and Assistant Directors.

DEPARTMENT OF AGRICULTURE

FUNCTIONS OF CERTAIN AGENCIES OF THE DEPARTMENT OF AGRICULTURE

To enable the Department of Agriculture to meet its responsibilities for food production and distribution during the war, there was early and continuing coordination of its programs directly concerned with these phases of the food problem.

Beginning with Executive Order No. 9069 of February 23, 1942, those programs and agencies dealing with food production and distribution were gradually consolidated by a series of Executive orders issued under the authority of the First War Powers Act. By Executive Order No. 9334 of April 19, 1943, they were all grouped into a War Food Administration, under a War Food Administrator.

When the fighting was drawing to a close and the emergency purposes of the War Food Administration had been largely accomplished, this Administration was terminated by Executive Order No. 9577 of June 29, 1945, and its functions and agencies were transferred back to the jurisdiction of the Secretary of Agriculture. Executive Order No. 9577 also authorized the Secretary of Agriculture to organize and administer the transferred functions and agencies in the manner which he deemed best.

Under this authority the Secretary established the Production and Marketing Administration in August 1945. Into this Administration he consolidated the functions of many of the production and marketing agencies which were transferred back from the War Food Administration. Included were the functions of the Agricultural Adjustment Administration and the Surplus Marketing Administration and the administration of the programs of the Federal Crop Insurance Corporation and the Commodity Credit Corporation.

The plan transfers these functions to the Secretary of Agriculture, in order to permit him to continue the consolidation already effected in the Production and Marketing Administration.

This provision makes it possible to maintain the close coordination

and integration of food–production and distribution programs, with the resulting benefits that were achieved during the war. It also provides the Secretary with the necessary flexibility to make adjustments in the coordination and administration of these programs to meet changing conditions and new problems, a flexibility which he particularly needs at this period of acute food shortages throughout the world.

DEPARTMENT OF COMMERCE

CERTAIN FUNCTIONS OF NATIONAL BUREAU OF STANDARDS

The plan transfers the functions of two Divisions of the National Bureau of Standards in the Department of Commerce, namely, the Division of Simplified Trade Practices and the Division of Commercial Standards, to the Secretary of Commerce. The transfer will permit the Secretary to reassign these functions to the Office of Domestic Commerce, which is the focal point of the Department's general service functions for American business.

These two Divisions were established as a result of the standardization work initiated in World War I. Both Divisions have followed the same basic procedure of assisting the producers and the consumers of particular products to agree among themselves on certain standards or on a certain limited number of varieties.

Each such voluntary agreement is then published by the National Bureau of Standards and, although not compulsory, has tended to become the generally accepted practice in the trade.

Standardization again proved to be an important device for accelerating production in World War II, and industry has shown

renewed interest in continuing these wartime conservation and rationalization programs on a voluntary basis in the production of peacetime products.

The desirability of the proposed transfer was emphasized only a few months ago by the report of a committee of prominent businessmen appointed by the Secretary of Commerce to review the entire question of the Government's activities in this field.

These studies indicate that two major benefits will result from the transfer.

First, the association of the two Divisions with the National Bureau of Standards has perhaps tended to give the impression in some quarters that voluntary standards and trade practices worked out by industry with the help of these two Divisions are in some sense Government standards which are enforced on the basis of scientific and objective tests. The transfer of these two Divisions to the Department proper would reduce any such misconceptions, and make it clear that these standards and simplified practices are voluntary industry agreements in the making of which the Government acts merely in an advisory capacity.

Second, the other general services of the Department to American business, such as marketing, management, and economic and statistical services, are now concentrated in the Office of Domestic Commerce. The association of these two Divisions with these other services to business will facilitate their work and enable them to make use of the wide industrial and business contacts of the Office of Domestic Commerce.

NATIONAL LABOR RELATIONS BOARD

STRIKE BALLOTS UNDER THE WAR LABOR DISPUTES ACT

The plan abolishes the function of conducting strike ballots which was vested in the National Labor Relations Board by section 8 of the War Labor Disputes Act (57 Stat. 167, ch. 144). Experience indicates that such elections under the act do not serve to reduce the number of strikes and may even aggravate labor difficulties. The Congress has already forbidden the Board to expend any of its appropriations for the current fiscal year for this activity (First Deficiency Appropriation Act of 1946). I believe that the function should now be permanently abolished.

SMITHSONIAN INSTITUTION

CANAL ZONE BIOLOGICAL AREA

The plan transfers responsibility for the Canal Zone Biological Area to the Smithsonian Institution. At present the Canal Zone Biological Area is an independent agency of the Government, having as its function the administration of Barro Colorado Island in Gatun Lake as a tropical wildlife preserve and research laboratory. The Board of Directors of this agency consists of the President of the National Academy of Sciences as Chairman, the Secretary of the Smithsonian Institution, three members of the Cabinet – the Secretaries of War, Interior, and Agriculture – and three biologists.

The transfer will locate this function with comparable and related functions already assigned to the Smithsonian Institution whose staff members have participated since the beginning in

developing the island as a research center. It will reduce by one the number of Government agencies. It will relieve three Cabinet members of routine duties not important enough to warrant their personal attention.

Under its existing authority the Smithsonian Institution may constitute an advisory board of biologists and departmental representatives if it finds such action necessary.

UNITED STATES EMPLOYMENT SERVICE

PLACEMENT FUNCTIONS UNDER SELECTIVE TRAINING AND SERVICE ACT OF 1940

The plan transfers to the United States Employment Service the functions of the Selective Service System and its Director with respect to assisting ex-servicemen in obtaining new positions. These functions directly overlap the regular placement activities of the United States Employment Service, which is required to provide a special placement service for veterans both by its basic act and by the Servicemen's Readjustment Act of 1944. The transfer is in line with the policy of the Congress on the placement of veterans as most recently expressed in the 1944 act. The shift will prevent needless duplication of personnel and facilities and will assure the best service to veterans. Harry S. Truman.

The White House, May 16, 1946.

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5 USC APPENDIX – REORGANIZATION PLAN NO. 1 OF 1947 01/06/03

–EXPCITE–

TITLE 5 – APPENDIX

REORGANIZATION PLANS

REORGANIZATION PLAN NO. 1 OF 1947

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–HEAD–

REORGANIZATION PLAN NO. 1 OF 1947

–MISC1–

12 F.R. 4534, 61 STAT. 951, AS AMENDED ACT JUNE 30, 1949, CH. 288,

TITLE VI, SEC. 602(A)(1), FORMERLY TITLE V, SEC. 502(A)(1), 63

STAT. 399, REDESIGNATED SEPT. 5, 1950, CH. 849, SEC. 6(A), (B), 64

STAT. 583; SEPT. 13, 1982, PUB. L. 97–258, SEC. 5(B), 96 STAT.

1068, 1085

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, May 1, 1947, pursuant to the provisions of the Reorganization Act of 1945, approved December 20, 1945.

PART I. PRESIDENT AND DEPARTMENT OF JUSTICE

SECTION 101. FUNCTIONS OF THE ALIEN PROPERTY CUSTODIAN

(a) Except as provided by subsection (b) of this section, all functions vested by law in the Alien Property Custodian or the Office of Alien Property Custodian are transferred to the Attorney General and shall be performed by him or, subject to his direction and control, by such officers and agencies of the Department of Justice as he may designate.

(b) The functions vested by law in the Alien Property Custodian or the Office of Alien Property Custodian with respect to property or interests located in the Philippines or which were so located at

the time of vesting in or transfer to an officer or agency of the United States under the Trading With the Enemy Act, as amended (50 App. U.S.C. 1 et seq.), are transferred to the President and shall be performed by him or, subject to his direction and control, by such officers and agencies as he may designate.

SEC. 102. APPROVAL OF AGRICULTURAL MARKETING ORDERS

The function of the President with respect to approving determinations of the Secretary of Agriculture in connection with agricultural marketing orders, under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 608c(9)), is abolished.

PART II. DEPARTMENT OF THE TREASURY

SEC. 201. CONTRACT SETTLEMENT FUNCTIONS

(Repealed. Pub. L. 97-258, Sec. 5(b), Sept. 13, 1982, 96 Stat. 1068, 1085. Section transferred various contract settlement functions to the Secretary of the Treasury and abolished the Office of Contract Settlement.)

SEC. 202. NATIONAL PROHIBITION ACT FUNCTIONS

The functions of the Attorney General and of the Department of Justice with respect to (a) the determination of Internal Revenue taxes and penalties (exclusive of the determination of liability guaranteed by permit bonds) arising out of violations of the National Prohibition Act (see 27 U.S.C. note preceding Sec. 1) occurring prior to the repeal of the eighteenth amendment to the Constitution, and (b) the compromise, prior to reference to the Attorney General for suit, of liability for such taxes and penalties, are transferred to the Commissioner of Internal Revenue,

Department of the Treasury: Provided, That any compromise of such liability shall be effected in accordance with the provisions of section 3761 of the Internal Revenue Code (of 1939) (see 26 U.S.C. 7122). All files and records of the Department of Justice used primarily in the administration of the functions transferred by the provisions of this section are hereby made available to the Commissioner of Internal Revenue for use in the administration of such functions.

PART III. DEPARTMENT OF AGRICULTURE

SEC. 301. AGRICULTURAL RESEARCH FUNCTIONS

The functions of the following agencies of the Department of Agriculture, namely, the Bureau of Animal Industry, the Bureau of Dairy Industry, the Bureau of Plant Industry, Soils, and Agricultural Engineering, the Bureau of Entomology and Plant Quarantine, the Bureau of Agricultural and Industrial Chemistry, the Bureau of Human Nutrition and Home Economics, the Office of Experiment Stations, and the Agricultural Research Center, together with the functions of the Agricultural Research Administrator, are transferred to the Secretary of Agriculture and shall be performed by the Secretary or, subject to his direction and control, by such officers and agencies of the Department of Agriculture as he may designate.

PART IV. FEDERAL DEPOSIT INSURANCE CORPORATION

SEC. 401. CREDIT UNION FUNCTIONS

The functions of the Farm Credit Administration and the Governor thereof under the Federal Credit Union Act, as amended, together

with the functions of the Secretary of Agriculture with respect thereto, are transferred to the Federal Deposit Insurance Corporation.

PART V. WAR ASSETS ADMINISTRATION

(Secs. 501, 502. Repealed. June 30, 1949, ch. 288, title VI, Sec. 602(a)(1), formerly title V, Sec. 502(a)(1), 63 Stat. 399, redesignated Sept. 5, 1950, ch. 849, Sec. 6(a), (b), 64 Stat. 583.

Section 501 abolished War Assets Administration and transferred its functions to Surplus Property Administration, which was then renamed the War Assets Administration. Section 502 established position of Associate War Assets Administrator.)

PART VI. GENERAL PROVISIONS

SEC. 601. TERMINATION OF FUNCTIONS

Nothing contained in this reorganization plan shall be deemed to extend the duration of any function beyond the time when it would otherwise expire as provided by law.

SEC. 602. TRANSFER OF RECORDS, PROPERTY, PERSONNEL, AND FUNDS

There are hereby transferred to the respective agencies in which functions are vested pursuant to the provisions of this plan, to be used, employed, and expended in connection with such functions, respectively, or in winding up the affairs of agencies abolished in connection with the transfer of such functions, (1) the records and property now being used or held in connection with such functions, (2) the personnel employed in connection with such functions, and (3) the unexpended balances of appropriations, allocations, or other funds available or to be made available for use in connection

with such functions.

SEC. 603. EFFECTIVE DATE

The provisions of this plan shall take effect on July 1, 1947, unless a later date is required by the provisions of the Reorganization Act of 1945.

MESSAGE OF THE PRESIDENT

To the Congress of the United States:

I am transmitting herewith Reorganization Plan No. 1 of 1947. The provisions of this plan are designed to maintain organizational arrangements worked out under authority of title I of the First War Powers Act. The plan has a twofold objective: to provide for more orderly transition from war to peacetime operation and to supplement my previous actions looking toward the termination of wartime legislation.

The First War Powers Act provides that title I – shall remain in force during the continuance of the present war and for six months after the termination of the war, or until such earlier time as the Congress by concurrent resolution or the President may designate.

Upon the termination of this title all changes in the organization of activities and agencies effected under its authority expire and the functions revert to their previous locations unless otherwise provided by law.

Altogether nearly 135 Executive orders have been issued in whole or in part under title I of the First War Powers Act. The internal organization of the War and Navy Departments has been drastically

overhauled under this authority. Most of the emergency agencies, which played so vital a role in the successful prosecution of the war, were based in whole or in part upon this title. Without the ability, which these provisions afforded, to adjust the machinery of government to changing needs, it would not have been possible to develop the effective, hard-hitting organization which produced victory. The organization of war activities had to be worked out step by step as the war program unfolded and experience pointed the way. That was inevitable. The problems and the functions to be performed were largely new. Conditions changed continually and often radically. Speed of action was essential. But with the aid of title I of the First War Powers Act, it was possible to gear the administrative machinery of the Government to handle the enormous load thrust upon it by the rapidly evolving war program.

Since VJ-day this same authority has been used extensively in demobilizing war agencies and reconverting the governmental structure to peacetime needs. This process has been largely completed. The bulk of temporary activities have ceased, and most of the continuing functions transferred during the war have already been placed in their appropriate peacetime locations.

The organizational adjustments which should be continued are essentially of two types: First, changes in the organization of permanent functions, which have demonstrated their advantage during the war years. Second, transfers of continuing activities which were vested by statute in temporary war agencies but have since been moved by Executive order upon the termination of these

agencies.

In most cases the action necessary to maintain organizational gains made under title I of the First War Powers Act can best be taken by the simplified procedure afforded by the Reorganization Act of 1945, the first purpose of which was to facilitate the orderly transition from war to peace. All of the provisions of this plan represent definite improvements in administration.

Several are essential steps in demobilizing the war effort. The arrangements they provide for have been reviewed by the Congress in connection with appropriation requests. Since the plan does not change existing organization, savings cannot be claimed for it. However, increased expense and disruption of operations would result if the present organization were terminated and the activities reverted to their former locations.

In addition to the matters dealt with in this reorganization plan and in Reorganization Plan No. 2 of 1947, there are several other changes in organization made under title I of the First War Powers Act on which action should be taken before the termination of the title. The proposed legislation for a National Defense Establishment provides for continuing the internal organizational arrangements made in the Army and Navy pursuant to the First War Powers Act. I have on several occasions recommended the creation of a single agency for the administration of housing programs. Since section 5(e) of the Reorganization Act of 1945 may cast some doubt on my authority to assign responsibility for the liquidation of the Smaller War Plants Corporation by reorganization plan, I recommend

that the Reconstruction Finance Corporation be authorized by legislation to continue to liquidate the affairs relating to functions transferred to it from the Smaller War Plants Corporation.

It is imperative that title I of the First War Powers Act remain effective until all of these matters have been dealt with. An earlier termination of the title would destroy important advances in organization and impair the ability of the executive branch to administer effectively some of the major programs of the Government.

I have found, after investigation, that each reorganization contained in this plan is necessary to accomplish one or more of the purposes set forth in section 2 (a) of the Reorganization Act of 1945. Each of these reorganizations is explained below.

FUNCTIONS OF THE ALIEN PROPERTY CUSTODIAN

The reorganization plan provides for the permanent location of the functions vested by statute in the Alien Property Custodian and the Office of Alien Property Custodian. In 1934 the functions of the Alien Property Custodian were transferred to the Department of Justice, where they remained until 1942. Because of the great volume of activity resulting from World War II, a separate Office of Alien Property Custodian was created by Executive Order No. 9095 of March 11, 1942. This Office was terminated by Executive Order No. 9788 of October 14, 1946, and the functions of the Office and of the Alien Property Custodian were transferred to the Attorney General except for those relating to Philippine property. The

latter were transferred simultaneously to the Philippine Alien Property Administration established by Executive Order No. 9789. While the Trading With the Enemy Act, as amended at the beginning of the war, authorized the President to designate the agency or person in which alien property should vest and to change such designations, subsequent legislation has lodged certain functions in the Alien Property Custodian and the Office of Alien Property Custodian. Similarly, though the Philippine Property Act vested in the President the then existing alien property functions as to Philippine property, certain functions affecting such property have since been established which have been assigned by statute to the Alien Property Custodian.

In order to maintain the existing arrangements for the administration of alien property and to avoid the confusion which otherwise would occur on the termination of title I of the First War Powers Act, the reorganization plan transfers to the Attorney General all functions vested by law in the Alien Property Custodian and the Office of Alien Property Custodian except as to Philippine property. The functions relating to Philippine property are transferred to the President, to be performed by such officer or agency as he may designate, thus permitting the continued administration of these functions through the Philippine Alien Property Administration.

APPROVAL OF AGRICULTURAL MARKETING ORDERS

Section 8c of the Agricultural Marketing Agreements Act of 1937 provides that marketing orders of the Secretary of Agriculture must

in certain cases be approved by the President before issuance. In order to relieve the President of an unnecessary burden, the responsibility for approval was delegated to the Economic Stabilization Director during the war, and was formally transferred to him by Executive Order No. 9705 of March 15, 1946. Since the Secretary of Agriculture is the principal adviser of the President in matters relating to agriculture, and since final authority has been assigned to the Secretary by law in many matters of equal or greater importance, the requirement of Presidential approval of individual marketing orders may well be discontinued. Accordingly, the plan abolishes the function of the President relative to the approval of such orders.

CONTRACT SETTLEMENT FUNCTIONS

The Office of Contract Settlement was established by law in 1944 and shortly thereafter was placed by statute in the Office of War Mobilization and Reconversion. The principal purposes of the Office of Contract Settlement have been to prescribe the policies, regulations, and procedures governing the settlement of war contracts, and to provide an appeal board to hear and decide appeals from the contracting agencies in the settlement of contracts. A remarkable record has been achieved for the rapid settlement of war contracts, but among those which remain are some of the largest and most complex. Considerable time may be required to complete these cases and dispose of the appeals.

Though the functions of the Office of Contract Settlement cannot yet be terminated, it is evident that they no longer warrant the

maintenance of a separate office. For this reason Executive Order No. 9809 of December 12, 1946, transferred the functions of the Director of Contract Settlement to the Secretary of the Treasury and those of the Office of Contract Settlement to the Department of the Treasury. As the central fiscal agency of the executive branch the Treasury Department is clearly the logical organization to carry to conclusion the over-all activities of the contract settlement program. The plan continues the present arrangement and abolishes the Office of Contract Settlement, thereby avoiding its reestablishment as a separate agency on the termination of title I of the First War Powers Act.

NATIONAL PROHIBITION ACT FUNCTIONS

The act of May 27, 1930 (46 Stat. 427), imposed upon the Attorney General certain duties respecting administration and enforcement of the National Prohibition Act. By Executive Order No. 6639 of March 10, 1934, all of the powers and duties of the Attorney General respecting that act, except the power and authority to determine and to compromise liability for taxes and penalties, were transferred to the Commissioner of Internal Revenue. The excepted functions, however, were transferred subsequently to the Commissioner of Internal Revenue by Executive Order No. 9302 of February 9, 1943, issued under the authority of title I of the First War Powers Act, 1941.

Since the functions of determining taxes and penalties under various statutes and of compromise of liability therefor prior to reference to the Attorney General for suit are well-established

functions of the Commissioner of Internal Revenue, this minor function under the National Prohibition Act is more appropriately placed in the Bureau of Internal Revenue than in the Department of Justice.

AGRICULTURAL RESEARCH FUNCTIONS

By Executive Order No. 9069 of February 23, 1942, six research bureaus, the Office of Experiment Stations, and the Agricultural Research Center were consolidated into an Agricultural Research Administration to be administered by an officer designated by the Secretary of Agriculture. The constituent bureaus and agencies of the Administration have, in practice, retained their separate identity. This consolidation and certain transfers of functions between the constituent bureaus and agencies have all been recognized and provided for in the subsequent appropriation acts passed by the Congress.

By the plan the functions of the eight research bureaus and agencies which are presently consolidated into the Agricultural Research Administration are transferred to the Secretary of Agriculture to be performed by him or under his direction and control by such officers or agencies of the Department of Agriculture as he may designate.

The benefits which have been derived from centralized review, coordination, and control of research projects and functions by the Agricultural Research Administrator have amply demonstrated the lasting value of this consolidation. By transferring the functions of the constituent bureaus and agencies to the Secretary of

Agriculture, it will be possible to continue this consolidation and to make such further adjustments in the organization of agricultural research activities as future conditions may require. This assignment of functions to the Secretary is in accord with the sound and long-established practice of the Congress of vesting substantive functions in the Secretary of Agriculture rather than in subordinate officers or agencies of the Department.

CREDIT UNION FUNCTIONS

The plan makes permanent the transfer of the administration of Federal functions with respect to credit unions to the Federal Deposit Insurance Corporation. These functions, originally placed in the Farm Credit Administration, were transferred to the Federal Deposit Insurance Corporation by Executive Order No. 9148 of April 27, 1942. Most credit unions are predominantly urban institutions, and the credit-union program bears very little relation to the functions of the Farm Credit Administration. The supervision of credit unions fits in logically with the general bank supervisory functions of the Federal Deposit Insurance Corporation. The Federal Deposit Insurance Corporation since 1942 has successfully administered the credit-union program, and the supervision of credit-union examiners has been integrated into the field and departmental organization of the Corporation. In the interests of preserving an organizational arrangement which operates effectively and economically, the program should remain in its present location.

WAR ASSETS ADMINISTRATION

The present organization for the disposal of surplus property is the product of 2 1/2 years of practical experience. Beginning with the Surplus Property Board in charge of general policy and a group of agencies designated by it to handle the disposal of particular types of property, the responsibility for most of the surplus disposal has gradually been drawn together in one agency – the War Assets Administration – headed by a single Administrator. Experience has demonstrated the desirability of centralized responsibility in administering this most difficult program. The reorganization plan will continue the centralization of surplus disposal functions in a single agency headed by an Administrator. This is accomplished by transferring the functions, personnel, property, records, and funds of the War Assets Administration created by Executive order to the statutory Surplus Property Administration. In order to avoid confusion and to maintain the continuity of operations, the name of the Surplus Property Administration is changed to War Assets Administration. Because the plan combines in one agency, not only the policy functions now vested by statute in the Surplus Property Administrator, but also the immense disposal operations now concentrated in the temporary War Assets Administration, I have found it necessary to provide in the plan for an Associate War Assets Administrator, also appointed by the President with the approval of the Senate. It is essential that there be an officer who can assist the Administrator in the general management of the agency and who can take over the direction of its operations in

case of the absence or disability of the Administrator or of a
vacancy in his office. Harry S. Truman.

The White House, May 1, 1947.

–CITE–

5 USC APPENDIX – REORGANIZATION PLAN NO. 2 OF 1947 01/06/03

–EXPCITE–

TITLE 5 – APPENDIX

REORGANIZATION PLANS

REORGANIZATION PLAN NO. 2 OF 1947

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–HEAD–

REORGANIZATION PLAN NO. 2 OF 1947

–MISC1–

Reorganization Plan No. 2 of 1947, which proposed to permanently transfer the United States Employment Service to the Department of Labor, to transfer functions of the Administrator of the Wage and Hour Division to the Secretary of Labor, and to authorize the Secretary of Labor to coordinate administration of the acts for regulation of wages and hours on Federal public works, was submitted to Congress on May 1, 1947, and was disapproved by Congress on June 30, 1947.

–CITE–

5 USC APPENDIX – REORGANIZATION PLAN NO. 3 OF 1947 01/06/03

–EXPCITE–

TITLE 5 – APPENDIX

REORGANIZATION PLANS

REORGANIZATION PLAN NO. 3 OF 1947

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REORGANIZATION PLAN NO. 3 OF 1947

–MISC1–

EFF. JULY 27, 1947, 12 F.R. 4981, 61 STAT. 954

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled May 27, 1947, pursuant to the provisions of the Reorganization Act of 1945, approved December 20, 1945.

HOUSING AND HOME FINANCE AGENCY

SECTION 1. HOUSING AND HOME FINANCE AGENCY

The Home Owners' Loan Corporation, the Federal Savings and Loan Insurance Corporation, the Federal Housing Administration, the United States Housing Authority, the Defense Homes Corporation, and the United States Housing Corporation, together with their respective functions, the functions of the Federal Home Loan Bank Board, and the other functions transferred by this plan, are consolidated, subject to the provisions of sections 2 to 5, inclusive, hereof, into an agency which shall be known as the Housing and Home Finance Agency. There shall be in said Agency constituent agencies which shall be known as the Home Loan Bank Board, the Federal Housing Administration, and the Public Housing Administration.

SEC. 2. HOME LOAN BANK BOARD

(a) The Home Loan Bank Board shall consist of three members

appointed by the President by and with the advice and consent of the Senate. Not more than two members of the Board shall be members of the same political party. The President shall designate the members of the Board first appointed hereunder to serve for terms expiring, respectively, at the close of business on June 30, 1949, June 30, 1950, and June 30, 1951, and thereafter the term of each member shall be four years. Whenever a vacancy shall occur among the members the person appointed to fill such vacancy shall hold office for the unexpired portion of the term of the member whose place he is selected to fill. Each of the members of the Board shall receive compensation at the rate of \$10,000 per annum.

(b) The President shall designate one of the members of the Home Loan Bank Board as Chairman of the Board. The Chairman shall (1) be the chief executive officer of the Board, (2) appoint and direct the personnel necessary for the performance of the functions of the Board or of the Chairman or of any agency under the Board, and (3) designate the order in which the other members of the Board shall, during the absence or disability of the Chairman, be Acting Chairman and perform the duties of the Chairman.

(c) Except as otherwise provided in subsection (b) of this section there are transferred to the Home Loan Bank Board the functions (1) of the Federal Home Loan Bank Board, (2) of the Board of Directors of the Home Owners' Loan Corporation, (3) of the Board of Trustees of the Federal Savings and Loan Insurance Corporation, (4) of any member or members of any of said Boards, and (5) with respect to the dissolution of the United States Housing

Corporation.

SEC. 3. FEDERAL HOUSING ADMINISTRATION

The Federal Housing Administration shall be headed by a Federal Housing Commissioner who shall be appointed by the President, by and with the advice and consent of the Senate, and receive compensation at the rate of \$10,000 per annum. There are transferred to said Commissioner the functions of the Federal Housing Administrator.

SEC. 4. PUBLIC HOUSING ADMINISTRATION

The Public Housing Administration shall be headed by a Public Housing Commissioner who shall be appointed by the President, by and with the advice and consent of the Senate, and receive compensation at the rate of \$10,000 per annum. There are transferred to said Commissioner the functions –

- (a) Of the Administrator of the United States Housing Authority (which agency shall hereafter be administered and known as the Public Housing Administration);
- (b) Of the National Housing Agency with respect to non–farm housing projects and other properties remaining under its jurisdiction pursuant to section 2(a)(3) of the Farmers' Home Administration Act of 1946 (Public Law 731, Seventy–ninth Congress, approved August 14, 1946) (7 U.S.C. 1001 note); and
- (c) With respect to the liquidation and dissolution of the Defense Homes Corporation.

SEC. 5. HOUSING AND HOME FINANCE ADMINISTRATOR

- (a) The Housing and Home Finance Agency shall be headed by a

Housing and Home Finance Administrator who shall be appointed by the President, by and with the advice and consent of the Senate, and shall receive compensation at the rate of \$10,000 per annum.

(b) The Administrator shall be responsible for the general supervision and coordination of the functions of the constituent agencies of the Housing and Home Finance Agency and for such purpose there are transferred to said Administrator the functions of the Federal Loan Administrator and the Federal Works Administrator (1) with respect to the Federal Home Loan Bank Board, the Home Owners' Loan Corporation, the Federal Savings and Loan Insurance Corporation, the Federal Housing Administration, and the United States Housing Authority, and (2) with respect to the functions of said agencies.

(c) There are also transferred to the Administrator the functions

—

(1) Of holding on behalf of the United States the capital stock of the Defense Homes Corporation;

(2) Under Titles I and III, and sections 401, 501, and 502, of the Act of October 14, 1940 (54 Stat. 1125), as amended (42 U.S.C. 1521–1524, 1541–1550, 1552, 1553, 1561, 1571 and 1572);

(3) Of the Departments of the Army and Navy with respect to national defense and war housing (except that located on military or naval posts, reservations, or bases) under the Act of September 9, 1940 (54 Stat. 872), as amended; and

(4) Of all agencies designated to provide temporary shelter in defense areas under the Acts of March 1, 1941, May 24, 1941, and

December 17, 1941 (55 Stat. 14, 197, and 810), insofar as such functions relate to such temporary shelter.

SEC. 6. NATIONAL HOUSING COUNCIL

There shall be in the Housing and Home Finance Agency a National Housing Council composed of the Housing and Home Finance Administrator as Chairman, the Federal Housing Commissioner, the Public Housing Commissioner, the Chairman of the Home Loan Bank Board, the Administrator of Veterans Affairs or his designee, the Chairman of the Board of Directors of the Reconstruction Finance Corporation or his designee, and the Secretary of Agriculture or his designee. The National Housing Council shall serve as a medium for promoting, to the fullest extent practicable within revenues, the most effective use of the housing functions and activities administered within the Housing and Home Finance Agency and the other departments and agencies represented on said Council in the furtherance of the housing policies and objectives established by law, for facilitating consistency between such housing functions and activities and the general economic and fiscal policies of the Government, and for avoiding duplication or overlapping of such housing functions and activities. (National Housing Council abolished and functions transferred to President, see Sec. 1(a), 3 of Reorg. Plan No. 4 of 1965.)

SEC. 7. INTERIM APPOINTMENTS

Pending the initial appointment hereunder of any officer provided for by this Plan, the functions of such officer shall be performed temporarily by such officer of the existing National Housing Agency

as the President shall designate.

SEC. 8. TRANSFERS OF PROPERTY, PERSONNEL, AND FUNDS

The assets, contracts, property, records, personnel, and unexpended balances of appropriations, authorizations, allocations, or other funds, held, employed, or available or to be made available in connection with functions transferred by this Plan are hereby transferred with such transferred functions, respectively.

SEC. 9. ABOLITIONS

The Federal Home Loan Bank Board, the Board of Directors of the Home Owners' Loan Corporation, and the Board of Trustees of the Federal Savings and Loan Insurance Corporation, together with the offices for the members of said boards, the office of Federal Housing Administrator, and the office of Administrator of the United States Housing Authority, are abolished.

(For lapse of Housing and Home Finance Agency, Federal Housing Administration, and Public Housing Administration, and transfer of functions to Secretary of Housing and Urban Development, see 42 U.S.C. 3534 and Transfer of Functions note thereunder.)

MESSAGE OF THE PRESIDENT

To the Congress of the United States:

I am transmitting herewith Reorganization Plan No. 3 of 1947, prepared in accordance with the Reorganization Act of 1945. This plan deals solely with housing. It simplifies, and increases the efficiency of, the administrative organization of permanent housing functions and provides for the administration of certain emergency housing activities pending their liquidation. I have found, after

investigation, that each reorganization contained in this plan is necessary to accomplish one or more of the purposes set forth in section 2 (a) of the Reorganization Act of 1945.

The provision of adequate housing will remain a major national objective throughout the next decade. The primary responsibility for meeting housing needs rests, and must continue to rest, with private industry, as I have stated on other occasions. The Federal Government, however, has an important role to play in stimulating and facilitating home construction.

Over the years the Congress has provided for a number of permanent housing programs, each involving a special approach to the basic objective of more adequate housing for our citizens. The Congress first enacted a series of measures to facilitate home construction and home ownership by strengthening the savings and loan type of home-financing institution. These measures established a credit reserve system for such agencies, authorized the chartering of Federal savings and loan associations to provide more adequate home financing facilities, and provided for the insurance of investments in savings and loan institutions in order to attract savings into this field. The Congress also created a system for the insurance of home loans and mortgages to stimulate the flow of capital into home-mortgage lending and thereby facilitate home ownership and improvement and increase home construction. These measures were supplemented by legislation extending financial assistance to local communities for the clearance of slums and the provision of decent housing for families

of low income who otherwise would be forced to live in the slums.

It is significant that these programs were first established, and have been continued, by the Congress because of their special contributions to home construction and improvement.

In my message of January 6 on the state of the Union, I recommended legislation establishing certain additional programs to help to alleviate the housing shortage and achieve our national objective of a decent home and a suitable living environment for every American family. No lesser objective is commensurate with the productive capacity and resources of the country or with the dignity which a true democracy accords the individual citizen. The Congress is now considering measures authorizing these programs. I again recommend the early enactment of this legislation.

But whatever may be the permanent housing functions of the Government, whether they be confined to the existing programs or supplemented as the Congress may determine, they are inevitably interrelated. They require coordination and supervision so that each will render its full contribution without conflict with the performance of other housing functions.

The Government, however, lacks an effective permanent organization to coordinate and supervise the administration of its principal housing programs. These programs and the machinery for their administration were established piecemeal over a period of years. The present consolidation of housing agencies and functions in the National Housing Agency is only temporary. After the termination of title I of the First War Powers Act this agency will

dissolve and the agencies and functions now administered in it will revert to their former locations in the Government. When this occurs, the housing programs of the Government will be scattered among some 13 agencies in 7 departments and independent establishments.

I need hardly point out that such a scattering of these interrelated functions would not only be inefficient and wasteful but also would seriously impair their usefulness. It would leave the Government without effective machinery for the coordination and supervision of its housing activities and would thrust upon the Chief Executive an impossible burden of administrative supervision.

The grouping of housing functions in one establishment is essential to assure that the housing policies established by the Congress will be carried out with consistency of purpose and a minimum of friction, duplication, and overlapping. A single establishment will unquestionably make for greater efficiency and economy. Moreover, it will simplify the task of the Congress and the Chief Executive by enabling them to deal with one official and hold one person responsible for the general supervision of housing functions, whereas otherwise they will be forced to deal with a number of uncoordinated officers and agencies.

It is vital that a sound permanent organization of housing activities be established at the earliest possible date in order to insure that housing functions will not be scattered among numerous agencies, with consequent confusion and disruption. To avoid this danger, and to accomplish the needed changes promptly, it is

desirable to employ a reorganization plan under the Reorganization Act of 1945. No other area of Federal activity affords greater opportunity than housing for accomplishing the objectives of the Reorganization Act to group, consolidate, and coordinate functions, reduce the number of agencies, and promote efficiency and economy; and in no other area could the application of the Reorganization Act be more appropriate and necessary.

In brief, this reorganization plan groups nearly all of the permanent housing agencies and functions of the Government, and the remaining emergency housing activities, in a Housing and Home Finance Agency, with the following constituent operating agencies:

(a) A Home Loan Bank Board to administer the Federal Savings and Loan Insurance Corporation, the Home Owners' Loan Corporation, and the functions of the Federal Home Loan Bank Board and its members; (b) a Federal Housing Administration with the same functions as now provided by law for that agency; and (c) a Public Housing Administration to take over the functions of the United States Housing Authority and certain remaining emergency housing activities pending the completion of their liquidation. Each constituent agency will possess its individual identity and be responsible for the operation of its program.

By reason of the reorganizations made by the plan, I have found it necessary to include therein provisions for the appointment of (1) an Administrator to head the Housing and Home Finance Agency, (2) the three members of the Home Loan Bank Board, and (3) two Commissioners to head the Federal Housing Administration and the

Public Housing Administration, respectively. Each of these officers is to be appointed by the President by and with the advice and consent of the Senate.

The plan places in the Housing and Home Finance Administrator the functions heretofore vested in the Federal Loan Administrator and the Federal Works Administrator with respect to the housing agencies and functions formerly administered within the Federal Loan and Federal Works Agencies, together with supervision and direction of certain emergency housing activities for the remainder of their existence.

Under the plan the Home Loan Bank Board and the Federal Housing Administration will have the same status in, and relation to, the Housing and Home Finance Agency and the Housing and Home Finance Administrator as the Federal Home Loan Bank Board, and its related agencies, and the Federal Housing Administration formerly had to the Federal Loan Agency and the Federal Loan Administrator.

Similarly, the Public Housing Administration will have the same status in, and relation to, the Housing and Home Finance Agency and the Administrator as the United States Housing Authority formerly had to the Federal Works Agency and the Federal Works Administrator.

Since there are a few housing activities which it is not feasible to place within the Housing and Home Finance Agency because they form integral parts of other broad programs or because of specific limitations in the Reorganization Act of 1945, the plan also created a National Housing Council on which the Housing and Home

Finance Agency and its constituent agencies, and the other departments and agencies having important housing functions, are represented. In this way the plan provides machinery for promoting the most effective use of all the housing functions of the Government, for obtaining consistency between these functions and the general economic and fiscal policies of the Government, and for avoiding duplication and overlapping of activities.

To avoid a hiatus in the administration of housing functions, pending the confirmation by the Senate of the new officers provided for by the plan, it permits the designation by the President of appropriate existing housing officials to perform temporarily the functions of these officers. This period should be brief, as I shall promptly submit nominations for the permanent officers.

Under the limitations contained in the Reorganization Act of 1945, the compensation of the Housing and Home Finance Administrator and the other officers provided for by the plan, cannot be fixed at a rate in excess of \$10,000 per annum. Both the temporary National Housing Administrator, provided for by Executive Order No. 9070 and the Federal Housing Administrator, have received salaries of \$12,000 a year. I do not consider the salary of \$10,000 provided in the plan as compensation commensurate with the responsibilities of the Administrator, the members of the Home Loan Bank Board, and the Commissioners of the other constituent agencies, or consistent with a salary scale which must be paid if the Government is to attract and retain public servants of the requisite caliber. Accordingly, I recommend that the Congress act

to increase the salary of the Housing and Home Finance Administrator to \$15,000 per annum, and to increase the salaries of the members of the Home Loan Bank Board and the two Commissioners provided for by this plan to \$12,000 per annum.

The essential and important difference between the organization established by the plan and the prewar arrangement, to which housing agencies and functions would otherwise automatically revert on the termination of title I of the First War Powers Act, is that under the old arrangement these agencies and functions were scattered among many different establishments primarily dealing with matters other than housing, whereas under the plan the major permanent housing programs are placed in a single establishment concerned exclusively with housing. Thus, the plan effectuates the basic objective enunciated by the Congress in the Reorganization Act of 1945 of grouping agencies and functions by major purpose, and provides the necessary framework for a more effective administration of Federal housing activities in the postwar period.

Harry S. Truman.

The White House, May 27, 1947.

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5 USC APPENDIX – REORGANIZATION PLAN NO. 1 OF 1949 01/06/03

–EXPCITE–

TITLE 5 – APPENDIX

REORGANIZATION PLANS

REORGANIZATION PLAN NO. 1 OF 1949

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REORGANIZATION PLAN NO. 1 OF 1949

–MISC1–

Reorganization Plan No. 1 of 1949, which proposed establishment of a Department of Welfare, was submitted to Congress on June 20, 1949, and was disapproved by the Senate on Aug. 16, 1949.

–CITE–

5 USC APPENDIX – REORGANIZATION PLAN NO. 2 OF 1949 01/06/03

–EXPCITE–

TITLE 5 – APPENDIX

REORGANIZATION PLANS

REORGANIZATION PLAN NO. 2 OF 1949

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–HEAD–

REORGANIZATION PLAN NO. 2 OF 1949

–MISC1–

EFF. AUG. 20, 1949, 14 F.R. 5225, 63 STAT. 1065

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, June 20, 1949, pursuant to the provisions of the Reorganization Act of 1949, approved June 20, 1949 (see 5 U.S.C. 901 et seq.).

DEPARTMENT OF LABOR

SECTION 1. BUREAU OF EMPLOYMENT SECURITY

The Bureau of Employment Security of the Federal Security Agency, including the United States Employment Service and the Unemployment Insurance Service, together with the functions thereof, is

transferred as an organizational entity to the Department of Labor.

The functions of the Federal Security Administrator with respect to employment services, unemployment compensation, and the Bureau of Employment Security, together with his functions under the Federal Unemployment Tax Act (as amended, and as affected by the provisions of Reorganization Plan No. 2 of 1946, 60 Stat. 1095, 26 U.S.C.

(former) 1600–11) (26 U.S.C. 3301 et seq.), are transferred to the Secretary of Labor. The functions transferred by the provisions of this section shall be performed by the Secretary of Labor or, subject to his direction and control, by such officers, agencies, and employees of the Department of Labor as he shall designate.

SEC. 2. VETERANS' PLACEMENT SERVICE BOARD

The functions of the Veterans' Placement Service Board under Title IV of the Servicemen's Readjustment Act of 1944 (58 Stat. 284, as amended; 38 U.S.C. 695–695f) (see 38 U.S.C. 2001 et seq.) are transferred to and shall be performed by the Secretary of Labor. The functions of the Chairman of the said Veterans' Placement Service Board are transferred to the Secretary of Labor and shall be performed by the Secretary or, subject to his direction and control, by the Chief of the Veterans' Employment Service. The Veterans' Placement Service Board is abolished.

SEC. 3. FEDERAL ADVISORY COUNCIL

The Federal Advisory Council established pursuant to section 11(a) of the Act of June 6, 1933 (48 Stat. 116, as amended, 29 U.S.C. 49j(a)), is hereby transferred to the Department of Labor and shall, in addition to its duties under the aforesaid Act,

advise the Secretary of Labor and the Director of the Bureau of Employment Security with respect to the administration and coordination of the functions transferred by the provisions of this reorganization plan.

SEC. 4. PERSONNEL, RECORDS, PROPERTY, AND FUNDS

There are transferred to the Department of Labor, for use in connection with the functions transferred by the provisions of this reorganization plan, the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds (available or to be made available) of the Bureau of Employment Security, together with so much as the Director of the Bureau of the Budget shall determine of other personnel, property, records, and unexpended balances of appropriations, allocations, and funds (available or to be made available) of the Federal Security Agency which relate to functions transferred by the provisions of this reorganization plan.

MESSAGE OF THE PRESIDENT

To the Congress of the United States:

I transmit herewith Reorganization Plan No. 2 of 1949, prepared in accordance with the provisions of the Reorganization Act of 1949. This plan transfers the Bureau of Employment Security, now in the Federal Security Agency, to the Department of Labor and vests in the Secretary of Labor the functions of the Federal Security Administrator with respect to employment services and unemployment compensation, the latter of which is now more commonly referred to as unemployment insurance. The plan also transfers to the

Secretary of Labor the functions of the Veterans' Placement Service Board and of its Chairman and abolishes that Board. These changes are in general accord with recommendations made by the Commission on Organization of the Executive Branch of the Government.

After investigation, I have found and hereby declare that each reorganization included in Reorganization Plan No. 2 of 1949 is necessary to accomplish one or more of the purposes set forth in section 2(a) of said act. The primary benefits from these reorganizations will take the form of improvements in administration and service. It is probable that a significant reduction in expenditures will result from the taking effect of the plan as compared with the current estimates and work-load assumptions contained in the 1950 budget as amended, but an itemization of such savings is not possible in advance of the transfer.

One of the major needs of the executive branch is a sound and effective organization of labor functions. More than 35 years ago the Federal Government's labor functions were brought together in the Department of Labor. In recent years, however, the tendency has been to disperse such functions throughout the Government. New labor programs have been placed outside of the Department and some of its most basic functions have been transferred from the Department to other agencies.

In my judgment, this course has been fundamentally unsound and should be reversed. The labor programs of the Federal Government constitute a family of interrelated functions requiring generally

similar professional training and experience, involving numerous overlapping problems, and calling for strong, unified leadership. Together they form one of the most important areas of Federal activity. It is imperative that the Labor Department be strengthened and restored to its original position as the central agency of the Government for dealing with labor problems.

BUREAU OF EMPLOYMENT SECURITY

One of the most essential steps in improving the organization of labor functions is the transfer of the Bureau of Employment Security to the Department of Labor. This Bureau administers the activities of the Federal Government with respect to employment services and unemployment insurance. These activities mainly involve the review and apportionment of grants-in-aid, approval of State plans and grants, the conduct of research and developmental activities, and the provision of advice and assistance to the State agencies which actually conduct the services.

Public employment services and unemployment insurance are companion programs inextricably interrelated both in purpose and operation. The first assists workers in finding jobs and employers in obtaining workers; the second provides cash benefits for the support of workers and their families when suitable jobs cannot be obtained. Thus, each complements the other. At the local operating level the two programs are almost invariably carried on in the same unit – the local employment office. At the State level they are administered by the same agency in nearly every State. As a result, an unusually high degree of coordination at the Federal

level is essential.

There can be no question as to the basic consideration which must govern the administration of both of these programs. From the standpoint of all interested parties – the worker, the employer, and the public – the primary concern is employment. Essential as they are, unemployment benefits at a fraction of regular wages are a poor substitute for the earnings from a steady job. In the administration of these programs, therefore, primary attention must be focused on achieving the maximum effectiveness of the employment services. On them depend the prosperity and well-being of the worker and the extent of the unemployment-compensation burden on the employer and the public.

I have long been convinced that the Department of Labor is the agency which can contribute most to the development of sound and efficient employment service. It has the understanding of employment problems and of the operation of the labor market which is essential in this field. It possesses the necessary specialists and the wealth of information on occupations, employment trends, wage rates, working conditions, labor legislation and other matters essential to employment counseling and placement.

Close working relations between the United States Employment Service and most of the agencies of the Labor Department are vital to the success of both. The Bureau of Labor Statistics has a fund of information on employment and occupations which is basic to the planning and operation of the Service. The Women's Bureau and the Child Labor Branch of the Wage and Hour Division afford expert

advice on employment problems relating to women and adolescents. The Bureau of Labor Standards can assist the Service on questions of working conditions and other labor standards, and the Bureau of Apprenticeship on occupational–training problems. At the same time the various agencies of the Labor Department need the detailed current information on labor problems and the condition of the labor market which the United States Employment Service possesses. Experience has demonstrated that unemployment insurance must be administered in close relationship with employment service and other employment programs. In many of our industrial States, and in most foreign countries, unemployment insurance is administered by the agency responsible for labor functions. Furthermore, the unemployment–insurance system has a vital stake in the effectiveness of the program for employment services, for what benefits the employment service also benefits the unemployment–insurance program.

The transfer of the Bureau of Employment Security, including the United States Employment Service and the Unemployment Insurance Service, together with the functions thereof, will give assurance that primary emphasis will be placed on the improvement of the employment services and that maximum effort will be made to provide jobs in lieu of cash benefits.

The plan also transfers to the Department of Labor the Federal Advisory Council created by the act establishing the United States Employment Service. This Council consists of outstanding representatives of labor, management, and the public who are

especially familiar with employment problems.

VETERANS' PLACEMENT SERVICE BOARD

Although the Veterans' Employment Service operates through the regular employment office system, its policies are determined by the Veterans' Placement Service Board created by the Servicemen's Readjustment Act of 1944. This Board consists of the heads of three Federal agencies, only one of which administers employment services. Furthermore, the full-time director of the Service is appointed by the Chairman of this Board, who is not otherwise engaged in employment-service activity, rather than by the head of the agency within which the service is administered. Such an arrangement is cumbersome and results in an undue division of authority and responsibility.

In order to simplify the administration of the Veterans' Employment Service and assure the fullest cooperation between it and the general employment service, the plan eliminates the Veterans' Placement Service Board and transfers its functions and those of its Chairman to the Secretary of Labor. By thus concentrating responsibility for the success of the Service, the plan will make for better service to the veteran seeking employment or vocational counseling.

This plan is a major step in the rebuilding and strengthening of the Department of Labor, which I am convinced is essential to the sound and efficient organization of the executive branch of the Government. Harry S. Truman.

The White House, June 20, 1949.

–CITE–

5 USC APPENDIX – REORGANIZATION PLAN NO. 3 OF 1949 01/06/03

–EXPCITE–

TITLE 5 – APPENDIX

REORGANIZATION PLANS

REORGANIZATION PLAN NO. 3 OF 1949

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–HEAD–

REORGANIZATION PLAN NO. 3 OF 1949

–MISC1–

EFF. AUG. 20, 1949, 14 F.R. 5225, 63 STAT. 1066

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, June 20, 1949, pursuant to the provisions of the Reorganization Act of 1949, approved June 20, 1949 (see 5 U.S.C. 901 et seq.).

POST OFFICE DEPARTMENT

SECTION 1. FUNCTIONS OF THE POSTMASTER GENERAL

(a) There are hereby transferred to the Postmaster General the functions of all subordinate officers and agencies of the Post Office Department, including the functions of each Assistant Postmaster General, the Purchasing Agent for the Post Office Department, the Comptroller, and the Bureau of Accounts.

(b) The Postmaster General is hereby authorized to delegate to any officer, employee, or agency of the Post Office Department designated by him such of his functions as he deems appropriate.

SEC. 2. DEPUTY POSTMASTER GENERAL

There shall be in the Post Office Department a Deputy Postmaster General, who shall be appointed by the President by and with the advice and consent of the Senate, shall perform such duties as the Postmaster General may designate, and shall receive compensation at the rate of \$10,330 per annum or such other compensation as may be provided by law for the under secretaries of executive departments after the date of transmittal of this reorganization plan to the Congress.

SEC. 3. ASSISTANT POSTMASTERS GENERAL

There shall be in the Post Office Department four Assistant Postmasters General, who shall be appointed by the President by and with the advice and consent of the Senate, shall perform such duties as the Postmaster General may designate, and shall receive compensation at the rate of \$10,330 per annum or such other compensation as may be provided by law for the assistant secretaries of executive departments after the date of transmittal of this reorganization plan to the Congress.

SEC. 4. ADVISORY BOARD

There is hereby established an Advisory Board for the Post Office Department of which the Postmaster General shall be chairman and the Deputy Postmaster General the vice chairman. The Board shall have seven additional members, representative of the public, who shall be appointed by the President by and with the advice and consent of the Senate. The members so appointed shall each receive compensation of \$50 per diem when engaged in duties as members of the Board (including travel time to and from their homes or regular

places of business) and reasonable subsistence and travel expense as determined by the Postmaster General. The Board shall meet quarterly at the seat of the government in the District of Columbia, or at such other time and place as the Postmaster General shall determine for the purpose of considering methods and policies for the improvement of the postal service, and shall advise and make recommendations to the Postmaster General with respect to such methods and policies.

SEC. 5. AGENCIES ABOLISHED

(a) There are hereby abolished the Bureau of Accounts in the Post Office Department (including the office of Comptroller) and the office of Purchasing Agent for the Post Office Department.

(b) The offices of First Assistant Postmaster General, Second Assistant Postmaster General, Third Assistant Postmaster General, and Fourth Assistant Postmaster General (5 U.S.C. 363) are hereby abolished; but the incumbents thereof immediately prior to the taking of effect of the provisions of this reorganization plan shall without reappointment be the first Assistant Postmasters General in office under the provisions of section 3 hereof.

SEC. 6. EMPLOYEES, RECORDS, PROPERTY, AND FUNDS

The employees now being employed, and the records and property now being used or held, in connection with any functions transferred by the provisions of this reorganization plan are hereby transferred to such agencies of the Post Office Department as the Postmaster General shall designate. The unexpended balances of appropriations, allocations, and other funds available or to be

made available for use in connection with such functions shall remain so available.

(The Post Office Department and the office of Postmaster General of the Post Office Department were abolished and all functions, powers, and duties transferred to the United States Postal Service by Pub. L. 91-375, Sec. 4(a), Aug. 12, 1970, 84 Stat. 773, set out as a note under 39 U.S.C. 201.)

MESSAGE OF THE PRESIDENT

To the Congress of the United States:

I transmit herewith Reorganization Plan No. 3 of 1949, prepared in accordance with the provisions of the Reorganization Act of 1949. This plan constitutes an important first step in strengthening the organization of the Post Office Department.

One of the prime essentials of good departmental administration is authority from the Congress to a department head to organize and control his department. The Commission on Organization of the executive branch of the Government emphasized in its first and subsequent reports that separate authorities to subordinates should be eliminated. The plan gives the Postmaster General the necessary authority to organize and control his Department by transferring to him the functions of all subordinate officers and agencies of the Post Office Department, including the functions of each Assistant Postmaster General, the Purchasing Agent, the Comptroller, and the Bureau of Accounts. The Postmaster General is authorized to delegate to subordinates designated by him such of his functions as he may deem appropriate.

The Postmaster General is responsible for the management of one of the world's largest businesses. Like the head of any large business, the Postmaster General should be given adequate top-level assistance in carrying on the operations of the Department so that he may have time to devote to matters of departmental and public policy. In order to provide needed assistance to the Postmaster General, the plan establishes the positions of Deputy Postmaster General, and four Assistant Postmasters General, comparable to the positions of Under Secretary and Assistant Secretaries in other departments.

The plan also establishes an Advisory Board for the Post Office Department, composed of the Postmaster General, the Deputy Postmaster General, and seven other members representing the public who shall be appointed by the President by and with the advice and consent of the Senate. The Advisory Board will make available to the Postmaster General the advice of outstanding private citizens and will afford a useful channel for the interchange of views between postal officials and the public concerning the operations of the postal service.

I have found after investigation that each reorganization contained in the plan is necessary to accomplish one or more of the purposes set forth in section 2(a) of the Reorganization Act of 1949. I have also found and hereby declare that by reason of the reorganization made by this plan, it is necessary to include in the plan provisions for the appointment and compensation of the Deputy Postmaster General, four Assistant Postmasters General, and members

of the Advisory Board for the Post Office Department. The plan abolishes the Bureau of Accounts of the Post Office Department and the offices of Comptroller, Purchasing Agent, First, Second, Third, and Fourth Assistant Postmasters General.

This plan carries into effect those of the recommendations of the Commission on Organization of the Executive Branch of the Government respecting the Post Office Department which can be accomplished under the provisions of the Reorganization Act. I am also transmitting to the Congress recommendations for legislation which will implement other recommendations of the Commission and place the operations of the Post Office Department on a more businesslike basis.

The primary result of this reorganization plan will be more effective administration. Although a substantial reduction in expenditures will not be brought about by the plan alone, major economies can be achieved over a period of time as a result of this plan and the enactment of the postal legislation which I am recommending to the Congress. Harry S. Truman.

The White House, June 20, 1949.

–CITE–

5 USC APPENDIX – REORGANIZATION PLAN NO. 4 OF 1949 01/06/03

–EXPCITE–

TITLE 5 – APPENDIX

REORGANIZATION PLANS

REORGANIZATION PLAN NO. 4 OF 1949

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–HEAD–

REORGANIZATION PLAN NO. 4 OF 1949

–MISC1–

EFF. AUG. 20, 1949, 14 F.R. 5227, 63 STAT. 1067

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, June 20, 1949, pursuant to the provisions of the Reorganization Act of 1949, approved June 20, 1949 (see 5 U.S.C. 901 et seq.).

EXECUTIVE OFFICE OF THE PRESIDENT

The National Security Council and the National Security Resources Board, together with their respective functions, records, property, personnel, and unexpended balances of appropriations, allocations, and other funds (available or to be made available), are hereby transferred to the Executive Office of the President.

MESSAGE OF THE PRESIDENT

To the Congress of the United States:

I transmit herewith Reorganization Plan No. 4 of 1949, prepared in accordance with the provisions of the Reorganization Act of 1949. The plan transfers the National Security Council and the National Security Resources Board to the Executive Office of the President. After investigation I have found, and I hereby declare, that each reorganization included in the plan is necessary to accomplish one or more of the purposes set forth in section 2(a) of the Reorganization Act of 1949.

The growth of the executive branch and the increasingly complex nature of the problems with which it must deal have greatly

intensified the necessity of strong and well-coordinated staff facilities to enable the President to meet his responsibilities for the effective administration of the executive branch of the Government. Ten years ago several of the staff agencies of the executive branch were brought together in the Executive Office of the President under the immediate direction of the President. The wisdom of this step has been demonstrated by greatly improved staff assistance to the President, which has contributed importantly to the management of the Government during the trying years of war and of postwar adjustment.

Since the creation of the Executive Office of the President, however, the Congress has further recognized the need for more adequate central staff and created two new important staff agencies to assist the President – the National Security Council and the National Security Resources Board. The primary function of the first of these agencies, as defined by statute, is – to advise the President with respect to the integration of domestic, foreign, and military policies relating to the national security.

The function of the second is – to advise the President concerning the coordination of military, industrial, and civilian mobilization.

Within their respective fields these agencies assist the President in developing plans and policies which extend beyond the responsibility of any single department of the Government. In this they play a role similar in character to that of the various units

of the Executive Office of the President. In fact, many of the problems with which they deal require close collaboration with the agencies of the Executive Office.

Since the principal purpose of the National Security Council and the National Security Resources Board is to advise and assist the President and their work needs to be coordinated to the fullest degree with that of other staff arms of the President, such as the Bureau of the Budget and the Council of Economic Advisers, it is highly desirable that they be incorporated in the Executive Office of the President. The importance of this transfer was recognized by the Commission on Organization of the Executive Branch of the Government, which specifically recommended such a change as one of the essential steps in strengthening the staff facilities of the President and improving the over-all management of the executive branch.

Because of the necessity of coordination with other staff agencies, the National Security Council and the National Security Resources Board are physically located with the Executive Office of the President and I have taken steps to assure close working relations between them and the agencies of the Executive Office.

This plan, therefore, will bring their legal status into accord with existing administrative practice. It is not probable that the reorganizations included in the plan will immediately result in reduced expenditures. They will, however, provide a firm foundation for maintaining and furthering the efficient administrative relationships already established, and for assuring

that we have provided permanent arrangements vitally necessary to
the national security. Harry S. Truman.

The White House, June 20, 1949.

–CITE–

5 USC APPENDIX – REORGANIZATION PLAN NO. 5 OF 1949 01/06/03

–EXPCITE–

TITLE 5 – APPENDIX

REORGANIZATION PLANS

REORGANIZATION PLAN NO. 5 OF 1949

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–HEAD–

REORGANIZATION PLAN NO. 5 OF 1949

–MISC1–

Reorg. Plan No. 5 of 1949, 14 F.R. 5227, 63 Stat. 1067, which
related to the Civil Service Commission, was repealed by Pub. L.
89–554, Sec. 8(a), Sept. 6, 1966, 80 Stat. 662. See sections 1103,
1104, 1105, and 1306 of Title 5, Government Organization and
Employees.

–CITE–

5 USC APPENDIX – REORGANIZATION PLAN NO. 6 OF 1949 01/06/03

–EXPCITE–

TITLE 5 – APPENDIX

REORGANIZATION PLANS

REORGANIZATION PLAN NO. 6 OF 1949

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–HEAD–

REORGANIZATION PLAN NO. 6 OF 1949

–MISC1–

EFF. AUG. 20, 1949, 14 F.R. 5228, 63 STAT. 1069

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, June 20, 1949, pursuant to the provisions of the Reorganization Act of 1949, approved June 20, 1949 (see 5 U.S.C. 901 et seq.).

UNITED STATES MARITIME COMMISSION

SECTION 1. ADMINISTRATION OF FUNCTIONS OF COMMISSION

The Chairman of the United States Maritime Commission shall be the chief executive and administrative officer of the United States Maritime Commission. In executing and administering on behalf of the Commission its functions (exclusive of functions transferred by the provisions of section 2 of this reorganization plan) the Chairman shall be governed by the policies, regulatory decisions, findings, and determinations of the Commission.

SEC. 2. TRANSFER OF FUNCTIONS

There are hereby transferred from the United States Maritime Commission to the Chairman of the Commission the functions of the Commission with respect to (1) the appointment and supervision of all personnel employed under the Commission, (2) the distribution of business among such personnel and among organizational units of the Commission, and (3) the use and expenditure of funds for administrative purposes: Provided, That the provisions of this section do not extend to personnel employed regularly and full time in the offices of members of the Commission other than the

Chairman: Provided further, That the heads of the major administrative units shall be appointed by the Chairman only after consultation with the other members of the Commission.

SEC. 3. PERFORMANCE OF TRANSFERRED FUNCTIONS

The functions of the Chairman under the provisions of this reorganization plan shall be performed by him or, subject to his supervision and direction, by such officers and employees under his jurisdiction as he shall designate.

MESSAGE OF THE PRESIDENT

To the Congress of the United States:

I transmit herewith Reorganization Plan No. 6 of 1949, prepared in accordance with the Reorganization Act of 1949. This plan is designed to strengthen the administration of the United States Maritime Commission by making the Chairman and the chief executive and administrative officer of the Commission and vesting in him responsibility for the appointment of its personnel and the supervision and direction of their activities. After investigation, I have found and hereby declare that each reorganization included in this plan is necessary to accomplish one or more of the purposes set forth in section 2(a) of the Reorganization Act of 1949.

Unlike other major regulatory commissions, the Maritime Commission is responsible not only for the performance of important regulatory functions but also for the administration of large and complex operating and promotional programs. Whereas the budgets of most regulatory agencies amount to only a few million dollars

annually, the expenditures of the Maritime Commission exceed \$130,000,000 a year. As a result of the war the Commission is the owner of a fleet of over 2,300 ships, aggregating more than 23,000,000 dead-weight tons.

While it is the policy of the Government, as set forth by the Merchant Marine Act of 1936 and the Merchant Ship Sales Act of 1946, to develop and maintain an adequate and effective merchant marine under private ownership, the Commission is still confronted with the necessity of carrying on substantial programs for the charter and sale of Government-owned vessels and with the continuing task of maintaining the reserve merchant fleet.

Apart from its functions with respect to the war-built fleet, the accomplishment of the Government's permanent objective with respect to the development of the American merchant marine inevitably involves the Commission to a wide variety of activities. Among these are the regulation of rates and competitive practices of water carriers, the determination of essential trade routes and services, the award of subsidies to offset differences between American and foreign costs, the design and construction of ships, the inspection of subsidized vessels, and the training of seamen.

In the last 2 years the operation of the Maritime Commission has been subjected to independent examination by three bodies – the President's Advisory Committee on the Merchant Marine, the Senate Committee on Expenditures in the Executive Departments, and the Commission on Organization of the Executive Branch of the Government. All of these studies have pointed to difficulties in

the conduct of the Commission's business and the necessity of improved organization to strengthen the administration of the agencies. The remedies proposed have differed in some respects, but all the studies have emphasized the need of concentrating in a single official the management of a large part of the agency's work.

During the war such a concentration was temporarily accomplished by Executive order under the authority of the First War Powers Act. In effect, the Chairman of the Commission, as War Shipping Administrator, was made directly responsible for the administration of several major operating programs of the Commission. This arrangement proved its value under the stress of war. About a year after the end of the fighting, however, it was terminated and the organization reverted to the prewar pattern.

As a result of postwar experience, the Commission appointed a general manager in 1948. While this has brought considerable improvement, it has not extricated the Commission from administration to the degree which is desirable.

After careful consideration of the problems involved in improving the operation of the Maritime Commission, I have concluded that the proper action at this time is to concentrate in the Chairman the responsibility for the internal administration of the agency. This is achieved by the proposed reorganization plan by transferring to the Chairman the appointment of the personnel of the agency, except for the immediate assistants of the Commissioners, and the supervision and direction of their work. This is substantially the

arrangement recommended for regulatory commissions by the Commission on Organization of the Executive Branch of the Government.

Such a plan of organization has many advantages. It leaves in the Commission as a body the performance of regulatory functions, the determination of subsidies, and the determination of major policies. Thus, it utilizes the Commission for the type of work for which such a body is best adapted. At the same time the plan places under a single official the day-to-day direction of the work of the staff within the policies and determinations adopted by the Commission in the exercise of its functions. This will provide more businesslike administration and help to overcome the delays, backlogs, and operating difficulties which have hampered the agency. At the same time by freeing the members of the Commission of much detail, the plan will enable them to concentrate on major questions of policy and program and thereby will obtain earlier and better considered resolution of the basic problems of the agency.

Though the taking effect of this plan in itself may not result in substantial immediate economies, it is probable that the improved organizational arrangements will bring about, over a period of time, improved operations and substantially reduced expenditures.

An itemization of these reductions, however, in advance of actual experience under the plan is not practicable.

I am convinced that this reorganization plan will contribute importantly to the more businesslike and efficient administration of the programs of the Maritime Commission. Harry S. Truman.

The White House, June 20, 1949.

–CITE–

5 USC APPENDIX – REORGANIZATION PLAN NO. 7 OF 1949 01/06/03

–EXPCITE–

TITLE 5 – APPENDIX

REORGANIZATION PLANS

REORGANIZATION PLAN NO. 7 OF 1949

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–HEAD–

REORGANIZATION PLAN NO. 7 OF 1949

–MISC1–

EFF. AUG. 20, 1949, 14 F.R. 5228, 63 STAT. 1070, AS AMENDED JAN.

12, 1983, PUB. L. 97–449, SEC. 2(B), 96 STAT. 2439

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, June 20, 1949, pursuant to the provisions of the Reorganization Act of 1949, approved June 20, 1949 (see 5 U.S.C. 901 et seq.).

PUBLIC ROADS ADMINISTRATION

SECTION 1. TRANSFER OF PUBLIC ROADS ADMINISTRATION

The Public Roads Administration, together with its functions, including the functions of the Commissioner of Public Roads, is hereby transferred to the Department of Transportation and shall be administered by the Commissioner of Public Roads subject to the direction and control of the Secretary of Transportation.

SEC. 2. TRANSFER OF CERTAIN FUNCTIONS OF FEDERAL WORKS
ADMINISTRATOR

All functions of the Federal Works Administrator with respect to the agency and functions transferred by the provisions of section 1 hereof are hereby transferred to the Secretary of Transportation and shall be performed by the Secretary or, subject to his direction and control, by such officers, employees, and agencies of the Department of Transportation as the Secretary shall designate.

SEC. 3. RECORDS, PROPERTY, PERSONNEL, AND FUNDS

There are hereby transferred to the Department of Transportation, to be used, employed, and expended in connection with the functions transferred by the provisions of this reorganization plan, the records and property now being used or held in connection with such functions, the personnel employed in connection with such functions, together with the Commissioner of Public Roads, and the unexpended balances of appropriations, allocations, and other funds available or to be made available for use in connection with such functions. Such further measures and dispositions as the Director of the Bureau of the Budget shall determine to be necessary in order to effectuate the transfers provided for in this section shall be carried out in such manner as the Director shall direct and by such agencies as he shall designate.

SEC. 4. EFFECT OF REORGANIZATION PLAN

The provisions of this reorganization plan shall become effective notwithstanding the status of the Public Roads Administration within the Federal Works Agency or within any other agency immediately prior to the effective date of this reorganization plan.

MESSAGE OF THE PRESIDENT

To the Congress of the United States:

I transmit herewith Reorganization Plan No. 7 of 1949, prepared in accordance with the provisions of the Reorganization Act of 1949. This plan transfers the Public Roads Administration to the Department of Commerce. After investigation I have found and hereby declare that each reorganization included in this plan is necessary to accomplish one or more of the purposes set forth in section 2(a) of the Reorganization Act of 1949.

This plan directly carries out the recommendation of the Commission on Organization of the Executive Branch of the Government with respect to the Public Roads Administration. That the Department of Commerce is the appropriate location for the Public Roads Administration in the executive branch is evident from the nature of its functions and the basic purpose of the Department. The Public Roads Administration is primarily engaged in planning and financing the development of the highways which provide the essential facilities for motor transportation throughout the country. Thus, it comes directly within the purpose of the Department of Commerce, as defined by its organic act, which provides:

It shall be the province and duty of said Department to foster, promote, and develop the foreign and domestic commerce * * * and the transportation facilities of the United States.

In its reorganization proposals the Commission on Organization of the Executive Branch of the Government adhered to the statutory

definition of the functions and role of the Department of Commerce. President Franklin D. Roosevelt and the Congress likewise were guided by this concept of the Department in transferring to it the Civil Aeronautics Administration and the Inland Waterways Corporation under the Reorganization Act of 1939. A careful review of the structure of the executive branch reveals no other department or agency in which the Public Roads Administration can so appropriately be located.

The desirability of this transfer of the Public Roads Administration is further emphasized by its relation to the Federal Property and Administrative Services bill now pending in the Senate. This bill creates a new General Services Administration and concentrates in it the principal central administrative service programs of the executive branch. The bill also revises the basic legislation on property management. It has been passed by the House of Representatives by an overwhelming vote and unanimously reported by the Senate Committee on Expenditures in the Executive Departments and awaits final action on the floor of the Senate.

This measure substantially conforms to recommendations which I submitted to the Congress more than a year ago and to proposals more recently presented by the Commission on Organization of the Executive Branch of the Government, with which I concur. The enactment of this bill will constitute an important step in increasing the efficiency of Federal administration. Since the bill makes permanent provision for the disposal of surplus property, now handled by the War Assets Administration which will

expire by law on June 30, early enactment is vital.

In establishing the General Services Administration the Federal Property and Administrative Services bill transfers to the Administration all of the functions and units of the Federal Works Agency. Part of these functions relating to the housing of the governmental establishment clearly fall within the purpose of such an Administration. Certain other functions of the Federal Works Agency, however, bear very little real relation to the objectives of the General Services Administration. The congressional committees which have dealt with the bill have frankly indicated that further consideration must be given to the proper location of some of the programs of the Federal Works Agency. The sooner these unrelated programs can be removed from the new agency, the sooner it can concentrate its efforts upon improving administrative services throughout the executive branch and make the contribution to governmental efficiency for which it has been designed.

Principal among the programs of the Federal Works Agency which are unrelated to the General Services Administration are those of the Public Roads Administration. This agency is primarily engaged in the administration of Federal grants to States for highway purposes rather than in the performance of services for other Federal agencies. Its functions, therefore, do not fall within the field of activities of the General Services Administration. Their inclusion cannot but complicate and impede the development of the General Services Administration in the performance of its intended purpose. This reorganization plan will eliminate such a

difficulty.

Since the Public Roads Administration will be transferred bodily from one major agency to another, it is not to be expected that this reorganization will directly result in any appreciable reduction in its expenditures at this time. However, the plan will make for better organization and direction of Federal programs relating to transportation. Assuming the early enactment of the Federal Property and Administrative Services bill, the plan will also materially simplify the development of the proposed General Services Administration and thereby facilitate improvements in the efficiency of administrative services throughout the Government.

Harry S. Truman.

The White House, June 20, 1949.

–CITE–

5 USC APPENDIX – REORGANIZATION PLAN NO. 8 OF 1949 01/06/03

–EXPCITE–

TITLE 5 – APPENDIX

REORGANIZATION PLANS

REORGANIZATION PLAN NO. 8 OF 1949

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–HEAD–

REORGANIZATION PLAN NO. 8 OF 1949

–MISC1–

Reorganization Plan No. 8 of 1949, which proposed reorganization of the National Military Establishment into a Department of Defense, was submitted to Congress on July 18, 1949, and was

disapproved by act Aug. 10, 1949, ch. 412, Sec. 12(i), 63 Stat.

592.

–CITE–

5 USC APPENDIX – REORGANIZATION PLAN NO. 1 OF 1950 01/06/03

–EXPCITE–

TITLE 5 – APPENDIX

REORGANIZATION PLANS

REORGANIZATION PLAN NO. 1 OF 1950

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–HEAD–

REORGANIZATION PLAN NO. 1 OF 1950

–MISC1–

Reorganization Plan No. 1 of 1950, which proposed reorganizations in the Department of the Treasury, was submitted to Congress on Mar. 13, 1950, and was disapproved by the Senate on May 11, 1950.

–CITE–

5 USC APPENDIX – REORGANIZATION PLAN NO. 2 OF 1950 01/06/03

–EXPCITE–

TITLE 5 – APPENDIX

REORGANIZATION PLANS

REORGANIZATION PLAN NO. 2 OF 1950

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–HEAD–

REORGANIZATION PLAN NO. 2 OF 1950

–MISC1–

EFF. MAY 24, 1950, 15 F.R. 3173, 64 STAT. 1261, AS AMENDED SEPT. 6,

1966, PUB. L. 89-554, SEC. 8(A), 80 STAT. 662

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, March 13, 1950, pursuant to the provisions of the Reorganization Act of 1949, approved June 20, 1949 (see 5 U.S.C. 901 et seq.).

DEPARTMENT OF JUSTICE

Sections 1-5. (Repealed. Pub. L. 89-554, Sec. 8(a), Sept. 6, 1966, 80 Stat. 662. Section 1, transferred to the Attorney General, all functions of other officers, agencies and employees of Department of Justice, with certain exceptions, see 28 U.S.C. 509. Section 2, provided for performance of Attorney General's functions by such other officer, agency or employee as he might authorize, see 28 U.S.C. 510. Section 3, changed title of "The Assistant to the Attorney General" to "Deputy Attorney General", see 28 U.S.C. 504. Sections 4, 5, provided for positions of Assistant Attorney General and Administrative Assistant Attorney General, respectively, see 28 U.S.C. 506, 507.)

SEC. 6. INCIDENTAL TRANSFERS

The Attorney General may from time to time effect such transfers within the Department of Justice of any of the records, property, personnel, and unexpended balances (available or to be made available) of appropriations, allocations, and other funds of such Department as he may deem necessary in order to carry out the provisions of this reorganization plan.

MESSAGE OF THE PRESIDENT

To the Congress of the United States:

I transmit herewith Reorganization Plan No. 2 of 1950, prepared in accordance with the Reorganization Act of 1949 and providing for reorganizations in the Department of Justice. My reasons for transmitting this plan are stated in an accompanying general message.

After investigation I have found and hereby declare that each reorganization included in Reorganization Plan No. 2 of 1950 is necessary to accomplish one or more of the purposes set forth in section 2 (a) of the Reorganization Act of 1949.

I have found and hereby declare that it is necessary to include in the accompanying reorganization plan, by reason of reorganizations made thereby, provisions for the appointment and compensation of an Assistant Attorney General and an Administrative Assistant Attorney General. The rate of compensation fixed for these officers is that which I have found to prevail in respect of comparable officers in the executive branch of the Government.

The taking effect of the reorganizations included in this plan may not in itself result in substantial immediate savings.

However, many benefits in improved operations are probable during the next years which will result in a reduction in expenditures as compared with those that would be otherwise necessary. An itemization of these reductions in advance of actual experience under this plan is not practicable. Harry S. Truman.

The White House, March 13, 1950.

–CITE–

5 USC APPENDIX – REORGANIZATION PLAN NO. 3 OF 1950 01/06/03

–EXPCITE–

TITLE 5 – APPENDIX

REORGANIZATION PLANS

REORGANIZATION PLAN NO. 3 OF 1950

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–HEAD–

REORGANIZATION PLAN NO. 3 OF 1950

–MISC1–

EFF. MAY 24, 1950, 15 F.R. 3174, 64 STAT. 1262, AS AMENDED JUNE 1,
1971, PUB. L. 92–22, SEC. 3, 85 STAT. 76

Prepared by the President and transmitted to the Senate and the
House of Representatives in Congress assembled, March 13, 1950,
pursuant to the provisions of the Reorganization Act of 1949,
approved June 20, 1949 (see 5 U.S.C. 901 et seq.).

DEPARTMENT OF THE INTERIOR

SECTION 1. TRANSFER OF FUNCTIONS TO THE SECRETARY

(a) Except as otherwise provided in subsection (b) of this
section, there are hereby transferred to the Secretary of the
Interior all functions of all other officers of the Department of
the Interior and all functions of all agencies and employees of
such Department.

(b) This section shall not apply to the functions vested by the
Administrative Procedure Act (60 Stat. 237) (see 5 U.S.C. 551 et
seq. and 701 et seq.) in hearing examiners employed by the
Department of the Interior, nor to the functions of the Virgin
Islands Corporation or of its Board of Directors or officers.

SEC. 2. PERFORMANCE OF FUNCTIONS OF SECRETARY

The Secretary of the Interior may from time to time make such provisions as he shall deem appropriate authorizing the performance by any other officer, or by any agency or employee, of the Department of the Interior of any function of the Secretary, including any function transferred to the Secretary by the provisions of this reorganization plan.

SEC. 3. ASSISTANT SECRETARY OF THE INTERIOR

There shall be in the Department of the Interior one additional Assistant Secretary of the Interior, who shall be appointed by the President, by and with the advice and consent of the Senate, who shall perform such duties as the Secretary of the Interior shall prescribe, and who shall receive compensation at the rate prescribed by law for Assistant Secretaries of executive departments.

SEC. 4. ADMINISTRATIVE ASSISTANT SECRETARY

(Repealed. Pub. L. 92-22, Sec. 3, June 1, 1971, 85 Stat. 76.

Section authorized appointment of Administrative Assistant Secretary of Interior. See 43 U.S.C. 1453a and 5 U.S.C. 5315.

Section 3 provided that such repeal be effective upon Senate confirmation of Presidential appointment of Assistant Secretary of Interior under successor provisions.)

SEC. 5. INCIDENTAL TRANSFERS

The Secretary of the Interior may from time to time effect such transfers within the Department of the Interior of any of the records, property, personnel, and unexpended balances (available or

to be made available) of appropriations, allocations, and other funds of such Department as he may deem necessary in order to carry out the provisions of this reorganization plan.

MESSAGE OF THE PRESIDENT

To the Congress of the United States:

I transmit herewith Reorganization Plan No. 3 of 1950, prepared in accordance with the Reorganization Act of 1949 and providing for reorganizations in the Department of the Interior. My reasons for transmitting this plan are stated in an accompanying general message.

After investigation I have found and hereby declare that each reorganization included in Reorganization Plan No. 3 of 1950 is necessary to accomplish one or more of the purposes set forth in section 2(a) of the Reorganization Act of 1949.

I have found and hereby declare that it is necessary to include in the accompanying reorganization plan, by reason of reorganizations made thereby, provisions for the appointment and compensation of an Assistant Secretary of the Interior and an Administrative Assistant Secretary of the Interior. The rate of compensation fixed for these officers is that which I have found to prevail in respect of comparable officers in the executive branch of the Government.

The taking effect of the reorganizations included in this plan may not in itself result in substantial immediate savings.

However, many benefits in improved operations are probable during the next years which will result in a reduction in expenditures as

compared with those that would be otherwise necessary. An itemization of these reductions in advance of actual experience under this plan is not practicable. Harry S. Truman.

The White House, March 13, 1950.

–CITE–

5 USC APPENDIX – REORGANIZATION PLAN NO. 4 OF 1950 01/06/03

–EXPCITE–

TITLE 5 – APPENDIX

REORGANIZATION PLANS

REORGANIZATION PLAN NO. 4 OF 1950

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–HEAD–

REORGANIZATION PLAN NO. 4 OF 1950

–MISC1–

Reorganization Plan No. 4 of 1950, which proposed reorganizations in the Department of Agriculture, was submitted to Congress on Mar. 13, 1950, and was disapproved by the Senate on May 18, 1950.

–CITE–

5 USC APPENDIX – REORGANIZATION PLAN NO. 5 OF 1950 01/06/03

–EXPCITE–

TITLE 5 – APPENDIX

REORGANIZATION PLANS

REORGANIZATION PLAN NO. 5 OF 1950

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–HEAD–

REORGANIZATION PLAN NO. 5 OF 1950

–MISC1–

EFF. MAY 24, 1950, 15 F.R. 3174, 64 STAT. 1263, AS AMENDED JULY 2, 1954, CH. 456, TITLE III, SEC. 304, 68 STAT. 430

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, March 13, 1950, pursuant to the provisions of the Reorganization Act of 1949, approved June 20, 1949 (see 5 U.S.C. 901 et seq.).

DEPARTMENT OF COMMERCE

SECTION 1. TRANSFER OF FUNCTIONS TO THE SECRETARY

(a) Except as otherwise provided in subsection (b) of this section, there are hereby transferred to the Secretary of Commerce all functions of all other officers of the Department of Commerce and all functions of all agencies and employees of such Department.

(b) This section shall not apply to the functions vested by the Administrative Procedure Act (60 Stat. 237) (see 5 U.S.C. 551 et seq. and 701 et seq.) in hearing examiners employed by the Department of Commerce, nor to the functions of the Civil Aeronautics Board, of the Inland Waterways Corporation, or of the Advisory Board of the Inland Waterways Corporation.

SEC. 2. PERFORMANCE OF FUNCTIONS OF SECRETARY

The Secretary of Commerce may from time to time make such provisions as he shall deem appropriate authorizing the performance by any other officer, or by any agency or employee, of the Department of Commerce of any function of the Secretary, including any function transferred to the Secretary by the provisions of this reorganization plan.

SEC. 3. ADMINISTRATIVE ASSISTANT SECRETARY

(Repealed. July 2, 1954, ch. 456, title III, Sec. 304, 68 Stat.

430. Section authorized an Administrative Assistant Secretary of Commerce.)

SEC. 4. INCIDENTAL TRANSFERS

The Secretary of Commerce may from time to time effect such transfers within the Department of Commerce of any of the records, property, personnel, and unexpended balances (available or to be made available) of appropriations, allocations, and other funds of such Department as he may deem necessary in order to carry out the provisions of this reorganization plan.

MESSAGE OF THE PRESIDENT

To the Congress of the United States:

I transmit herewith Reorganization Plan No. 5 of 1950, prepared in accordance with the Reorganization Act of 1949 and providing for reorganizations in the Department of Commerce. My reasons for transmitting this plan are stated in an accompanying general message.

After investigation I have found and hereby declare that each reorganization included in Reorganization Plan No. 5 of 1950 is necessary to accomplish one or more of the purposes set forth in section 2(a) of the Reorganization Act of 1949.

I have found and hereby declare that it is necessary to include in the accompanying reorganization plan, by reason of reorganizations made thereby, provisions for the appointment and compensation of an Administrative Assistant Secretary of Commerce.

The rate of compensation fixed for this officer is that which I have found to prevail in respect of comparable officers in the executive branch of the Government.

The taking effect of the reorganizations included in this plan may not in itself result in substantial immediate savings.

However, many benefits in improved operations are probable during the next years which will result in a reduction in expenditures as compared with those that would be otherwise necessary. An itemization of these reductions in advance of actual experience under this plan is not practicable. Harry S. Truman.

The White House, March 13, 1950.

–CITE–

5 USC APPENDIX – REORGANIZATION PLAN NO. 6 OF 1950 01/06/03

–EXPCITE–

TITLE 5 – APPENDIX

REORGANIZATION PLANS

REORGANIZATION PLAN NO. 6 OF 1950

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–HEAD–

REORGANIZATION PLAN NO. 6 OF 1950

–MISC1–

EFF. MAY 24, 1950, 15 F.R. 3174, 64 STAT. 1263, AS AMENDED PUB. L.

99–619, SEC. 2(C)(1), NOV. 6, 1986, 100 STAT. 3491

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, March 13, 1950, pursuant to the provisions of the Reorganization Act of 1949,

approved June 20, 1949 (see 5 U.S.C. 901 et seq.).

DEPARTMENT OF LABOR

SECTION 1. TRANSFER OF FUNCTIONS TO THE SECRETARY

(a) Except as otherwise provided in subsection (b) of this section, there are hereby transferred to the Secretary of Labor all functions of all other officers of the Department of Labor and all functions of all agencies and employees of such Department.

(b) This section shall not apply to the functions vested by the Administrative Procedure Act (60 Stat. 237) (see 5 U.S.C. 551 et seq. and 701 et seq.) in hearing examiners employed by the Department of Labor.

SEC. 2. PERFORMANCE OF FUNCTIONS OF SECRETARY

The Secretary of Labor may from time to time make such provisions as he shall deem appropriate authorizing the performance by any other officer, or by any agency or employee, of the Department of Labor of any function of the Secretary, including any function transferred to the Secretary by the provisions of this reorganization plan.

SEC. 3. ADMINISTRATIVE ASSISTANT SECRETARY

(Repealed. Pub. L. 99-619, Sec. 2(c)(1), Nov. 6, 1986, 100 Stat. 3491. Section authorized an Administrative Assistant Secretary of Labor.)

SEC. 4. INCIDENTAL TRANSFERS

The Secretary of Labor may from time to time effect such transfers within the Department of Labor of any of the records, property, personnel, and unexpended balances (available or to be

made available) of appropriations, allocations, and other funds of such Department as he may deem necessary in order to carry out the provisions of this reorganization plan.

(Amendment by Pub. L. 99-619 effective on the day the incumbent, as of Nov. 6, 1986, of the position abolished ceases to hold the position, see section 2(e) of Pub. L. 99-619, set out as an Effective Date of 1986 Amendment note under section 5316 of this title.)

MESSAGE OF THE PRESIDENT

To the Congress of the United States:

I transmit herewith Reorganization Plan No. 6 of 1950, prepared in accordance with the Reorganization Act of 1949 and providing for reorganizations in the Department of Labor. My reasons for transmitting this plan are stated in an accompanying general message.

After investigation I have found and hereby declare that each reorganization included in Reorganization Plan No. 6 of 1950 is necessary to accomplish one or more of the purposes set forth in section 2(a) of the Reorganization Act of 1949.

I have found and hereby declare that it is necessary to include in the accompanying reorganization plan, by reason of reorganizations made thereby, provisions for the appointment and compensation of an Administrative Assistant Secretary of Labor. The rate of compensation fixed for this officer is that which I have found to prevail in respect of comparable officers in the executive branch of the Government.

The taking effect of the reorganizations included in this plan

may not in itself result in substantial immediate savings.

However, many benefits in improved operations are probable during

the next years which will result in a reduction in expenditures as

compared with those that would be otherwise necessary. An

itemization of these reductions in advance of actual experience

under this plan is not practicable. Harry S. Truman.

The White House, March 13, 1950.

–CITE–

5 USC APPENDIX – REORGANIZATION PLAN NO. 7 OF 1950 01/06/03

–EXPCITE–

TITLE 5 – APPENDIX

REORGANIZATION PLANS

REORGANIZATION PLAN NO. 7 OF 1950

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–HEAD–

REORGANIZATION PLAN NO. 7 OF 1950

–MISC1–

Reorganization Plan No. 7 of 1950, which proposed reorganizations

in the Interstate Commerce Commission, was submitted to Congress on

Mar. 13, 1950, and was disapproved by the Senate on May 17, 1950.

–CITE–

5 USC APPENDIX – REORGANIZATION PLAN NO. 8 OF 1950 01/06/03

–EXPCITE–

TITLE 5 – APPENDIX

REORGANIZATION PLANS

REORGANIZATION PLAN NO. 8 OF 1950

–HEAD–

REORGANIZATION PLAN NO. 8 OF 1950

–MISC1–

EFF. MAY 24, 1950, 15 F.R. 3175, 64 STAT. 1264

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, March 13, 1950, pursuant to the provisions of the Reorganization Act of 1949, approved June 20, 1949 (see 5 U.S.C. 901 et seq.).

FEDERAL TRADE COMMISSION

SECTION 1. TRANSFER OF FUNCTIONS TO THE CHAIRMAN

(a) Subject to the provisions of subsection (b) of this section, there are hereby transferred from the Federal Trade Commission, hereinafter referred to as the Commission, to the Chairman of the Commission, hereinafter referred to as the Chairman, the executive and administrative functions of the Commission, including functions of the Commission with respect to (1) the appointment and supervision of personnel employed under the Commission, (2) the distribution of business among such personnel and among administrative units of the Commission, and (3) the use and expenditure of funds.

(b)(1) In carrying out any of his functions under the provisions of this section the Chairman shall be governed by general policies of the Commission and by such regulatory decisions, findings, and determinations as the Commission may by law be authorized to make.

(2) The appointment by the Chairman of the heads of major administrative units under the Commission shall be subject to the approval of the Commission.

(3) Personnel employed regularly and full time in the immediate offices of members of the Commission other than the Chairman shall not be affected by the provisions of this reorganization plan.

(4) There are hereby reserved to the Commission its functions with respect to revising budget estimates and with respect to determining upon the distribution of appropriated funds according to major programs and purposes.

SEC. 2. PERFORMANCE OF TRANSFERRED FUNCTIONS

The Chairman may from time to time make such provisions as he shall deem appropriate authorizing the performance by any officer, employee, or administrative unit under his jurisdiction of any function transferred to the Chairman by the provisions of this reorganization plan.

SEC. 3. DESIGNATION OF CHAIRMAN

The functions of the Commission with respect to choosing a Chairman from among the membership of the Commission are hereby transferred to the President.

MESSAGE OF THE PRESIDENT

To the Congress of the United States:

I transmit herewith Reorganization Plan No. 8 of 1950, prepared in accordance with the Reorganization Act of 1949 and providing for reorganizations in the Federal Trade Commission. My reasons for transmitting this plan are stated in any accompanying general

message.

After investigation I have found and hereby declare that each reorganization included in Reorganization Plan No. 8 of 1950 is necessary to accomplish one or more of the purposes set forth in section 2(a) of the Reorganization Act of 1949.

The taking effect of the reorganizations included in this plan may not in itself result in substantial immediate savings.

However, many benefits in improved operations are probable during the next years which will result in a reduction in expenditures as compared with those that would be otherwise necessary. An itemization of these reductions in advance of actual experience under this plan is not practicable. Harry S. Truman.

The White House, March 13, 1950.

–CITE–

5 USC APPENDIX – REORGANIZATION PLAN NO. 9 OF 1950 01/06/03

–EXPCITE–

TITLE 5 – APPENDIX

REORGANIZATION PLANS

REORGANIZATION PLAN NO. 9 OF 1950

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–HEAD–

REORGANIZATION PLAN NO. 9 OF 1950

–MISC1–

EFF. MAY 24, 1950, 15 F.R. 3175, 64 STAT. 1265

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, March 13, 1950,

pursuant to the provisions of the Reorganization Act of 1949,
approved June 20, 1949 (see 5 U.S.C. 901 et seq.).

FEDERAL POWER COMMISSION

SECTION 1. TRANSFER OF FUNCTIONS TO THE CHAIRMAN

(a) Subject to the provisions of subsection (b) of this section, there are hereby transferred from the Federal Power Commission, hereinafter referred to as the Commission, to the Chairman of the Commission, hereinafter referred to as the Chairman, the executive and administrative functions of the Commission, including functions of the Commission with respect to (1) the appointment and supervision of personnel employed under the Commission, (2) the distribution of business among such personnel and among administrative units of the Commission, and (3) the use and expenditure of funds.

(b)(1) In carrying out any of his functions under the provisions of this section the Chairman shall be governed by general policies of the Commission and by such regulatory decisions, findings, and determinations as the Commission may by law be authorized to make.

(2) The appointment by the Chairman of the heads of major administrative units under the Commission shall be subject to the approval of the Commission.

(3) Personnel employed regularly and full time in the immediate offices of Commissioners other than the Chairman shall not be affected by the provisions of this reorganization plan.

(4) There are hereby reserved to the Commission its functions with respect to revising budget estimates and with respect to

determining upon the distribution of appropriated funds according to major programs and purposes.

SEC. 2. PERFORMANCE OF TRANSFERRED FUNCTIONS

The Chairman may from time to time make such provisions as he shall deem appropriate authorizing the performance by any officer, employee, or administrative unit under his jurisdiction of any function transferred to the Chairman by the provisions of this reorganization plan.

SEC. 3. DESIGNATION OF CHAIRMAN

The functions of the Commission with respect to choosing a Chairman from among the commissioners composing the Commission are hereby transferred to the President.

(The Federal Power Commission was terminated and its functions, personnel, property, funds, etc., were transferred to the Secretary of Energy (except for certain functions which were transferred to the Federal Energy Regulatory Commission) by 42 U.S.C. 7151(b), 7171(a), 7172(a), 7291, and 7293.)

MESSAGE OF THE PRESIDENT

To the Congress of the United States:

I transmit herewith Reorganization Plan No. 9 of 1950, prepared in accordance with the Reorganization Act of 1949 and providing for reorganizations in the Federal Power Commission. My reasons for transmitting this plan are stated in an accompanying general message.

After investigation I have found and hereby declare that each reorganization included in Reorganization Plan No. 9 of 1950 is

necessary to accomplish one or more of the purposes set forth in section 2(a) of the Reorganization Act of 1949.

The taking effect of the reorganizations included in this plan may not in itself result in substantial immediate savings.

However, many benefits in improved operations are probable during the next years which will result in a reduction in expenditures as compared with those that would be otherwise necessary. An itemization of these reductions in advance of actual experience under this plan is not practicable. Harry S. Truman.

The White House, March 13, 1950.

–CITE–

5 USC APPENDIX – REORGANIZATION PLAN NO. 10 OF 1950 01/06/03

–EXPCITE–

TITLE 5 – APPENDIX

REORGANIZATION PLANS

REORGANIZATION PLAN NO. 10 OF 1950

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–HEAD–

REORGANIZATION PLAN NO. 10 OF 1950

–MISC1–

EFF. MAY 24, 1950, 15 F.R. 3175, 64 STAT. 1265

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, March 13, 1950, pursuant to the provisions of the Reorganization Act of 1949, approved June 20, 1949 (see 5 U.S.C. 901 et seq.).

SECURITIES AND EXCHANGE COMMISSION

SECTION 1. TRANSFER OF FUNCTIONS TO THE CHAIRMAN

(a) Subject to the provisions of subsection (b) of this section there are hereby transferred from the Securities and Exchange Commission, hereinafter referred to as the Commission, to the Chairman of the Commission, hereinafter referred to as the Chairman, the executive and administrative functions of the Commission, including functions of the Commission with respect to (1) the appointment and supervision of personnel employed under the Commission, (2) the distribution of business among such personnel and among administrative units of the Commission, and (3) the use and expenditure of funds.

(b)(1) In carrying out any of his functions under the provisions of this section the Chairman shall be governed by general policies of the Commission and by such regulatory decisions, findings, and determinations as the Commission may by law be authorized to make.

(2) The appointment by the Chairman of the heads of major administrative units under the Commission shall be subject to the approval of the Commission.

(3) Personnel employed regularly and full time in the immediate offices of Commissioners other than the Chairman shall not be affected by the provisions of this reorganization plan.

(4) There are hereby reserved to the Commission its functions with respect to revising budget estimates and with respect to determining upon the distribution of appropriated funds according to major programs and purposes.

SEC. 2. PERFORMANCE OF TRANSFERRED FUNCTIONS

The Chairman may from time to time make such provisions as he shall deem appropriate authorizing the performance by any officer, employee, or administrative unit under his jurisdiction of any function transferred to the Chairman by the provisions of section 1 of this reorganization plan.

SEC. 3. DESIGNATION OF CHAIRMAN

The functions of the Commission with respect to choosing a Chairman from among the Commissioners composing the Commission are hereby transferred to the President.

MESSAGE OF THE PRESIDENT

To the Congress of the United States:

I transmit herewith Reorganization Plan No. 10 of 1950, prepared in accordance with the Reorganization Act of 1949 and providing for reorganizations in the Securities and Exchange Commission. My reasons for transmitting this plan are stated in an accompanying general message.

After investigation I have found and hereby declare that each reorganization included in Reorganization Plan No. 10 of 1950 is necessary to accomplish one or more of the purposes set forth in section 2(a) of the Reorganization Act of 1949.

The taking effect of the reorganizations included in this plan may not in itself result in substantial immediate savings.

However, many benefits in improved operations are probable during the next years which will result in a reduction in expenditures as compared with those that would be otherwise necessary. An itemization of these reductions in advance of actual experience

under this plan is not practicable. Harry S. Truman.

The White House, March 13, 1950.

–CITE–

5 USC APPENDIX – REORGANIZATION PLAN NO. 11 OF 1950 01/06/03

–EXPCITE–

TITLE 5 – APPENDIX

REORGANIZATION PLANS

REORGANIZATION PLAN NO. 11 OF 1950

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–HEAD–

REORGANIZATION PLAN NO. 11 OF 1950

–MISC1–

Reorganization Plan No. 11 of 1950, which proposed reorganizations in the Federal Communications Commission, was submitted to Congress on Mar. 13, 1950, and was disapproved by the Senate on May 17, 1950.

–CITE–

5 USC APPENDIX – REORGANIZATION PLAN NO. 12 OF 1950 01/06/03

–EXPCITE–

TITLE 5 – APPENDIX

REORGANIZATION PLANS

REORGANIZATION PLAN NO. 12 OF 1950

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–HEAD–

REORGANIZATION PLAN NO. 12 OF 1950

–MISC1–

Reorganization Plan No. 12 of 1950, which proposed reorganizations in the National Labor Relations Board, was submitted to Congress on Mar. 13, 1950, and was disapproved by the Senate on May 11, 1950.

–CITE–

5 USC APPENDIX – REORGANIZATION PLAN NO. 13 OF 1950 01/06/03

–EXPCITE–

TITLE 5 – APPENDIX

REORGANIZATION PLANS

REORGANIZATION PLAN NO. 13 OF 1950

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–HEAD–

REORGANIZATION PLAN NO. 13 OF 1950

–MISC1–

Reorganization Plan No. 13 of 1950, 15 F.R. 3176, 64 Stat. 1266, which transferred executive and administrative functions of Civil Aeronautics Board to Chairman of Board, was repealed by Pub. L. 103–272, Sec. 7(b), July 5, 1994, 108 Stat. 1379.

–CITE–

5 USC APPENDIX – REORGANIZATION PLAN NO. 14 OF 1950 01/06/03

–EXPCITE–

TITLE 5 – APPENDIX

REORGANIZATION PLANS

REORGANIZATION PLAN NO. 14 OF 1950

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–HEAD–

REORGANIZATION PLAN NO. 14 OF 1950

–MISC1–

EFF. MAY 24, 1950, 15 F.R. 3176, 64 STAT. 1267, AS AMENDED MAY 21, 1970, PUB. L. 91–258, TITLE I, SEC. 52(B)(7), 84 STAT. 235

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, March 13, 1950, pursuant to the provisions of the Reorganization Act of 1949, approved June 20, 1949 (see 5 U.S.C. 901 et seq.).

LABOR STANDARDS ENFORCEMENT

In order to assure coordination of administration and consistency of enforcement of the labor standards provisions of each of the following Acts by the Federal agencies responsible for the administration thereof, the Secretary of Labor shall prescribe appropriate standards, regulations, and procedures, which shall be observed by these agencies, and cause to be made by the Department of Labor such investigations, with respect to compliance with and enforcement of such labor standards, as he deems desirable, namely:

(a) The Act of March 3, 1931 (46 Stat. 1494, ch. 411), as amended (now 40 U.S.C. 3141–3144, 3146, 3147); (b) the Act of June 13, 1934 (48 Stat. 948, ch. 482) (now 40 U.S.C. 3145); (c) the Act of August 1, 1892 (27 Stat. 340, ch. 352), as amended (former 40 U.S.C. 321–323); (d) the Act of June 19, 1912 (37 Stat. 137, ch. 174), as amended (former 40 U.S.C. 324, 325); (e) the Act of June 3, 1939 (53 Stat. 804, ch. 175), as amended (12 U.S.C. 1703, 1708–1711, 1713, 1715c, 1716); (f) the Act of August 13, 1946 (60 Stat. 1040, ch. 958); (g) the Act of May 13, 1946 (60 Stat. 170, ch. 251), as

amended; (h) the Airport and Airway Development Act of 1970; and
(i) the Act of July 15, 1949 (ch. 338, Public Law 171, Eighty-first
Congress, First Session). (As amended Pub. L. 91-258, title I, Sec.
52(b)(7), May 21, 1970, 84 Stat. 235).

MESSAGE OF THE PRESIDENT

To the Congress of the United States:

I transmit herewith Reorganization Plan No. 14 of 1950, prepared
in accordance with the provisions of the Reorganization Act of
1949. For the purpose of coordinating the administration of labor
standards under various statutes relating to Federal construction
and public works or to construction with federally financed
assistance or guaranties, the reorganization plan authorizes the
Secretary of Labor to prescribe appropriate standards, regulations,
and procedures with respect to these matters and to make such
investigations concerning compliance with, and enforcement of,
labor standards as he deems desirable. The purpose is to assure
consistent and effective enforcement of such standards.

The plan is in general accord with the recommendations of the
Commission on Organization of the Executive Branch of the
Government. It constitutes a further step in rebuilding and
strengthening the Department of Labor to make it the central agency
of the Government for dealing with labor problems.

After investigation I have found and hereby declare that the
reorganization contained in this plan is necessary to accomplish
one or more of the purposes set forth in section 2(a) of the
Reorganization Act of 1949.

There are several laws regulating wages and hours of workers employed on Federal contracts for public works or construction. The "eight hour laws" limit the employment of laborers and mechanics on such projects to 8 hours per day and permit their employment in excess of that limit only upon condition that time and one-half the basic-wage rate is paid for the excess hours. The Davis-Bacon Act provides that the minimum rates of pay for laborers and mechanics on certain Federal public-works contracts shall be those prevailing for the corresponding classes of workers in the locality as determined by the Secretary of Labor. The Copeland anti-kick-back law prohibits the exact