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**Vol. 2, No. 6**

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# **Nuclear Regulatory Legislation**

**107<sup>th</sup> Congress; 1<sup>st</sup> Session**

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**U.S. Nuclear Regulatory Commission**

**Office of the General Counsel**



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# Nuclear Regulatory Legislation

## 107<sup>th</sup> Congress; 1<sup>st</sup> Session

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## FOREWORD

This compilation of statutes and materials pertaining to nuclear regulatory legislation through the 107th Congress, 1st Session, has been prepared by the Office of the General Counsel, U.S. Nuclear Regulatory Commission, with the assistance of staff, for use as an internal resource document. The compilation is not to be used as an authoritative citation in lieu of the primary legislative sources. Furthermore, while every effort has been made to ensure the completeness and accuracy of this material, neither the United States Government, the Nuclear Regulatory Commission, nor any of their employees makes any expressed or implied warranty or assumes liability for the accuracy or completeness of the material presented in this compilation.

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## TABLE OF CONTENTS

### VOLUME 1

1. Atomic Energy Act of 1954, as Amended (P.L. 83-703)
2. Energy Reorganization Act of 1974, as Amended (P.L. 93-438)
  - Reorganization Plan No. 3 of 1970 (EPA)
  - Reorganization Plan No. 1 of 1980 (NRC)
  - Executive Order No. 11834, Activation of the NRC
3. Low-Level Radioactive Waste Policy Amendments of 1985 (Title I) (P.L. 99-240) (Title II-Compacts: See Volume II)
4. High-Level Radioactive Waste
  - Nuclear Waste Policy Act, as amended (P.L. 97-425)
  - Energy Policy Act of 1992 Provisions
5. Uranium Mill Tailings (P.L. 95-604)
  - MOAB Site
6. Hazardous Materials Transportation Act, as Amended (P.L. 101-615)
  - Transportation of Plutonium (Miscellaneous provisions)
7. NRC User Fees (P.L. 101-508)
8. Administrative Law Statutes
  - Subchapter II-Administrative Procedures
    - FOIA
    - Privacy Act
    - Government in the Sunshine Act
    - Negotiated Rulemaking Act of 1990
    - Administrative Dispute Resolution Act, as Amended (P.L. 101-552)
    - Chapter 6-The Analysis of Regulatory Functions
    - Chapter 7-Judicial Review
    - Chapter 8-Congressional Review of Agency Rulemaking
    - Federal Advisory Committee Act (P.L. 92-463)
    - Federal Vacancies Reform Act of 1998 (P.L. 105-277)
    - Truth in Regulating Act of 2000 (P.L. 106-312)
    - Alternative Resolution Act of 1998 (P.L. 105-315)
    - Federal Civil Penalties Inflation Adjustment Act of 1990, as Amended (P.L. 101-410)
9. MISCELLANEOUS
  - Antiterrorism (P.L. 107-56)
  - Homeland Security (P.L. 107-107)
  - DOE Workers Protection (P.L. 106-398; sec. 3611)
  - Tritium (P.L. 106-65; sec. 3134)
  - MOX Fuels (P.L. 105-261)

## TABLE OF CONTENTS

### VOLUME 2

1. Commissioner Tenure
  - Tenure of AEC Commissioners
  - Tenure of NRC Commissioners
2. NRC Appropriations
  - Tabulation of NRC Appropriations through Fiscal Year 2000
3. NRC Authorizations
4. Chief Financial Officers Act of 1990, as Amended (P.L. 101-576)
5. Inspector General Act, as Amended (P.L. 95-452)
6. Information Technology Management Reform (Clinger-Cohen) (P.L. 104-106)
  - Chief Information Officer (P.L. 104-106)
  - Paperwork Reduction Act, as Amended (P.L. 104-13)
  - Government Paperwork Elimination Act (P.L. 105-277)
  - Data Quality (P.L. 106-554)
  - Electronic Records and Signatures in Commerce (P.L. 106-229)
7. Low-Level Radioactive Waste Policy Amendments Act of 1985 (Text of Compacts)
  - NW, Central, SE, Central Midwest, MW, Rocky Mountain, NE Interstate)
8. Appalachian States Low-Level Radioactive Waste Compact Consent Act
9. Southwestern Low-Level Radioactive Waste Disposal Compact Consent Act
10. Texas Low-Level Radioactive Waste Disposal Compact Consent Act
11. Clean Air Act of 1977, as Amended (Selected Sections)
12. Federal Water Pollution Control Act of 1972
13. National Environmental Policy Act of 1969, as Amended
14. West Valley Demonstration Project Act
15. Nuclear Non-Proliferation and Export Licensing Statutes
  - Nuclear Non-Proliferation Act of 1978 (P.L. 95-242)
  - International Atomic Energy Agency Participation Act of 1957 (P.L. 85-177) and the Statute of the International Atomic Energy Agency
  - International Security Assistance and Arms Export Control Act of 1976 (P.L. 94-329)

- International Security and Development Cooperation Act of 1980 (P.L. 96-533)
  - International Security and Development Cooperation Act of 1981 (P.L. 97-113)
  - Convention on the Physical Protection of Nuclear Material Implementation Act of 1982 (P.L. 97-351)
  - Iraq Sanctions Act of 1990 (P.L. 101-513)
  - Iran-Iraq Arms Non-Proliferation Act of 1992
  - North Korea Threat Reduction (P.L. 106-113)
  - Iran Non-Proliferation Act of 2000 (P.L. 106-178)
16. Miscellaneous: Selected Treaties, Agreements and Executive Orders
- Nuclear Non-Proliferation Treaty
  - Convention on the Physical Protection of Nuclear Material
  - Convention on Early Notification of a Nuclear Accident
  - Convention on Nuclear Safety
  - Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency
  - Additional Protocol I to the Treaty for the Prohibition of Nuclear Weapons in Latin America
  - Agreement between the United States and the International Atomic Energy Agency for the Application of Safeguards in the United States
  - Additional Protocols to IAEA Safeguards Agreements
  - IAEA Supply Agreements
  - United States Agreements for Peaceful Nuclear Cooperation
  - Agreements for Cooperation in the Use of Atomic Energy
  - Convention of the Prevention of Marine Pollution by Dumping of Wastes and Other Matters
  - Executive Orders and Presidential Statements Concerning International Atomic Energy Cooperation
    - ▶ Executive Order 10841 (re: International Atomic Energy Cooperation)
    - ▶ Executive Order 10956 (re: Amdt. to E.O. 10841)
    - ▶ Executive Order 12058 (re: Functions Relating to Nuclear Non-Proliferation)
    - ▶ Executive Order 12656 (re: Assignment of Emergency Preparedness Responsibilities)
    - ▶ Executive Order 12657 (re: FEMA Assistance in Emergency Preparedness Planning at Commercial Nuclear Power Plants)



1

## TENURE OF COMMISSIONERS

### AEC COMMISSIONERS, 1946-1975

	From	To	Remarks
David E. Lilienthal, Chairman	Nov. 1, 1946	Feb. 15, 1950	Resigned
Robert F. Bacher	Nov. 1, 1946	May 10, 1949	Resigned
Sumner T. Pike	Oct. 31, 1947	Dec. 15, 1951	Resigned
William W. Waymack	Nov. 5, 1946	Dec. 21, 1948	Resigned
Lewis L. Strauss	Nov. 12, 1946	Apr. 15, 1950	Resigned
Chairman	July 2, 1953	June 30, 1958	Term expired
Henry De Wolf Smyth	May 30, 1949	Sept. 30, 1954	Resigned
Gordon Dean	May 24, 1949	June 30, 1953	Term expired
Chairman	July 11, 1950	June 30, 1953	
Thomas E. Murray	May 9, 1950	June 30, 1957	Term expired
Thomas Keith Glennan	Oct. 2, 1950	Nov. 1, 1952	Resigned
Eugene M. Zuckert	Feb. 25, 1952	June 30, 1954	Term expired
Joseph Campbell	July 27, 1953	Nov. 30, 1954	Resigned
Willard F. Libby	Oct. 5, 1954	June 30, 1959	Resigned
John Von Neumann	Mar. 15, 1955	Feb. 8, 1957	Deceased
Harold S. Vance	Oct. 31, 1955	Aug. 31, 1959	Deceased
John S. Graham	Sept. 12, 1957	June 30, 1962	Resigned
John Forrest Floberg	Oct. 1, 1957	June 23, 1960	Resigned
John A. McCone, Chairman	July 14, 1958	Jan. 20, 1961	Resigned
John H. Williams	Aug. 13, 1959	June 30, 1960	Resigned
Robert E. Wilson	Mar. 22, 1960	Jan. 31, 1964	Resigned
Loren K. Olson	June 23, 1960	June 30, 1962	Term expired
Glenn T. Seaborg, Chairman	Mar. 1, 1961	Aug. 16, 1971	Resigned
Leland J. Haworth	Apr. 17, 1961	June 30, 1963	Resigned
John G. Palfrey	Aug. 31, 1962	June 30, 1966	Resigned
James T. Ramey	Aug. 31, 1962	June 30, 1973	Term expired
Gerald F. Tapev	July 15, 1963	Apr. 30, 1969	Resigned
Mary I. Bunting	June 29, 1964	June 30, 1965	Term expired
Wilfrid E. Johnson	Aug. 1, 1966	June 30, 1972	Term expired
Samuel M. Nabrit	Aug. 1, 1966	Aug. 1, 1967	Resigned
Francesco Costagliola	Oct. 1, 1968	June 30, 1969	Term expired
Theos J. Thompson	June 12, 1969	Nov. 25, 1970	Deceased
Clarence E. Larson	Sept. 2, 1969	June 30, 1974	Term expired
James R. Schlesinger, Chairman	Aug. 17, 1971	Feb. 5, 1973	Resigned
William O. Doub	Aug. 17, 1971	Aug. 17, 1974	Resigned
Dixy Lee Ray <sup>1</sup>	Aug. 8, 1972	Jan. 19, 1975	AEC abolished
Chairman	Feb. 6, 1973	Jan. 19, 1975	
William E. Kriegsman	June 12, 1973	Dec. 31, 1974	Resigned
William A. Anders	Aug. 6, 1973	Jan. 19, 1975	AEC abolished

<sup>1</sup>Designated Chairman, Feb. 6, 1973

## NRC COMMISSIONERS, 1975-Present

	From	To	Remarks
William A. Anders, Chairman	Jan. 19, 1975	Apr. 20, 1976	Resigned
Marcus A. Rowden Chairman	Jan. 19, 1975 Apr. 21, 1976	Apr. 20, 1976 June 30, 1977	Term Expired
Edward A. Mason	Jan. 19, 1975	Jan. 15, 1977	Resigned
Victor Gilinsky	Jan. 19, 1975	June 30, 1984	Term Expired <sup>2</sup>
Richard T. Kennedy	Jan. 19, 1975	June 30, 1980	Term Expired
Joseph M. Hendrie, Chairman Commissioner	Aug. 9, 1977 Dec. 8, 1979	Dec. 7, 1979 <sup>3</sup> Mar. 2, 1981	
Chairman	Mar. 3, 1981 <sup>4</sup>	June 30, 1981	Term Expired
Peter A. Bradford	Aug. 15, 1977	Mar. 12, 1982	Resigned
John F. Ahearne Chairman	July 31, 1978 Dec. 7, 1979 <sup>5</sup>	Dec. 7, 1979 Mar. 2, 1981	
Commissioner	Mar. 3, 1981 <sup>6</sup>	June 30, 1983	Term Expired
Nunzio J. Palladino, Chairman	July 1, 1981	June 30, 1986	Term Expired
Thomas M. Roberts	Aug. 3, 1981	June 30, 1990 <sup>7</sup>	Term Expired
James K. Asselstine	May 17, 1982	June 30, 1987 <sup>8</sup>	Term Expired
Frederick M. Bernthal	Aug. 5, 1983	June 30, 1988	Term Expired
Lando W. Zech, Jr. Chairman	July 5, 1984 July 1, 1986	June 30, 1986 <sup>9</sup> June 30, 1989	Term Expired Term Expired
Kenneth M. Carr Chairman	Aug. 14, 1986 July 1, 1989	June 30, 1989 June 30, 1991	Term Expired
Kenneth Rogers	Aug 7, 1987	June 30, 1997 <sup>10</sup>	Term Expired
James R. Curtiss	Oct. 20, 1988	June 30, 1993	Term Expired
Forrest J. Remick	Dec. 1, 1989	June 30, 1994	Term Expired
Ivan Selin, Chairman	July 1, 1991	June 30, 1995 <sup>11</sup>	Resigned
E. Gal de Planque	Dec. 16, 1991	June 30, 1995	Term Expired
Shirley A. Jackson Chairman	May 2, 1995 July 1, 1995	June 30, 1995 June 30, 1999	Term Expired

<sup>2</sup>Victor Gilinsky served two terms

<sup>3</sup>On Dec. 7, 1979, Joseph M. Hendrie vacated the Chairmanship but remained as a Commissioner.

<sup>4</sup>On Mar. 3, 1981, Joseph M. Hendrie resumed the Chairmanship.

<sup>5</sup>On Dec. 7, 1979, John F. Ahearne assumed the Chairmanship.

<sup>6</sup>On Mar. 3, 1981, John F. Ahearne vacated the Chairmanship but remained as a Commissioner.

<sup>7</sup>First term expired on June 30, 1985; Thomas Roberts took Oath of Office for second term on July 12, 1985

<sup>8</sup>James K. Asselstine completed Peter A. Bradford's term and was appointed to full five-year term.

<sup>9</sup>On June 28, 1984, Lando W. Zech, Jr. was nominated by the President. He received a recess appointment on July 3, 1984, and took office on July 5, 1984. On January 3, 1985, the President resubmitted the nomination to the 99th Congress for a full five-year appointment. The Senate subsequently confirmed the nomination and he took office for the full five-year term on March 6, 1985. On July 1, 1986, Lando W. Zech, Jr. assumed the Chairmanship.

<sup>10</sup>Kenneth C. Rogers served as Commissioner from Aug. 7, 1987 to June 30, 1992 and was reappointed as Commissioner from July 1, 1992 to June 30, 1997.

<sup>11</sup>Ivan Selin resigned June 30, 1995.

## NRC COMMISSIONERS, 1975-Present

	From	To	Remarks
Greta J. Dicus	February 15, 1996	June 30, 1998	
Chairman	July 1, 1999	October 29, 1999	
Commissioner	October 29, 1999 <sup>12</sup>	June 30, 2003	Term Expires
Nils J. Diaz	August 23, 1996	June 30, 2001	Term Expired
Nils J. Diaz	October 4, 2001	June 30, 2006	Term Expires
Edward McGaffigan, Jr.	August 28, 1996	June 30, 2000	Term Expired
Edward McGaffigan, Jr.	July 1, 2000 <sup>13</sup>	June 30, 2005	Term Expires
Jeffrey S. Merrifield	October 23, 1998	June 30, 2002	Term Expires
Richard A. Meserve, Chairman	October 29, 1999	June 30, 2004	Term Expires

### NOMINATED, NOT CONFIRMED

Dan Berkovitz, 1995  
 Robert Sussman, 1995  
 Albert Carnesale, 1980  
 Kent Hanson, 1977  
 George Murphy, 1976

<sup>12</sup>Greta J. Dicus was appointed to a second term on October 29, 1999.

<sup>13</sup>Edward McGaffigan, Jr. was sworn in for a second term on June 12, 2000

2

## NRC APPROPRIATIONS

### TABLE OF CONTENTS

	Page	Public Law
<b>Energy And Water Development Appropriations Act, 2002</b> . . . . .	2-5	107-66
Nuclear Regulatory Commission . . . . .	2-5	107-66
Office of Inspector General . . . . .	2-5	107-66
Departments of Veterans Affairs and Housing and Urban Development-Appropriations . . . . .	2-6	106-377
Nuclear Regulatory Commission . . . . .	2-6	106-377
Office of Inspector General . . . . .	2-6	106-377
<b>Military Construction Appropriations Act, 2001</b> . . . . .	2-7	106-246
<b>Energy And Water Development Appropriations Act, 2000</b> . . . . .	2-8	106-60
Nuclear Regulatory Commission . . . . .	2-8	106-60
Office of Inspector General . . . . .	2-8	106-60
<b>Energy And Water Development Appropriations Act, 1999</b> . . . . .	2-9	105-245
Nuclear Regulatory Commission . . . . .	2-9	105-245
Office of Inspector General . . . . .	2-9	105-245
<b>Energy And Water Development Appropriations Act, 1998</b> . . . . .	2-11	105-62
Nuclear Regulatory Commission . . . . .	2-11	105-62
Office of Inspector General . . . . .	2-12	105-62
<b>Energy And Water Development Appropriations Act, 1997</b> . . . . .	2-13	104-206
Nuclear Regulatory Commission . . . . .	2-13	104-206
Office of Inspector General . . . . .	2-14	104-206
<b>Energy And Water Development Appropriations Act, 1996</b> . . . . .	2-14	104-46
Nuclear Regulatory Commission . . . . .	2-14	104-46
Office of Inspector General . . . . .	2-15	104-46
<b>Energy And Water Development Appropriations Act, 1995</b> . . . . .	2-15	103-316
Nuclear Regulatory Commission . . . . .	2-15	103-316
Office of Inspector General . . . . .	2-16	103-316
<b>Energy And Water Development Appropriations Act, 1994</b> . . . . .	2-17	103-126
Nuclear Regulatory Commission . . . . .	2-17	103-126
Office of Inspector General . . . . .	2-18	103-126
<b>Energy And Water Development Appropriations Act, 1993</b> . . . . .	2-18	102-377
Nuclear Regulatory Commission . . . . .	2-18	102-377
Office of Inspector General . . . . .	2-19	102-377
(Includes Permanent Ban on Intervenor Funding )		
<b>Energy And Water Development Appropriations Act, 1992</b> . . . . .	2-20	102-104
Nuclear Regulatory Commission . . . . .	2-20	102-104
Office of Inspector General . . . . .	2-20	102-104

	Page	Public Law
<b>Energy And Water Development Appropriations Act, 1991</b> .....	2-21	101-514
Nuclear Regulatory Commission .....	2-21	101-514
Office of Inspector General .....	2-22	101-514
<b>Energy And Water Development Appropriations Act, 1990</b> .....	2-22	101-101
Nuclear Regulatory Commission .....	2-22	101-101
Office of Inspector General .....	2-23	101-101
<b>Energy And Water Development Appropriations Act, 1989</b> .....	2-23	100-371
Nuclear Regulatory Commission .....	2-24	100-371
Title V—General Provisions .....	2-24	100-371
<b>Energy And Water Development Appropriation Act, 1988</b> .....	2-25	100-202
Title IV—Independent Agencies .....	2-26	100-202
Nuclear Regulatory Commission .....	2-26	100-202
Title V—General Provisions .....	2-26	100-202
<b>Energy And Water Development Appropriations Act, 1987</b> .....	2-28	99-591
Title IV—Independent Agencies .....	2-29	99-591
Nuclear Regulatory Commission .....	2-29	99-591
Title V—General Provisions .....	2-29	99-591
<b>Energy And Water Development Appropriations Act, 1987</b> .....	2-30	99-500
Title IV—Independent Agencies .....	2-31	99-500
Nuclear Regulatory Commission .....	2-31	99-500
Title V—General Provisions .....	2-31	99-500
<b>Appropriations Act, 1986</b> .....	2-33	99-141
Title IV—Independent Agencies .....	2-33	99-141
Nuclear Regulatory Commission .....	2-33	99-141
<b>Energy And Water Development Appropriations Act, 1985</b> .....	2-34	98-360
Title IV—Independent Agencies .....	2-34	98-360
Nuclear Regulatory Commission .....	2-34	98-360
<b>Energy And Water Development Appropriations Act, 1984</b> .....	2-35	98-50
Nuclear Regulatory Commission .....	2-35	98-50
<b>Continuing Appropriations For Fiscal Year 1983</b> .....	2-35	97-377
Title V—General Provisions .....	2-36	97-377
<b>Energy And Water Development Appropriations Act, 1982</b> .....	2-37	97-88
Title IV—Independent Agencies .....	2-37	97-88
Nuclear Regulatory Commission .....	2-37	97-88
Title V—General Provisions .....	2-38	97-88
<b>Energy And Water Development Appropriations Act, 1981</b> .....	2-38	96-367
Title IV—Independent Agencies .....	2-39	96-367
Nuclear Regulatory Commission .....	2-39	96-367
Title V—General Provisions .....	2-39	96-367

	Page	Public Law
<b>Supplemental Appropriations And Rescission Act, 1980</b> .....	2-40	96-304
Title I-Independent Agencies .....	2-40	96-304
Nuclear Regulatory Commission .....	2-40	96-304
Title II-Increased Pay Costs For The Fiscal Year 1980 ....	2-40	96-304
Nuclear Regulatory Commission .....	2-40	96-304
Title III-General Provisions .....	2-40	96-304
<b>Energy And Water Development Appropriation Act, 1980</b> .....	2-42	96-69
Title IV-Independent Agencies .....	2-42	96-69
Nuclear Regulatory Commission .....	2-42	96-69
Title V-General Provision .....	2-42	96-69
<b>Appropriations Act, 1979</b> .....	2-43	95-482
Joint Resolution .....	2-43	95-482
<b>Second Supplemental Appropriations Act, 1978</b> .....	2-43	95-355
Title I-Independent Agencies .....	2-44	95-355
Nuclear Regulatory Commission .....	2-44	95-355
Title II-Increased Pay Costs For The Fiscal Year 1978 ....	2-44	95-355
Nuclear Regulatory Commission .....	2-44	95-355
Title III-General Provisions .....	2-44	95-355
<b>Public Works For Water And Power Development And Energy Research Appropriation Act, 1978</b> .....	2-44	95-96
Nuclear Regulatory Commission .....	2-44	95-96
Title V-General Provisions .....	2-45	95-96
<b>Supplemental Appropriations Act, 1977</b> .....	2-45	95-26
Title II-Increased Pay Costs For The Fiscal Year 1977 ....	2-45	95-26
Nuclear Regulatory Commission .....	2-45	95-26
<b>Public Works For Water And Power Development And Energy Research Appropriation Act, 1977</b> .....	2-45	94-355
Title IV-Independent Offices .....	2-46	94-355
Nuclear Regulatory Commission .....	2-46	94-355
<b>Public Works For Water And Power Development And Energy Research Appropriation Act, 1976</b> .....	2-46	94-180
Title IV-Independent Offices .....	2-47	94-180
Nuclear Regulatory Commission .....	2-47	94-180
Title V-General Provisions .....	2-47	94-180



	Page	Public Law
<b>Second Supplemental Appropriations Act, 1975</b> .....	2-47	94-32
Title I-Chapter VIII .....	2-48	94-32
Nuclear Regulatory Commission .....	2-48	94-32
Title II-Increased Pay Costs .....	2-48	94-32
Energy Research And Development Administration ..	2-48	94-32
Nuclear Regulatory Commission .....	2-48	94-32
Title III-General Provisions .....	2-48	94-32
<b>Tabulation of NRC Appropriations through Fiscal Year 2002</b> ...	2-50	

ENERGY AND WATER DEVELOPMENT  
APPROPRIATIONS ACT, 2002

Public Law 107-66

115 Stat. 486

November 12, 2002

An Act

NUCLEAR REGULATORY COMMISSION  
SALARIES AND EXPENSES

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act of 1954, as amended, including official representation expenses (not to exceed \$15,000), and purchase of promotional items for use in the recruitment of individuals for employment, \$516,900,000, to remain available until expended: *Provided*, That of the amount appropriated herein, \$23,650,000 shall be derived from the Nuclear Waste Fund: *Provided further*, That revenues from licensing fees, inspection services, and other services and collections estimated at \$473,520,000 in fiscal year 2002 shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 USC 3302, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2002 so as to result in a final fiscal year 2002 appropriation estimated at not more than \$43,380,000: *Provided further*, That, notwithstanding any other provision of law, no funds made available under this or any other Act may be expended by the Commission to implement or enforce any part of 10 CFR Part 35, as adopted by the Commission on October 23, 2000, with respect to diagnostic nuclear medicine, except those parts which establish training and experience requirements for persons seeking licensing as authorized users, until such time as the Commission has reexamined 10 CFR Part 35 and provided a report to the Congress which explains why the burden imposed by 10 CFR Part 35 could not be further reduced.

\*\*\*\*\*  
OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$6,180,000, to remain available until expended: *Provided*, That revenues from licensing fees, inspection services, and other services and collections estimated at \$5,933,000 in fiscal year 2002 shall be retained and be available until expended, for necessary salaries and expenses in this account notwithstanding 31 USC 3302: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2002 so as to result in a final fiscal year 2002 appropriation estimated at not more than \$247,000.

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**Formerly Utilized Sites Remedial Action Program**

For expenses necessary to clean up contamination from sites throughout the United States resulting from work performed as part of the Nation's early atomic energy program, \$140,000,000, to remain available until expended.

**DEPARTMENTS OF VETERANS AFFAIRS AND  
HOUSING AND URBAN DEVELOPMENT-  
APPROPRIATIONS**

**Public Law 106-377**

**114 Stat. 1441**

**October 27, 2000**

**An Act**

making appropriations for the Department of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2001, and for other purposes.

\* \* \* \*

**NUCLEAR REGULATORY COMMISSION  
SALARIES AND EXPENSES**

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act of 1954, as amended, including official representation expenses (not to exceed \$15,000), \$481,900,000, to remain available until expended: *Provided*, That of the amount appropriated herein, \$21,600,000 shall be derived from the Nuclear Waste Fund: *Provided further*, That revenues from licensing fees, inspection services, and other services and collections estimated at \$447,958,000 in fiscal year 2001 shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 USC 3302, and shall remain available until expended: *Provided further*, That \$3,200,000 of the funds herein appropriated for regulatory reviews and assistance to other Federal agencies and States shall be excluded from license fee revenues, notwithstanding 42 USC 2214: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2001 so as to result in a final fiscal year 2001 appropriation estimated at not more than \$33,942,000.

**OFFICE OF INSPECTOR GENERAL  
(INCLUDING TRANSFER OF FUNDS)**

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$5,500,000, to remain available until expended: *Provided*, That revenues from licensing fees, inspection services, and other services and collections estimated at \$5,390,000 in fiscal year 2001 shall be retained and be available until expended, for necessary salaries and expenses in this

account notwithstanding 31 USC 3302: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2001 so as to result in a final fiscal year 2001 appropriation estimated at not more than \$110,000.

\* \* \* \*

**Formerly Utilized Sites Remedial Action Program**

For expenses necessary to clean up contamination from sites throughout the United States resulting from work performed as part of the Nation's early atomic energy program, \$140,000,000, to remain available until expended.

**MILITARY CONSTRUCTION APPROPRIATIONS ACT,  
2001.**

**Public Law 106-246**

**July 13, 2000**

**114 Stat. 511**

**An Act**

making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes.

\* \* \* \*

**SEC. 211.** No funds appropriated to the Nuclear Regulatory Commission for fiscal years 2000 and 2001 may be used to relocate, or to plan or prepare for the relocation of, the functions or personnel of the Technical Training Center from its location at Chattanooga, Tennessee.

**NRC APPROPRIATIONS**  
**ENERGY AND WATER DEVELOPMENT**  
**APPROPRIATIONS ACT, 2000**

Public Law 106-60

113 Stat. 483

September 29, 1999

**NUCLEAR REGULATORY COMMISSION**  
**SALARIES AND EXPENSES**  
**(INCLUDING TRANSFER OF FUNDS)**

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act of 1954, as amended, including official representation expenses (not to exceed \$15,000), \$465,000,000, to remain available until expended: *Provided*, That of the amount appropriated herein, \$19,150,000 shall be derived from the Nuclear Waste Fund: *Provided further*, That revenues from licensing fees, inspection services, and other services and collections estimated at \$442,000,000 in fiscal year 2000 shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 USC 3302, and shall remain available until expended: *Provided further*, That \$3,850,000 of the funds herein appropriated for regulatory reviews and other assistance provided to the Department of Energy and other Federal agencies shall be excluded from license fee revenues, notwithstanding 42 USC 2214: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2000 so as to result in a final fiscal year 2000 appropriation estimated at not more than \$23,000,000.

**OFFICE OF INSPECTOR GENERAL**  
**(INCLUDING TRANSFER OF FUNDS)**

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$5,000,000, to remain available until expended: *Provided*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2000 so as to result in a final fiscal year 2000 appropriation estimated at not more than \$0.

\* \* \* \*

**Formerly Utilized Sites Remedial Action Program**

For expenses necessary to clean up contamination from sites throughout the United States resulting from work performed as part of the Nation's early atomic energy program, \$150,000,000, to remain available until expended.

**ENERGY AND WATER DEVELOPMENT  
APPROPRIATIONS ACT, 1999**

**Public Law 105-245**

**112 Stat. 1855**

**October 7, 1998**

**NUCLEAR REGULATORY COMMISSION  
SALARIES AND EXPENSES  
(INCLUDING TRANSFER OF FUNDS)**

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act of 1954, as amended, including official representation expenses (not to exceed \$15,000), \$465,000,000, to remain available until expended: *Provided*, That of the amount appropriated herein, \$17,000,000 shall be derived from the Nuclear Waste Fund: *Provided further*, That revenues from licensing fees, inspection services, and other services and collections estimated at \$444,800,000 in fiscal year 1999 shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 USC 3302, and shall remain available until expended: *Provided further*, That \$3,200,000 of the funds herein appropriated for regulatory reviews and other assistance provided to the Department of Energy and other Federal agencies shall be excluded from license fee revenues, notwithstanding 42 USC 2214: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 1999 so as to result in a final fiscal year 1999 appropriation estimated at no more than \$20,200.00.

**OFFICE OF INSPECTOR GENERAL  
(INCLUDING TRANSFER OF FUNDS)**

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$4,800,000, to remain available until expended: *Provided*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 1999 so as to result in a final fiscal year 1999 appropriation estimated at not more than \$0.

42 USC 5852

**Sec. 506. (a)** Funds appropriated for "Nuclear Regulatory Commission-Salaries and Expenses" shall be available to the Commission for the following additional purposes:

- (1) Employment of aliens.
- (2) Services authorized by section 3109 of title 5, United States Code.
- (3) Publication and dissemination of atomic information.
- (4) Purchase, repair, and cleaning of uniforms.
- (5) Reimbursements to the General Services Administration for security guard services.
- (6) Hire of passenger motor vehicles and aircraft.
- (7) Transfers of funds to other agencies of the Federal Government for the performance of the work for which such funds are

appropriated, and such transferred funds may be merged with the appropriations to which they are transferred.

(8) Transfers to the Office of Inspector General of the Commission, not to exceed an additional amount equal to 5 percent of the amount otherwise appropriated to the Office for the fiscal year. Notice of such transfers shall be submitted to the Committees on Appropriations.

(b) Funds appropriated for "Nuclear Regulatory Commission--Office of Inspector General" shall be available to the Office for the additional purposes described in paragraphs (2) and (7) of subsection (a).

(c) Moneys received by the Commission for the cooperative nuclear research program, services rendered to State governments, foreign governments, and international organizations, and the material and information access authorization programs, including criminal history checks under section 149 of the Atomic Energy Act of 1954 (42 USC 2169) may be retained and used for salaries and expenses associated with those activities, notwithstanding 31 USC 3302, and shall remain available until expended.

(d) Notwithstanding section 663(c)(2)(D) of Public Law 104-208, and to facilitate targeted workforce downsizing and restructuring, the chairman of the Nuclear Regulatory Commission may use funds appropriated in this Act to exercise the authority provided by section 663 of that Act with respect to employees who voluntarily separate from the date of enactment of this Act through December 31, 2000. All of the requirements in section 663 of Public Law 104-208, except for section 663(c)(2)(D), apply to the exercise of authority under this section.

Applicability.

(e) Subsections (a), (b), and (c) of this section shall apply to fiscal year 1999 and each succeeding fiscal year.

\* \* \* \*

#### **Formerly Utilized Sites Remedial Action Program (INCLUDING TRANSFER OF FUNDS)**

For expenses necessary to clean up contaminated sites throughout the United States where work was performed as part of the Nation's early atomic energy program, \$140,000,000, to remain available until expended: *Provided*, That the response actions by the United States Army Corps of Engineers under this program shall consist of the following functions and activities to be performed at eligible sites where remediation has not been completed: sampling and assessment of contaminated areas, characterization of site conditions, determination of the nature and extent of contamination, selection of the necessary and appropriate response actions as the lead Federal agency, preparation of designation reports, cleanup and closeout of sites, and any other functions determined by the Chief of Engineers as necessary for remediation: *Provided further*, That response actions by the United States Army Corps of Engineers under this program shall be subject to the administrative, procedural, and regulatory provisions of the Comprehensive Environmental Response, Compensation and Liability Act (42 USC 9601 et seq.), and the National Oil and hazardous Substances pollution Contingency Plan, 40 CFR, Chapter 1, Part 300: *Provided further*, That,

except as stated herein, these provisions do not alter, curtail or limit the authorities, functions or responsibilities of other agencies under the Atomic Energy Act (42 USC 2011 et seq.): *Provided further*, That any sums recovered under CERCLA for the response actions, or recovered from a contractor, insurer, surety, or other person to reimburse the United States Army Corps of Engineers for any expenditures for response actions, shall be credited to the account used to fund response actions on eligible sites, and will be available for the response action costs for any eligible site: *Provided further*, That the Secretary of Energy may exercise the authority of 42 USC 2208 to make payments in lieu of taxes for federally-owned property where Formerly Utilized Sites Remedial Action Program activities are conducted, regardless of which Federal agency has acquired the property and notwithstanding references to the "the activities of the Commission" in 42 USC 2208: *Provided further*, That the unexpended balances of prior appropriations provided for these activities in this Act or any previous Energy and Water Development Appropriations Act may be transferred to and merged with this appropriation account, and thereafter, may be accounted for as one fund for the same time period as originally enacted.

**ENERGY AND WATER DEVELOPMENT  
APPROPRIATIONS ACT, 1998**

**Public Law 105-62**

**October 13, 1997**

**111 Stat. 1337**

**NUCLEAR REGULATORY COMMISSION  
SALARIES AND EXPENSES  
(INCLUDING TRANSFER OF FUNDS)**

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act of 1954, as amended, including the employment of aliens; services authorized by 5 USC 3109; publication and dissemination of atomic information; purchase, repair, and cleaning of uniforms; official representation expenses (not to exceed \$20,000); reimbursements to the General Services Administration for security guard services; hire of passenger motor vehicles and aircraft, \$468,000,000, to remain available until expended: *Provided*, That of the amount appropriated herein, \$15,000,000 shall be derived from the Nuclear Waste Fund: *Provided further*, That from this appropriation, transfers of sums may be made to other agencies of the Government for the performance of the work for which this appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred: *Provided further*, That moneys received by the Commission for the cooperative nuclear safety research program, services rendered to State governments, foreign governments and international organizations, and the material and information access authorization programs, including criminal history checks under section 149 of the Atomic Energy Act may be retained and used for salaries and expenses associated with those activities, notwithstanding 31 USC 3302, and shall remain available until expended: *Provided further*, That revenues from licensing fees, inspection



services, and other services and collections estimated at \$450,000,000 in fiscal year 1998 shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 USC 3302, and shall remain available until expended: *Provided further*, That \$3,000,000 of the funds herein appropriated for regulatory reviews and other assistance provided to the Department of Energy and other Federal agencies shall be excluded from license fee revenues, notwithstanding 42 USC 2214: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 1998 from licensing fees, inspection services and other services and collections, excluding those moneys received for the cooperative nuclear safety research program, services rendered to State governments, foreign governments and international organizations, and the material and information access authorization programs, so as to result in a final fiscal year 1998 appropriation estimated at not more than \$18,000,000.

**OFFICE OF INSPECTOR GENERAL  
(INCLUDING TRANSFER OF FUNDS)**

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, including services authorized by 5 USC 3109, \$4,800,000, to remain available until expended; and in addition, an amount not to exceed 5 percent of this sum may be transferred from Salaries and Expenses, Nuclear Regulatory Commission. *Provided*, That notice of such transfers shall be given to the Committees on Appropriations of the House of Representatives and Senate: *Provided further*, That from this appropriation, transfers of sums may be made to other agencies of the Government for the performance of the work for which this appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred: *Provided further*, That revenues from licensing fees, inspection services, and other services and collections shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 USC 3302, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 1998 from licensing fees, inspection services, and other services and collections, so as to result in a final fiscal year 1998 appropriation estimated at not more than \$0.

\* \* \* \*

**Formerly Utilized Sites Remedial Action Program**

For expenses necessary to administer and execute the Formerly Utilized Sites Remedial Action Program to clean up contaminated sites throughout the United States where work was performed as part of the Nation's early atomic energy program, \$140,000,000, to remain available until expended: *Provided*, That the unexpended balances of prior appropriations provided for these activities in this Act or any previous Energy and Water Development Appropriations Act may be transferred to and merged with this appropriation account, and thereafter, may be accounted for as one fund for the same time period as originally enacted.

ENERGY AND WATER DEVELOPMENT  
APPROPRIATIONS ACT, 1997

Public Law 104-206

September 30, 1996

110 Stat. 3000

NUCLEAR REGULATORY COMMISSION  
SALARIES AND EXPENSES  
(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act of 1954, as amended, including the employment of aliens; services authorized by 5 USC 3109; publication and dissemination of atomic information; purchase, repair, and cleaning of uniforms; official representation expenses (not to exceed \$20,000); reimbursements to the General Services Administration for security guard services; hire of passenger motor vehicles and aircraft, \$471,800,000, to remain available until expended: *Provided*, That of the amount appropriated herein, \$11,000,000 shall be derived from the Nuclear Waste Fund: *Provided further*, That from this appropriation, transfer of sums may be made to other agencies of the Government for the performance of the work for which this appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred: *Provided further*, That moneys received by the Commission for the cooperative nuclear safety research program, services rendered to foreign governments and international organizations, and the material and information access authorization programs, including criminal history checks under section 149 of the Atomic Energy Act may be retained and used for salaries and expenses associated with those activities, notwithstanding 31 USC 3302, and shall remain available until expended: *Provided further*, That revenues from licensing fees, inspection services, and other services and collections estimated at \$457,300,000 in fiscal year 1997 shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 USC 3302, and shall remain available until expended: *Provided further*, That the funds herein appropriated for regulatory reviews and other activities pertaining to waste stored at the Hanford site, Washington, shall be excluded from licensee fee revenues, notwithstanding 42 USC 2214: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 1997 from licensing fees, inspection services and other services and collections, excluding those moneys received for the cooperative nuclear safety research program, services rendered to foreign governments and international organizations, and the material and information access authorization programs, so as to result in a final fiscal year 1997 appropriation estimated at not more than \$14,500,000.

**OFFICE OF INSPECTOR GENERAL  
(INCLUDING TRANSFER OF FUNDS)**

Notice.

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, including services authorized by 5 USC 3109, \$5,000,000, to remain available until expended; and in addition, an amount not to exceed 5 percent of this sum may be transferred from Salaries and Expenses, Nuclear Regulatory Commission: *Provided*, That notice of such transfers shall be given to the Committees on Appropriations of the House and Senate: *Provided further*, That from this appropriation, transfers of sums may be made to other agencies of the Government for the performance of the work for which this appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred: *Provided further*, That revenues from licensing fees, inspection services, and other services and collections shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 USC 3302, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 1997 from licensing fees, inspection services, and other services and collections, so as to result in a final fiscal year 1997 appropriation estimated at not more than \$0.

**ENERGY AND WATER DEVELOPMENT  
APPROPRIATIONS ACT, 1996**

Public Law 104-46

November 13, 1995

109 Stat. 417

**NUCLEAR REGULATORY COMMISSION  
SALARIES AND EXPENSES  
(INCLUDING TRANSFER OF FUNDS)**

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act of 1954, as amended, including the employment of aliens; services authorized by section 3109 of title 5, United States Code; publication and dissemination of atomic information; purchase, repair, and cleaning of uniforms, official representation expenses (not to exceed \$20,000); reimbursements to the General Services Administration for security guard services; hire of passenger motor vehicles and aircraft, \$468,300,000, to remain available until expended, of which \$11,000,000 shall be derived from the Nuclear Waste Fund: *Provided*, That from this appropriation, transfer of sums may be made to other agencies of the Government for the performance of the work for which this appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred: *Provided further*, That moneys received by the Commission for the cooperative nuclear safety research program, services rendered to foreign governments and international organizations, and the material and information access authorization programs, including criminal history checks under section 149 of the

Atomic Energy Act of 1954, as amended, may be retained and used for salaries and expenses associated with those activities, notwithstanding 31 USC 3302, and shall remain available until expended: *Provided further*, That revenues from licensing fees, inspection services, and other services and collections estimated at \$457,300,000 in fiscal year 1996 shall be retained and used for necessary salaries and expenses in his account, notwithstanding 31 USC 3302, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 1996 from licensing fees, inspection services and other services and collections, excluding those moneys received for the cooperative nuclear safety research program, services rendered to foreign governments and international organizations, and the material and information access authorization programs, so as to result in a final fiscal year 1996 appropriation estimated at not more than \$11,000,000.

**OFFICE OF INSPECTOR GENERAL  
(INCLUDING TRANSFER OF FUNDS)**

Notice.

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, including services authorized by section 3109 of Title 5, United States Code, \$5,000,000, to remain available until expended; and in addition, an amount not to exceed 5 percent of this sum may be transferred from Salaries and Expenses, Nuclear Regulatory Commission: *Provided*, That notice of such transfers shall be given to the Committees on Appropriations of the House and Senate: *Provided further*, That from this appropriation, transfers of sums may be made to other agencies of the Government for the performance of the work for which this appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred: *Provided further*, That revenues from licensing fees, inspection services, and other services and collections shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 USC 3302, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 1996 from licensing fees, inspection services, and other services and collections, so as to result in a final fiscal year 1996 appropriation estimated at not more than \$0.

**ENERGY AND WATER DEVELOPMENT  
APPROPRIATIONS ACT, 1995**

Public Law 103-316

108 Stat. 1721

August 26, 1994

**NUCLEAR REGULATORY COMMISSION  
SALARIES AND EXPENSES  
(INCLUDING TRANSFER OF FUNDS)**

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the

Atomic Energy Act of 1954, as amended, including the employment of aliens; services authorized by section 3109 of title 5, United States Code; publication and dissemination of atomic information; purchase, repair, and cleaning of uniforms, official representation expenses (not to exceed \$20,000); reimbursements to the General Services Administration for security guard services; hire of passenger motor vehicles and aircraft, \$520,501,000, to remain available until expended, of which \$22,000,000 shall be derived from the Nuclear Waste Fund: *Provided*, That from this appropriation, transfer of sums may be made to other agencies of the Government for the performance of the work for which this appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred: *Provided further*, That moneys received by the Commission for the cooperative nuclear safety research program, services rendered to foreign governments and international organizations, and the material and information access authorization programs, including criminal history checks under section 149 of the Atomic Energy Act of 1954, as amended, may be retained and used for salaries and expenses associated with those activities, notwithstanding the provisions of section 3302 of title 31, United States Code, and shall remain available until expended: *Provided further*, That revenues from licensing fees, inspection services, and other services and collections estimated at \$498,501,000 in fiscal year 1995 shall be retained and used for necessary salaries and expenses in this account, notwithstanding the provisions of section 3302 of title 31, United States Code, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 1995 from licensing fees, inspection services and other services and collections, excluding those moneys received for the cooperative nuclear safety research program, services rendered to foreign governments and international organizations, and the material and information access authorization programs, so as to result in a final fiscal year 1995 appropriation estimated at not more than \$22,000,000.

**OFFICE OF INSPECTOR GENERAL  
(INCLUDING TRANSFER OF FUNDS)**

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, including services authorized by section 3109 of title 5, United States Code, \$5,080,000, to remain available until expended; and in addition, an amount not to exceed 5 percent of this sum may be transferred from Salaries and Expenses, Nuclear Regulatory Commission: *Provided*, That notice of such transfers shall be given to the Committees on Appropriations of the House and Senate: *Provided further*, That from this appropriation, transfers of sums may be made to other agencies of the Government for the performance of the work for which this appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred: *Provided further*, That revenues from licensing fees, inspection services, and other services and collections shall be retained and used for necessary salaries and expenses in this account, notwithstanding the provisions of section 3302 of title 31, United States Code, and shall remain available until expended: *Provided further*,

That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 1995 from licensing fees, inspection services, and other services and collections, so as to result in a final fiscal year 1995 appropriation estimated at not more than \$0.

**ENERGY AND WATER DEVELOPMENT  
APPROPRIATIONS ACT, 1994**

**Public Law 103-126**

**October 28, 1993**

**107 Stat. 1332**

**NUCLEAR REGULATORY COMMISSION  
SALARIES AND EXPENSES  
(Including Transfer of Funds)**

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act of 1954, as amended, including the employment of aliens; services authorized by section 3109 of title 5, United States Code; publication and dissemination of atomic information; purchase, repair, and cleaning of uniforms, official representation expenses (not to exceed \$20,000); reimbursements to the General Services Administration for security guard services; hire of passenger motor vehicles and aircraft, \$542,900,000, to remain available until expended, of which \$22,000,000 shall be derived from the Nuclear Waste Fund: *Provided*, That from this appropriation, transfer of sums may be made to other agencies of the Government for the performance of the work for which this appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred: *Provided further*, That moneys received by the Commission for the cooperative nuclear safety research program, services rendered to foreign governments and international organizations, and the material and information access authorization programs, including criminal history checks under section 149 of the Atomic Energy Act of 1954, as amended, may be retained and used for salaries and expenses associated with those activities, notwithstanding the provisions of section 3302 of title 31, United States Code, and shall remain available until expended: *Provided further*, That revenues from licensing fees, inspection services, and other services and collections estimated at \$520,900,000 in fiscal year 1994 shall be retained and used for necessary salaries and expenses in this account, notwithstanding the provisions of section 3302 of title 31, United States Code, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 1994 from licensing fees, inspection services and other services and collections, excluding those moneys received for the cooperative nuclear safety research program, services rendered to foreign governments and international organizations; and the material and information access authorization programs, so as to result in a final fiscal year 1994 appropriation estimated at not more than \$22,000,000.

**OFFICE OF INSPECTOR GENERAL  
(INCLUDING TRANSFER OF FUNDS)**

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, including services authorized by section 3109 of title 5, United States Code, \$4,800,000 to remain available until expended; and in addition, an amount not to exceed 5 percent of this sum may be transferred from Salaries and Expenses, Nuclear Regulatory Commission: *Provided*, That notice of such transfers shall be given to the Committees on Appropriations of the House and Senate: *Provided further*, That from this appropriation, transfers of sums may be made to other agencies of the Government for the performance of the work for which this appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred: *Provided further*, That revenues from licensing fees, inspection services, and other services and collections shall be retained and used for necessary salaries and expenses in this account, notwithstanding the provisions of section 3302 of title 31, United States Code, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 1994 from licensing fees, inspection services, and other services and collections, so as to result in a final fiscal year 1994 appropriation estimated at not more than \$0.

**ENERGY AND WATER DEVELOPMENT  
APPROPRIATIONS ACT, 1993**

**Public Law 102-377**

October 2, 1992

**106 Stat. 1340**

**NUCLEAR REGULATORY COMMISSION**

**SALARIES AND EXPENSES (1993)**

**(INCLUDING TRANSFER OF FUNDS)**

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act of 1954, as amended, including the employment of aliens; services authorized by section 3109 of title 5, United States Code; publication and dissemination of atomic information; purchase, repair, and cleaning of uniforms, official representation expenses (not to exceed \$20,000); reimbursements to the General Services Administration for security guard services; hire of passenger motor vehicles and aircraft, \$535,415,000, to remain available until expended, of which \$21,100,000 shall be derived from the Nuclear Waste Fund: *Provided*, That from this appropriation transfer of sums may be made to other agencies of the Government for the performance of the work for which this appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred: *Provided further*, That moneys received by the Commission for the cooperative nuclear safety research program, services rendered to foreign governments and international organizations, and the material and information access authorization programs, including criminal history checks under section 149 of the

Atomic Energy Act of 1954, as amended, may be retained and used for salaries and expenses associated with those activities, notwithstanding the provisions of section 3302 of title 31, United States Code, and shall remain available until expended: *Provided further*, That revenues from licensing fees, inspection services, and other services and collections estimated at \$514,315,000 in fiscal year 1993 shall be retained and used for necessary salaries and expenses in this account, notwithstanding the provisions of section 3302 of title 31, United States Code, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 1993 from licensing fees, inspection services and other services and collections, excluding those moneys received for the cooperative nuclear safety research program. services rendered to foreign governments and international organizations. and the material and information access authorization programs, so as to result in a final fiscal year 1993 appropriation estimated at not more than \$21,100,000.

**OFFICE OF INSPECTOR GENERAL  
(INCLUDING TRANSFER OF FUNDS)**

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, including services authorized by section 3109 of title 5, United States Code, \$4,585,000 to remain available until expended; and in addition, an amount not to exceed 5 percent of this sum may be transferred from Salaries and Expenses, Nuclear Regulatory Commission: *Provided*, That notice of such transfers shall be given to the Committees on Appropriations of the House and Senate: *Provided further*, That from this appropriation, transfers of sums may be made to other agencies of the Government for the performance of the work for which this appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred: *Provided further*, That revenues from licensing fees, inspection services, and other services and collections shall be retained and used for necessary salaries and expenses in this account, notwithstanding the provisions of section 3302 of title 31, United States Code, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 1993 from licensing fees, inspection services, and other services and collections, so as to result in a final fiscal year 1993 appropriation estimated at not more than \$0.

5 USC 504 note

**Sec. 502** None of the funds in this Act or subsequent Energy and Water Development Appropriations Acts shall be used to pay the expenses of, or otherwise compensate, parties intervening in regulatory or adjudicatory proceedings funded in such Acts.



**ENERGY AND WATER DEVELOPMENT  
APPROPRIATIONS ACT, 1992**

**Public Law 102-104**

**105 Stat. 534**

**August 17, 1991**

**NUCLEAR REGULATORY COMMISSION  
SALARIES AND EXPENSES  
(INCLUDING TRANSFER OF FUNDS)**

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act of 1954, as amended, including the employment of aliens; services authorized by section 3109 of title 5, United States Code; publication and dissemination of atomic information; purchase, repair, and cleaning of uniforms, official representation expenses (not to exceed \$20,000); reimbursements to the General Services Administration for security guard services; hire of passenger motor vehicles and aircraft, \$508,810,000, to remain available until expended, of which \$19,962,000 shall be derived from the Nuclear Waste Fund: *Provided*, That from this appropriation, transfer of sums may be made to other agencies of the Government for the performance of the work for which this appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred: *Provided further*, That moneys received by the Commission for the cooperative nuclear safety research program, services rendered to foreign governments and international organizations, and the material and information access authorization programs, including criminal history checks under section 149 of the Atomic Energy Act of 1954, as amended, may be retained and used for salaries and expenses associated with those activities, notwithstanding the provisions of section 3302 of title 31, United States Code, and shall remain available until expended: *Provided further*, That revenues from licensing fees, inspection services, and other services and collections estimated at \$488,848,000 in fiscal year 1992 shall be retained and used for necessary salaries and expenses in this account, notwithstanding the provisions of section 3302 of title 31, United States Code, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 1992 from licensing fees, inspection services, and other services and collections, excluding those moneys received for the cooperative nuclear safety research program, services rendered to foreign governments and international organizations, and the material and information access authorization programs, so as to result in a final fiscal year 1992 appropriation estimated at not more than \$19,962,000.

**OFFICE OF INSPECTOR GENERAL  
(INCLUDING TRANSFER OF FUNDS)**

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, including services authorized by section 3109 of title 5, United States Code, \$3,690,000, to remain available until expended; and in addition, an

amount not to exceed 5 percent of this sum may be transferred from Salaries and Expenses, Nuclear Regulatory Commission: *Provided*, That notice of such transfers shall be given to the Committees on Appropriations of the House and Senate: *Provided further*, That from this appropriation, transfers of sums may be made to other agencies of the Government for the performance of the work for which this appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred: *Provided further*, That revenues from licensing fees, inspection services, and other services and collections shall be retained and used for necessary salaries and expenses in this account, notwithstanding the provisions of section 3302 of title 31, United States Code, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 1992 from licensing fees, inspection services, and other services and collections, so as to result in a final fiscal year 1992 appropriation estimated at not more than \$0.

**ENERGY AND WATER DEVELOPMENT  
APPROPRIATIONS ACT, 1991**

**Public Law 101-514**

**104 Stat. 2074**

**November 5, 1990**

**NUCLEAR REGULATORY COMMISSION  
SALARIES AND EXPENSES  
(INCLUDING TRANSFER OF FUNDS)**

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act, as amended, including the employment of aliens; services authorized by section 3109 of title 5, United States Code; publication and dissemination of atomic information; purchase, repair, and cleaning of uniforms, official representation expenses (not to exceed \$20,000); reimbursements to the General Services Administration for security guard services; hire of passenger motor vehicles and aircraft, \$461,320,000, to remain available until expended, of which \$19,650,000 shall be derived from the Nuclear Waste Fund: *Provided*, That from this appropriation, transfer of sums may be made to other agencies of the Government for the performance of the work for which this appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred: *Provided further*, That moneys received by the Commission for the cooperative nuclear safety research program, services rendered to foreign governments and international organizations, and the material and information access authorization programs, including criminal history checks under section 149 of the Atomic Energy Act of 1954, as amended, may be retained and used for salaries and expenses associated with those activities, notwithstanding the provisions of section 3302 of title 31, United States Code, and shall remain available until expended: *Provided further*, That revenues from licensing fees, inspection services, and other services and collections estimated at \$153,450,000 in fiscal year 1991 shall be retained and used for necessary salaries and expenses in this account, notwithstanding the

provisions of section 3302 of title 31, United States Code, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 1991 from licensing fees, inspection services and other services and collections, and from the Nuclear Waste Fund, excluding those moneys received for the cooperative nuclear safety research program, services rendered to foreign governments and international organizations, and the material and information access authorization programs, so as to result in a final fiscal year 1991 appropriation estimated at not more than \$307,870,000.

**OFFICE OF INSPECTOR GENERAL  
(INCLUDING TRANSFER OF FUNDS)**

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, including services authorized by 5 USC 3109, \$3,680,000, to remain available until expended; and in addition, not to exceed 5 percent of this sum may be transferred from Salaries and Expenses, Nuclear Regulatory Commission: *Provided*, That notice of such transfers shall be given to the Committees on Appropriations of the House and Senate: *Provided further*, That from this appropriation, transfers of sums may be made to other agencies of the Government for the performance of the work for which this appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred.

**ENERGY AND WATER DEVELOPMENT  
APPROPRIATIONS ACT, 1990**

**Public Law 101-101**

September 29, 1989

**103 Stat. 641**

**NUCLEAR REGULATORY COMMISSION  
SALARIES AND EXPENSES**

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act, as amended, including the employment of aliens; services authorized by section 3109 of title 5, United States Code; publication and dissemination of atomic information; purchase, repair, and cleaning of uniforms, official representation expenses (not to exceed \$20,000); reimbursements to the General Services Administration for security guard services; hire of passenger motor vehicles and aircraft, \$442,100,000, to remain available until expended, of which \$23,195,000 shall be derived from the Nuclear Waste Fund: *Provided*, That from this appropriation, transfer of sums may be made to other agencies of the Government for the performance of the work for which this appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred: *Provided further*, That moneys received by the Commission for the cooperative nuclear safety research program, services rendered to foreign governments and international organizations, and the material and information access authorization programs, including criminal history checks under section 149 of the

Atomic Energy Act, as amended, may be retained and used for salaries and expenses associated with those activities, notwithstanding the provisions of section 3302 of title 31, United States Code, and shall remain available until expended: *Provided further*, That revenues from licensing fees, inspection services, and other services and collections estimated at \$146,850,000 in fiscal year 1990 shall be retained and used for necessary salaries and expenses in this account, notwithstanding the provisions of section 3302 of title 31, United States Code, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 1990 from licensing fees, inspection services and other services and collections, and from the Nuclear Waste Fund, excluding those moneys received for the cooperative nuclear safety research program, services rendered to foreign governments and international organizations, and the material and information access authorization programs, so as to result in a final fiscal year 1990 appropriation estimated at not more than \$295,250,000.

#### OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, including services authorized by 5 USC 3109, \$2,900,000, to remain available until expended; and in addition, not to exceed 5 percent of this sum may be transferred from Salaries and Expenses, Nuclear Regulatory Commission: *Provided*, That notice of such transfers shall be given to the Committees on Appropriations of the House and Senate: *Provided further*, That from this appropriation, transfer of sums may be made to other agencies of the Government for the performance of the work for which this appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred.

#### ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1989

Public Law 100-371

102 Stat. 857

July 19, 1988

An Act

Making appropriations for energy and water development for the fiscal year ending September 30, 1989, and for other purposes.

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

Energy and Water  
Development  
Appropriation Act,  
1989.

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1989, for energy and water development, and for other purposes, namely:

**TITLE IV-INDEPENDENT AGENCIES  
NUCLEAR REGULATORY COMMISSION  
SALARIES AND EXPENSES**

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act, as amended, including the employment of aliens; services authorized by section 3109 of title 5, United States Code; publication and dissemination of atomic information; purchase, repair, and cleaning of uniforms, official representation expenses (not to exceed \$20,000); reimbursements to the General Services Administration for security guard services; hire of passenger motor vehicles and aircraft, \$420,000,000, to remain available until expended: *Provided*, That from this appropriation, transfer of sums may be made to other agencies of the Government for the performance of the work for which this appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred: *Provided further*, That moneys received by the Commission for the cooperative nuclear safety research program, services rendered to foreign governments and international organizations, and the material and information access authorization programs including criminal history checks under section 149 of the Atomic Energy Act, as amended, may be retained and used for salaries and expenses associated with those activities, notwithstanding the provisions of section 3302 of title 31, United States Code, and shall remain available until expended: *Provided further*, That revenues from licensing fees, inspection services, and other services and collections estimated at \$189,000,000 in fiscal year 1989 shall be retained and used for necessary salaries and expenses in this account, notwithstanding the provisions of section 3302 of title 31, United States code, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 1989 from licensing fees, inspection services and other services and collections, excluding those moneys received for the cooperative nuclear safety research program, services rendered to foreign governments and international organizations, and the material and information access authorization programs, so as to result in a final fiscal year 1989 appropriation estimated at not more than \$231,000,000.

**TITLE V-GENERAL PROVISIONS**

**Sec. 501.** No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

**Sec. 502.** None of the funds in this Act shall be used to pay the expenses of, or otherwise compensate, parties intervening in regulatory or adjudicatory proceedings funded in this Act.

**Sec. 503.** None of the programs, projects or activities as defined in the report accompanying this Act, may be eliminated or disproportionately reduced due to the application of "Savings and Slippage", "general reduction", or the provision of Public Law 99-177 or Public Law 100-119.

Sec. 504. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

Sec. 505. None of the funds appropriated in this Act shall be used to implement a program of retention contracts for senior employees of the Tennessee Valley Authority.

Sec. 509. Such sums as may be necessary for fiscal year 1989 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

This Act may be cited as the "Energy and Water Development Appropriations Act, 1989."

## ENERGY AND WATER DEVELOPMENT APPROPRIATION ACT, 1988

Public Law 100-202

101 Stat. 1329

December 22, 1987

### JOINT RESOLUTION

Making further continuing appropriations for the fiscal year 1988, and for other purposes.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,*

2 USC 902 note.

Sec. 1. Because the spending levels included in this Resolution achieve the deficit reduction targets of the Economic Summit, sequestration is no longer necessary. Therefore:

(a) Upon the enactment of this Resolution the orders issued by the President on October 20, 1987, and November 20, 1987, pursuant to section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, are hereby rescinded.

(b) Any action taken to implement the orders referred to in subsection (a) shall be reversed, and any sequesterable resource that has been reduced or sequestered by such orders is hereby restored, revived, or released and shall be available to the same extent and for the same purpose as if the orders had not been issued.

The following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of the Government for the fiscal year 1988, and for other purposes, namely:

Sec. 101. (d) Such amounts, as may be necessary for programs, projects or activities provided for in the Energy and Water Development Appropriations Act, 1988, at a rate of operations and to the extent and in the manner provided for, the provisions of such Act to be effective as if it had been enacted into law as the regular appropriations Act, as follows:

**An Act**

Energy and Water Development Appropriation Act, 1988. Making appropriations for energy and water development for the fiscal year ending September 30, 1988, and for other purposes.

**TITLE IV-INDEPENDENT AGENCIES  
NUCLEAR REGULATORY COMMISSION  
SALARIES AND EXPENSES**

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act, as amended, including the employment of aliens; services authorized by section 3109 of title 5, United States Code; publication and dissemination of atomic information; purchase, repair, and cleaning of uniforms, official representation expenses (not to exceed \$20,000); reimbursements to the General Services Administration for security guard services; hire of passenger motor vehicles and aircraft, \$392,800,000, to remain available until expended: *Provided*, That from this appropriation, transfer of sums may be made to other agencies of the Government for the performance of the work for which this appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred: *Provided further*, That moneys received by the Commission for the cooperative nuclear safety research program, services rendered to foreign governments and international organizations, and the material and information access authorization programs including criminal history checks under section 149 of the Atomic Energy Act, as amended, may be retained and used for salaries and expenses associated with those activities, notwithstanding the provisions of section 3302 of title 31, United States Code, and shall remain available until expended: *Provided further*, That revenues from licensing fees, inspection services, and other services and collections estimated at \$196,400,000 in fiscal year 1988 shall be retained and used for necessary salaries and expenses in this account, notwithstanding the provisions of section 3302 of title 31, United States Code, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 1988 from licensing fees, inspection services and other services and collections, excluding those moneys received for the cooperative nuclear safety research program, services rendered to foreign governments and international organizations, and the material and information access authorization programs, so as to result in a final fiscal year 1988 appropriation estimated at not more than \$196,400,000.

**TITLE V-GENERAL PROVISIONS**

**Sec. 501.** No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

**Sec. 502.** None of the funds in this Act shall be used to pay the expenses of, or otherwise compensate, parties intervening in regulatory or adjudicatory proceedings funded in this Act. This prohibition bars payment to a party intervening in an administrative proceeding for expenses incurred in appealing an administrative decision to the courts.

**Sec. 503.** None of the programs, projects or activities as defined in the report accompanying this Act, may be eliminated or disproportionately reduced due to the application of "Savings and Slippage", "general reduction", or the provision of Public Law 99-177 or Public Law 100-119.

**Sec. 504.** The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

**Sec. 505.** None of the funds appropriated in this Act shall be used to implement a program of retention contracts for senior employees of the Tennessee Valley Authority.

**Sec. 506.** Notwithstanding any other provision of this Act or any other provision of law, none of the funds made available under this Act or any other law shall be used for the purposes of conducting any studies relating or leading to the possibility of changing from the currently required "at cost" to a "market rate" or any other noncost-based method for the pricing of hydroelectric power by the six Federal public power authorities, or other agencies or authorities of the Federal Government, except as may be specifically authorized by Act of Congress hereafter enacted.

**Sec. 507.** None of the funds appropriated in this Act for Power Marketing Administrations or the Tennessee Valley Authority, and none of the funds authorized to be expended by this or any previous Act from the Bonneville Power Administration Fund or the Tennessee Valley Authority Fund, may be used to pay the costs of procuring extra high voltage (EHV) power equipment unless contract awards are made for EHV equipment manufactured in the United States when such agencies determine that there are one or more manufacturers of domestic end product offering a product that meets the technical requirements of such agencies at a price not exceeding 130 percentum of the bid or offering price of the most competitive foreign bidder: *Provided*, That such agencies shall determine the incremental costs associated with implementing this section and defer or offset such incremental costs against otherwise existing repayment obligations: *Provided further*, That this section shall not apply to any procurement initiated prior to October 1, 1985, or to the acquisition of spare parts or accessory equipment necessary for the efficient operation and maintenance of existing equipment and available only from the manufacturer of the original equipment: *Provided further*, That this section shall not apply to procurement of domestic end product as defined in 48 CFR sec. 25.101: *Provided further*, That this section shall not apply to EHV power equipment produced or manufactured in a country whose government has completed negotiations with the United States to extend the GATT Government Procurement Code, or a bilateral equivalent, to EHV power equipment, or which otherwise offers fair competitive opportunities in public procurements to United States manufacturers of such equipment.

**Sec. 508.** None of the funds in this Act may be used to construct or enter into an agreement to construct additional hydropower units at Denison Dam-Lake Texoma.



**Sec. 509.** In honor of Ernest Frederick Hollings, the building located at 83 Meeting Street in Charleston, South Carolina, shall hereafter be known and designated as the "Hollings Judicial Center", *Provided further*, That the lock and dam on the Tombigbee River in Pickens County, Alabama, commonly known as the Aliceville Lock and Dam, and the resource management and visitor center at Aliceville Lake on the Tennessee-Tombigbee Waterway, shall hereafter be known and designated as the "Tom Bevill Lock and Dam" and the "Tom Bevill Resource Management and Visitor Center at Aliceville Lake on the Tennessee-Tombigbee Waterway", respectively. Any reference in a law, map, regulation, document, or paper of the United States to such lock and dam and any reference in a law, map, regulation, document, or paper of the United States to such resource management and visitor center shall be held to be a reference to the "Tom Bevill Lock and Dam" and the "Tom Bevill Resource Management and Visitor Center at Aliceville Lake on the Tennessee-Tombigbee Waterway", respectively.

This Act may be cited as the "Energy and Water Development Appropriation Act, 1988."

**ENERGY AND WATER DEVELOPMENT  
APPROPRIATIONS ACT, 1987**

**Public Law 99-591**

**October 30, 1986**

**100 Stat. 3341**

**JOINT RESOLUTION**

Making continuing appropriations for the fiscal year 1987, and for other purposes.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,*

That the following sums are hereby appropriated, out of any money in the treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organization units of the Government for the fiscal year 1987, and for other purposes, namely:

Sec. 101. (e) Such amounts as may be necessary for programs, projects or activities provided for in the Energy and Water Development Appropriations Act, 1987, at a rate of operations and to the extent and in the manner provided as follows, to be effective as if it had been enacted into law as the regular appropriations Act:

**An Act**

Making appropriations for energy and water development for the fiscal year ending September 30, 1987, and for other purposes.

**TITLE IV—INDEPENDENT AGENCIES  
NUCLEAR REGULATORY COMMISSION  
SALARIES AND EXPENSES**

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act, as amended, including the employment of aliens; services authorized by section 3109 of title 5, United States Code; publication and dissemination of atomic information; purchase, repair, and cleaning of uniforms; official representation expenses (not to exceed \$8,000); reimbursements to the General Services Administration for security guard services; hire of passenger motor vehicles and aircraft, \$401,000,000, to remain available until expended: *Provided*, That from this appropriation, transfer of sums may be made to other agencies of the Government for the performance of the work for which this appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred: *Provided further*, That moneys received by the Commission for the cooperative nuclear safety research program and the material and information access authorization programs including criminal history checks under Section 149 of the Atomic Energy Act, as amended, may be retained and used for salaries and expenses associated with those programs, notwithstanding the provisions of section 3302 of title 31, United States Code, and shall remain available until expended.

**TITLE V—GENERAL PROVISIONS**

**Sec. 501.** No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

**Sec. 502.** None of the funds in this Act shall be used to pay the expenses of, or otherwise compensate, parties intervening in regulatory or adjudicatory proceedings funded in this Act.

**Sec. 503.** None of the programs, projects or activities as defined in the report accompanying this Act, may be eliminated or disproportionately reduced due to the application of "Savings and Slippage", "general reductions" or the provisions of Public Law 99-177.

**Sec. 504.** The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

**Sec. 505.** None of the funds appropriated in the Act shall be used to implement a program of retention contracts for senior employees of the Tennessee Valley Authority.

**Sec. 506.** Notwithstanding any other provision of this Act or any other provision of law, none of the funds made available under this Act or any other law shall be used for the purposes of conducting any studies relating or leading to the possibility of changing from the currently required "at cost" to a "market rate" or any other noncost-based method for the pricing of hydroelectric power by the six Federal public power authorities, or

other agencies or authorities of the Federal Government, except as may be specifically authorized by Act of Congress hereafter enacted.

**Sec. 507.** None of the funds appropriated in this Act shall be used to pay the salary of the Administrator of a Power Marketing Administration or the Board of Directors of the Tennessee Valley Authority, and none of the funds authorized to be expended by this or any previous Act from the Bonneville Power Administration Fund, established pursuant to Public Law 93-454, may be used to pay the salary of the Administrator of the Bonneville Power Administration, unless such Administrators or Directors award contracts for the procurement of extra high voltage (EHV) power equipment manufactured in the United States when such agencies determine that there are one or more manufacturers of domestic end product offering a product that meets the technical requirements of such agencies at a price not exceeding 130 percentum of the bid or offering price of the most competitive foreign bidder: *Provided*, That such agencies shall determine the incremental costs associated with implementing this section and defer or offset such incremental costs against otherwise existing repayment obligations: *Provided further*, That this section shall not apply to any procurement initiated prior to October 1, 1985, or to the acquisition of spare parts or accessory equipment necessary for the efficient operation and maintenance of existing equipment and available only from the manufacturer of the original equipment: *Provided further*, That this section shall not apply to procurement of domestic end product as defined in 48 CFR sec. 25.101: *Provided further*, That this section shall not apply to EHV power equipment produced or manufactured in a country whose government has completed negotiations with the United States to extend the GATT Government Procurement Code, or a bilateral equivalent, to EHV power equipment, or which otherwise offers fair competitive opportunities in public procurements to United States manufacturers of such equipment.

**Sec. 508.** None of the funds in this Act may be used to construct or enter into an agreement to construct additional hydropower units at Denison Dam-Lake Texoma.

This Act may be cited as the "Energy and Water Development Appropriations Act, 1987."

## ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1987

Public Law 99-500

October 18, 1986

100 Stat. 1783

### JOINT RESOLUTION

Making continuing appropriations for the fiscal year 1987, and for other purposes.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,*

That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments,

agencies, corporations, and other organizational units of the Government for the fiscal year 1987, and for other purposes, namely:

Sec. 101. (e) Such amounts as may be necessary for programs, projects or activities provided for in the Energy and Water Development Appropriations Act, 1987, at a rate of operations and to the extent and in the manner provided as follows, to be effective as if it had been enacted into law as the regular appropriations Act:

#### **An Act**

Making appropriations for energy and water development for the fiscal year ending September 30, 1987, and for other purposes.

### **TITLE IV-INDEPENDENT AGENCIES NUCLEAR REGULATORY COMMISSION SALARIES AND EXPENSES**

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act, as amended, including the employment of aliens; services authorized by section 3109 of title 5, United States Code; publication and dissemination of atomic information; purchase, repair, and cleaning of uniforms; official representation expenses (not to exceed \$8,000); reimbursements to the General Services Administration for security guard services; hire of passenger motor vehicles and aircraft, \$401,000,000, to remain available until expended: *Provided*, That from this appropriation, transfer of sums may be made to other agencies of the Government for the performance of the work for which this appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred: *Provided further*, that moneys received by the Commission for the cooperative nuclear safety research program and the material and information access authorization programs including criminal history checks under Section 149 of the Atomic Energy Act, as amended, may be retained and used for salaries and expenses associated with those programs, notwithstanding the provisions of section 3302 of title 31, United States Code, and shall remain available until expended.

### **TITLE V-GENERAL PROVISIONS**

Sec. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

Sec. 502. None of the funds in this Act shall be used to pay the expenses of, or otherwise compensate, parties intervening in regulatory or adjudicatory proceedings funded in this Act.

Sec. 503. None of the programs, projects or activities as defined in the report accompanying this Act, may be eliminated or disproportionately reduced due to the application of "Savings and Slippage", "general reductions", or the provisions of 99-177.

Sec. 504. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where

such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

**Sec. 505.** None of the funds appropriated in this Act shall be used to implement a program of retention contracts for senior employees of the Tennessee Valley Authority.

**Sec. 506.** Notwithstanding any other provision of this Act or any other provision of law, none of the funds made available under this Act or any other law shall be used for the purposes of conducting any studies relating or leading to the possibility of changing from the currently required "at cost" to a "market rate" or any other noncost-based method for the pricing of hydroelectric power by the six Federal public power authorities, or other agencies or authorities of the Federal Government, except as may be specifically authorized by Act of Congress hereafter enacted.

**Sec. 507.** None of the funds appropriated in this Act shall be used to pay the salary of the Administrator of a Power Marketing Administration or the Board of Directors of the Tennessee Valley Authority, and none of the funds authorized to be expended by this or any previous Act from the Bonneville Power Administration Fund, established pursuant to Public Law 93-454, may be used to pay the salary of the Administrator of the Bonneville Power Administration, unless such Administrators or Directors award contracts for the procurement of extra high voltage (EHV) power equipment manufactured in the United States when such agencies determine that there are one or more manufacturers of domestic end product offering a product that meets the technical requirements of such agencies at a price not exceeding 130 percentum of the bid or offering price of the most competitive foreign bidder: *Provided*, That such agencies shall determine the incremental costs associated with implementing this section and defer or offset such incremental costs against otherwise existing repayment obligations: *Provided further*, That this section shall not apply to any procurement initiated prior to October 1, 1985, or to the acquisition of spare parts or accessory equipment necessary for the efficient operation and maintenance of existing equipment and available only from the manufacturer of the original equipment: *Provided further*, That this section shall not apply to procurements of domestic end product as defined in 48 CFR sec. 25.101: *Provided further*, That this section shall not apply to EHV power equipment produced or manufactured in a country whose government has completed negotiations with the United States to extend the GATT Government Procurement Code, or a bilateral equivalent, to EHV power equipment, or which otherwise offers fair competitive opportunities in public procurements to United States manufacturers of such equipment.

**Sec. 508.** None of the funds in this Act may be used to construct or enter into an agreement to construct additional hydropower units at Denison Dam-Lake Texoma.

This Act may be cited as the "Energy and Water Development Appropriations Act, 1987."

**Note:** When the President signed H.J. Res. 738 on October 18, 1986, it was assigned Public Law No. 99-500. The following statement was issued by the President in conjunction with his signing of Public Law 99-591:

On October 17, 1986, I was presented by the Congress with an enrolled resolution designated H.J. Res. 738, a joint resolution making continuing appropriations for the fiscal year 1987, and for other purposes. I signed this measure into law on October 18, 1986. I have since learned that H.J. Res. 738 was not properly enrolled, in that a small number of paragraphs of text were omitted due to clerical error.

The provisions I signed into law on October 18 remain the law of the land. The Supreme Court has held that transmission errors of this sort do not in any way vitiate the legal effect of a President's signature. Accordingly, that which was signed became law.

H. J. Res. 738 has since been properly enrolled and has been presented to me for signature. My signing of H.J. Res. 738 today will enable the provisions previously omitted to become law as well.

## APPROPRIATIONS ACT, 1986

Public Law 99-141

November 1, 1985

99 Stat. 564

### An Act

Making appropriations for energy and water development for the fiscal year ending September 30, 1986, and for other purposes.

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

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1986, for energy and water development, and for other purposes, namely:

#### TITLE IV—INDEPENDENT AGENCIES NUCLEAR REGULATORY COMMISSION SALARIES AND EXPENSES

42 USC 5801 note

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act, as amended, including the employment of aliens; services authorized by 5 USC 3109; publication and dissemination of atomic information; purchase, repair, and cleaning of uniforms; official representation expenses (not to exceed \$3,000); reimbursements to the General Services Administration for security guard services; hire of passenger motor vehicles and aircraft, \$418,000,000, to remain available until expended: *Provided*, That from this appropriation, transfer of sums may be made to other agencies of the Government for the performance of the work for which this appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred: *Provided further*, That moneys received by the Commission for the cooperative nuclear safety research program and the material access authorization program may be retained and used for salaries and expenses associated with those programs, notwithstanding the provisions of section

3302 of title 31, United States Code, and shall remain available until expended.

**ENERGY AND WATER DEVELOPMENT  
APPROPRIATIONS ACT, 1985**

**Public Law 98-360**

**July 16, 1984**

**98 Stat. 403**

**An Act**

Making appropriations for energy and water development for the fiscal year ending September 30, 1985, and for other purposes.

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

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1985, for energy and water development, and for other purposes, namely:

**TITLE IV--INDEPENDENT AGENCIES  
NUCLEAR REGULATORY COMMISSION  
SALARIES AND EXPENSES**

42 USC 2011 note.  
42 USC 5801 note.

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act, as amended, including the employment of aliens; services authorized by 5 USC 3109; publication and dissemination of atomic information; purchase, repair, and cleaning of uniforms; official representation expenses (not to exceed \$3,000); reimbursements to the General Services Administration for security guard services; hire of passenger motor vehicles and aircraft, \$448,200,000, to remain available until expended: *Provided*, That from this appropriation, transfer of sums may be made to other agencies of the Government for the performance of the work for which this appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred: *Provided further*, That moneys received by Commission for the cooperative nuclear safety research program and the material access authorization program may be retained and used for salaries and expenses associated with those programs, notwithstanding the provisions of section 3302 of title 31, United States Code, and shall remain available until expended.

**ENERGY AND WATER DEVELOPMENT  
APPROPRIATIONS ACT, 1984**

**Public Law 98-50**

**97 Stat. 247**

**July 14, 1983**

**An Act**

Making appropriations for energy and water development for the fiscal year ending September 30, 1984, and for other purposes.

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

Energy and Water  
Development  
Appropriation Act,  
1984.

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1984, for energy and water development, and for other purposes, namely:

**NUCLEAR REGULATORY COMMISSION  
SALARIES AND EXPENSES**

31 USC 3302.  
42 USC 5801 note.  
96 Stat. 948.

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act, as amended, including the employment of aliens; services authorized by 5 USC 3109; publication and dissemination of atomic information; purchase, repair, and cleaning of uniforms; official representation expenses (not to exceed \$3,000); reimbursements to the General Services Administration for security guard services; hire of passenger motor vehicles and aircraft, \$465,800,000 to remain available until expended: *Provided* That from this appropriation, transfer of sums may be made to other agencies of the Government for the performance of the work for which this appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred: *Provided further*, That moneys received by the Commission for the cooperative nuclear safety research program and the material access authorization program may be retained and used for salaries and expenses associated with those programs, notwithstanding the provisions of 31 USC 484, and shall remain available until expended.

**CONTINUING APPROPRIATIONS FOR FISCAL YEAR  
1983**

**Public Law 97-377**

**96 Stat. 1830**

**December 21, 1982**

**JOINT RESOLUTION**

Making further continuing appropriations and providing for productive employment for the fiscal year 1983, and for other purposes.

Continuing  
appropriations for  
fiscal year 1983

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,*



That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of the Government for the fiscal year 1983, and for other purposes, namely:

#### TITLE V-GENERAL PROVISIONS

(f) Such amounts as may be necessary for continuing activities which were conducted in fiscal year 1982, for which provision was made in the Energy and Water Development Act, 1982, at the current rate of operations: *Provided*, That no funds under this heading shall be used for further study or construction or in any fashion for a federally funded waterway which extends the Tennessee Tombigbee project south from the city of Demopolis, Alabama: *Provided further*, That no appropriation, fund or authority made available by this joint resolution or any other Act may be used directly or indirectly to significantly alter, modify, dismantle, or otherwise change the normal operation and maintenance required for any civil works project under Department of Defense-Civil, Department of the Army, Corps of Engineers-Civil, Operation and Maintenance, General, and the operation and maintenance activities funded in Flood Control, Mississippi River and Tributaries: *Provided further*, That of such amount, \$1,000,000 shall be available only to provide a wider navigation opening at the Franklin Ferry Bridge, Jefferson County, Alabama: *Provided further*, That no appropriation or fund made available or authority granted pursuant to this paragraph shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during the fiscal year 1982 without prior approval of the Committees on Appropriations: *Provided further*, That Department of Energy, Atomic Energy Defense Activities, shall be funded at not to exceed an annual rate for new obligational authority of \$5,700,000,000, of which not more than \$4,372,000,000 shall be available for operating expenses and not more than \$1,328,000,000 shall be available for plant and capital equipment, except that no funds shall be available for Project 82D109; *Provided further*, That no appropriation, fund or authority made available to the Department of Energy by this joint resolution or any other Act, shall be used for any action which would result in a significant reduction of the employment levels for any program or activity below the employment levels in effect on September 30, 1982:

*Post*, p. 1909

(g) Notwithstanding section 102(c) of this joint resolution, the following amounts are provided for fiscal year 1983:  
**Sec. 159.** Funds in this joint resolution may not be made available for payment to the International Atomic Energy Agency unless the Board of Governors of the International Atomic Energy Agency certifies to the United States Government that the State of Israel is allowed to participate fully as a member nation in the activities of that Agency, and the Secretary of State transmits such certification to the Speaker of the House of Representatives and the President of the United States Senate.

**ENERGY AND WATER DEVELOPMENT  
APPROPRIATIONS ACT, 1982**

**Public Law 97-88**

**December 4, 1981**

**95 Stat. 1135**

**An Act**

Making appropriations for energy and water development for the fiscal year ending September 30, 1982, and for other purposes.

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

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1982, for energy and water development, and for other purposes, namely:

**TITLE IV—INDEPENDENT AGENCIES  
NUCLEAR REGULATORY COMMISSION  
SALARIES AND EXPENSES**

42 USC 2014

42 USC 5801 note.

94 Stat. 785.

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act, as amended, including the employment of aliens; services authorized by 5 USC 3109; publication and dissemination of atomic information; purchase, repair, and cleaning of uniforms; official entertainment expenses (not to exceed \$1,500); reimbursements to the General Services Administration for security guard services; hire of passenger motor vehicles and aircraft; \$465,700,000 to remain available until expended: *Provided*, That from this appropriation, transfer of sums may be made to other agencies of the Government for the performance of the work for which this appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred: *Provided further*, That moneys received by the Commission for the cooperative nuclear safety research programs may be retained and used for salaries and expenses associated with those programs, notwithstanding the provisions of 31 USC 484, and shall remain available until expended: *Provided further*, That transfers between accounts may be made only with the approval of the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That no part of the funds appropriated in this Act be used to implement section 110 of Public Law 96-295: *Provided further*, That no funds appropriated to the Nuclear Regulatory Commission in this Act may be used to implement or enforce any portion of the Uranium Mill Licensing Requirements published as final rules at 45 Federal Register 65521 to 65538 on October 3, 1980, or to require any State to adopt such requirements in order for the State to continue to exercise authority under State law for uranium mill and mill tailings licensing, or to exercise any regulatory authority for uranium mill and mill tailings licensing in any State that has acted to exercise such authority under State law; *Provided, however*, That the Commission may use such funds to continue to regulate byproduct material, as defined in

section 11 e.(2) of the Atomic Energy Act of 1954, as amended, in the manner and to the extent permitted prior to October 3, 1980.

#### TITLE V—GENERAL PROVISIONS

**Sec. 501.** No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

**Sec. 502.** None of the funds in this Act shall be used to pay the expenses of, or otherwise compensate, parties intervening in regulatory or adjudicatory proceedings funded in this Act.

**Sec. 503.** The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 USC 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive Order issued pursuant to existing law.

**Sec. 504.** None of the funds in this Act shall be used to implement, administer, or enforce any regulation which has been disapproved pursuant to a resolution of disapproval duly adopted in accordance with the applicable law of the United States.

**Sec. 505.** None of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency.

**Sec. 506.** None of the funds provided in this Act to any department or agency shall be obligated in 15 USC 2001 with an EPA estimated miles per gallon average of less than 22 miles per gallon.

**Sec. 507.** None of the funds appropriated in this Act shall be used to implement a program of retention contracts for senior employees of the Tennessee Valley Authority.

**Sec. 508.** The Senate hereby expresses its intention not to appropriate funds for improvements on the portion of the Black Warrior-Tombigbee Waterway south of Demopolis, Alabama.

This Act may be cited as the "Energy and Water Development Appropriation Act, 1982."

Short title.

#### ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1981

Public Law 96-367

October 1, 1980

94 Stat. 1344

An Act

Making appropriations for energy and water development for the fiscal year ending September 30, 1981, and for other purposes.

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

Energy and Water : That the following sums are appropriated, out of any money in the  
Development. Treasury not otherwise appropriated, for the fiscal year ending September  
Appropriation Act, 30, 1981, for energy and water development, and for other purposes,  
1981. namely:

**TITLE IV-INDEPENDENT AGENCIES**  
**NUCLEAR REGULATORY COMMISSION**  
**SALARIES AND EXPENSES**

42 USC 5801 note. For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act, as amended, namely the control of atomic energy and the issuance of licenses as authorized by section 103 (42 USC 2133) so as to make the maximum contribution to the general welfare, promote world peace, increase the standard of living and strengthen free competition in private enterprise, subject at all times to the paramount objective of making the maximum contribution to the common defense and security and to the objective of protecting the health and safety of the public, including the employment of aliens; service authorized by 5 USC 3109; publication and dissemination of atomic information; purchase, repair, and cleaning of uniforms; official entertainment expenses (not to exceed \$3,000); reimbursement of the General Services Administration for security guard services; hire of passenger motor vehicles and aircraft; \$447,520,000, to remain available until expended: *Provided*, That from this appropriation, transfer of sums may be made to other agencies of the Government for the performance of the work for which this appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred: *Provided further*, That moneys received by the Commission for the cooperative nuclear safety research programs may be retained and used for salaries and expenses associated with those programs, notwithstanding the provisions of 31 USC 484, and shall remain available until expended.

**TITLE V-GENERAL PROVISIONS**

**Sec. 501.** No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

**Sec. 502.** None of the funds in this Act shall be used to pay the expenses of, or otherwise compensate, parties intervening in regulatory or adjudicatory proceedings funded in this Act.

**Sec. 503.** The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 USC 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive Order issued pursuant to existing law.

Short title.

This Act may be cited as the "Energy and Water Development Appropriation Act, 1981."

**SUPPLEMENTAL APPROPRIATIONS AND RESCISSION  
ACT, 1980**

**Public Law 96-304**

**94 Stat. 872**

**July 8, 1980**

**An Act**

Making supplemental appropriations for the fiscal year ending September 30, 1980, rescinding certain budget authority, and for other purposes.

Supplemental  
Appropriations and  
Rescission Act,  
1980.

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

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to supply supplemental appropriations (this Act may be cited as the "Supplemental Appropriations and Rescission Act, 1980") for the fiscal year ending September 30, 1980, that the following rescissions of budget authority are made, and for other purposes, namely:

**TITLE I—INDEPENDENT AGENCIES  
NUCLEAR REGULATORY COMMISSION  
SALARIES AND EXPENSES**

For an additional amount for "Salaries and expenses", \$31,950,000, to remain available until expended.

**TITLE II—INCREASED PAY COSTS FOR THE FISCAL YEAR  
1980**

**NUCLEAR REGULATORY COMMISSION**

"Salaries and expenses", \$4,810,000.

**TITLE III—GENERAL PROVISIONS  
(INCLUDING TRANSFER OF FUNDS)**

**Sec. 301.** No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

**Sec. 302.** Except where specifically increased or decreased elsewhere in this Act, the restrictions contained within appropriations, or provisions affecting appropriations or other funds, available during the fiscal year 1980, limiting the amounts which may be expended for personal services, or for purposes involving personal services, or amounts which may be transferred between appropriations or authorizations available for or involving such services, are hereby increased to the extent necessary to meet increased pay costs authorized by or pursuant to law.

5 USC 5884 note  
Career appointees

**Sec. 303.** Notwithstanding any other provision of law, the number of career appointees in any agency paid performance awards during fiscal year 1980 under 5 USC 5384, or any comparable personnel system established on or after October 13, 1978, may not exceed 25 percent of

	the number of Senior Executive Service or comparable personnel system positions in any such agency.
41 USC 46-48b	<b>Sec. 304.</b> (a) Out of the total moneys appropriated for the operation of the departments and agencies of the Federal Government for fiscal year 1980, \$220,000,000 of this total appropriated for the purchase of furniture is hereby rescinded. Excluded from this rescission are furniture items produced by Federal Prison Industries, Inc., or by sheltered workshops for the blind and other severely handicapped under the auspices of Public Law 92-28: <i>Provided</i> , That such items are fully justified by agency needs. The Director of the Office of Management and Budget is directed to allocate this rescission total among the departments and agencies of the Federal Government and report back to the House and the Senate Committees on Appropriations within 30 days following the date of the enactment of this Act as to the allocation made: <i>Provided further</i> , That no allocation shall exceed 25 percent of said amount.
93 Stat. 566.	(b) With respect to the provisions of the Treasury, Postal Service and General Government Appropriations Act, 1980, under the heading General Services Administration, Federal Buildings Fund, Limitations on Availability of Revenue, the aggregate amount made available for the revenues and collections deposited into the Federal Buildings Fund pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, as amended (40 USC 4901(f)), for the purposes set forth in the provisions contained under such heading is reduced by \$15,000,000, which reduction shall apply specifically to the limitation on rental of space under clause (4) of such provisions.
Unresolved and new audits	<b>Sec. 305.</b> All unresolved audits currently pending within agencies and departments, for which appropriations are made under this Act, shall be resolved not later than September 30, 1981. Any new audits, involving questioned costs, arising after the enactment of this Act shall be resolved within 6 months.
Delinquent debts	<b>Sec. 306.</b> Each department and agency for which appropriations are made under this Act shall take immediate action (1) to improve the collection of overdue debts owed to the United States within the jurisdiction of that department or agency; (2) to bill interest on delinquent debts as required by the Federal Claims Collection Standards; and (3) to reduce amounts of such debts written off as uncollectible.
31 USC 28. Funds for consulting services and information submittal to congressional committees	<b>Sec. 307.</b> (a) Effective October 1, 1981, for application in fiscal year 1982, a department, agency, or establishment, as defined by section 2, subchapter I, chapter 1, title 31, United States Code, shall submit annually to the House and Senate Appropriations Committees, as part of its budget justification, the estimated amount of funds requested for consulting services; the appropriation accounts in which these funds are located; and a brief description of the need for these services, including a list of those major programs that require consulting services.
Agency budget controls and progress, submittal to Congress.	(b) Effective October 1, 1981, for application in fiscal year 1982, the Inspector General of such department, agency, or establishment, or comparable official, or if the agency has no Inspector General or comparable official, the agency head or the agency head's designee, shall submit to the Congress along with the agency's budget justification, an evaluation of the agency's progress to institute effective management controls and improve the accuracy and completeness of the data provided

to the Federal Procurement Data System regarding consultant service contractual arrangements.

**ENERGY AND WATER DEVELOPMENT  
APPROPRIATION ACT, 1980**

**Public Law 96-69**

**93 Stat. 449**

**September 25, 1979**

**An Act**

Making appropriations for energy and water development for the fiscal year ending September 30, 1980, and for other purposes.

Energy and Water  
Development  
Appropriation Act,  
1980

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

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1980, for energy and water development, and for other purposes, namely:

**TITLE IV-INDEPENDENT AGENCIES  
NUCLEAR REGULATORY COMMISSION  
SALARIES AND EXPENSES**

42 USC 5801 note.

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, including the employment of aliens; services authorized by 5 USC 3100; publication and dissemination of atomic information; purchase, repair, and cleaning of uniforms; official entertainment expenses (not to exceed \$12,500); reimbursement of the General Services Administration for security guard services; hire of passenger motor vehicles and aircraft; \$363,340,000, to remain available until expended: *Provided*, That from this appropriation, transfer of sums may be made to other agencies of the Government for the performance of the work for which this appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred: *Provided further*, That moneys received by the Commission for the cooperative nuclear safety research programs may be retained and used for salaries and expenses associated with those programs, notwithstanding the provisions of 31 USC 484, and shall remain available until expended: *Provided further*, that 731 personnel positions shall be allocated exclusively to the Office of Nuclear Reactor Regulation to carry out those responsibilities authorized by law.

**TITLE V-GENERAL PROVISION**

**Sec. 501.** No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

**APPROPRIATIONS ACT, 1979**

**Public Law 95-482**

**92 Stat. 1603**

**October 18, 1978**

**JOINT RESOLUTION**

Making continuing appropriations for the fiscal year 1979, and for other purposes.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,*

That the following sums are appropriated out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of the Government for the fiscal year 1979.

Sec. 101. (b) Such amounts as may be necessary, notwithstanding any other provision of this joint resolution, for the fiscal year ending September 30, 1979, for programs, projects, and activities to the extent and in the manner provided for in the Energy and Water Development Appropriation Act, 1979 (H.R. 12928) as enacted by the Congress.<sup>1</sup>

**SECOND SUPPLEMENTAL APPROPRIATIONS ACT, 1978**

**Public Law 95-355**

**92 Stat. 538**

**September 8, 1978**

**An Act**

Making supplemental appropriations for the fiscal year ending September 30, 1978, and for other purposes.

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

Second  
Supplemental  
Appropriations  
Act, 1978.

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to supply supplemental appropriations (this act may be cited as the "Second Supplemental Appropriations Act, 1978") for the fiscal year ending September 30, 1978, and for other purposes, namely:

<sup>1</sup>NRC's appropriation (provided for in H R 12928) as enacted by Congress is as follows:  
NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES—For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, including the employment of aliens, services authorized by 5 USC 2109, publication and dissemination of atomic information; purchase, repair, and cleaning of uniforms, official entertainment expenses (not to exceed \$15,000); reimbursement of the General Services Administration for security guard services; hire of passenger motor vehicles and aircraft, \$322,301,000, to remain available until expended *Provided*, That from this appropriation, transfer of sums may be made to other agencies of the Government for the performance of the work for which this appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred *Provided further*, That moneys received by the Commission for the cooperative nuclear safety research programs may be retained and used for salaries and expenses associated with those programs, notwithstanding the provisions of section 3617 of the Revised Statutes (31 USC 484), and shall remain available until expended



**TITLE I-INDEPENDENT AGENCIES  
NUCLEAR REGULATORY COMMISSION  
SALARIES AND EXPENSES**

For an additional amount for "salaries and expenses", \$3,600,000, to remain available until expended.

**TITLE II-INCREASED PAY COSTS FOR THE FISCAL YEAR  
1978**

**NUCLEAR REGULATORY COMMISSION**

"Salaries and expenses"; \$5,000,000, to remain available until expended.

**TITLE III-GENERAL PROVISIONS**

Fiscal year  
limitation

**Sec. 301.** No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

**Sec. 302.** Except where specifically increased or decreased elsewhere in this Act, the restrictions contained within appropriations, or provisions affecting appropriations or other funds, available during the fiscal year 1978, limiting the amounts which may be expended for personal services, or for purposes involving personal services, or amounts which may be transferred between appropriations or authorizations available for or involving such services, are hereby increased to the extent necessary to meet increased pay costs authorized by or pursuant to law.

**PUBLIC WORKS FOR WATER AND POWER  
DEVELOPMENT AND ENERGY RESEARCH  
APPROPRIATION ACT, 1978**

**Public Law 95-96**

**August 7, 1977**

**91 Stat. 807**

**An Act**

Making appropriations for public works for water and power development and energy research for the fiscal year ending September 30, 1978, and for other purposes.

**NUCLEAR REGULATORY COMMISSION  
SALARIES AND EXPENSES**

42 USC 5801 note.

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, including the employment of aliens; services authorized by 5 USC 3109; publication and dissemination of atomic information; purchase, repair, and cleaning of uniforms; official entertainment expenses (not to exceed \$10,000); reimbursement of the General Services Administration for security guard services; hire of passenger motor vehicles and aircraft; \$281,423,000, to remain available until expended: *Provided*, That from this appropriation, transfer of sums may be made to other agencies of the Government for the performance of the work for which this appropriation is made, and in such

cases the sums so transferred may be merged with the appropriation to which transferred: *Provided further*, That moneys received by the Commission for the cooperative nuclear safety research programs may be retained and used for salaries and expenses associated with those programs, notwithstanding the provisions of section 3617 of the Revised Statutes (31 USC 484), and shall remain available until expended.

**TITLE V—GENERAL PROVISIONS**

Fiscal year  
limitation.

**Sec. 501.** No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

Short title.

This Act may be cited as the "Public Works for Water and Power Development and Energy Research Appropriation Act, 1978."

**SUPPLEMENTAL APPROPRIATIONS ACT, 1977**

**Public Law 95-26**

**91 Stat. 112**

**May 4, 1977**

**An Act**

Making supplemental appropriations for the fiscal year ending September 30, 1977, and for other purposes.

**TITLE II—INCREASED PAY COSTS FOR THE FISCAL YEAR  
1977**

For additional amounts for appropriation for the fiscal year 1977, for increased pay costs authorized by or pursuant to law, as follows:

**NUCLEAR REGULATORY COMMISSION**

"Salaries and expenses", \$4,350,000, to remain available until expended.

**PUBLIC WORKS FOR WATER AND POWER  
DEVELOPMENT AND ENERGY RESEARCH  
APPROPRIATION ACT, 1977**

**Public Law 94-355**

**90 Stat. 889**

**July 12, 1976**

**An Act**

Making appropriations for public works for water and power development and energy research, including the Corps of Engineers—Civil, the Bureau of Reclamation, power agencies of the Department of the Interior, the Appalachian regional development programs, the Federal Power Commission, the Tennessee Valley Authority, the Nuclear Regulatory Commission, the Energy Research and Development Administration, and related independent agencies and commissions for the fiscal year ending September 30, 1977, and for other purposes.

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

Public Works for  
Water and Power  
Development and  
Energy Research  
Appropriation Act,  
1977

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1977, for public works for water and power development and energy research, including the Corps of Engineers—Civil, the Bureau of Reclamation, power agencies of the Department of Interior, the Appalachian regional development programs, the Federal Power Commission, the Tennessee Valley Authority, the Nuclear Regulatory Commission, the Energy Research and Development Administration, and related independent agencies and commissions, and for other purposes, namely:

**TITLE IV—INDEPENDENT OFFICES**  
**NUCLEAR REGULATORY COMMISSION**  
**SALARIES AND EXPENSES**

42 USC 5801 note.

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, including the employment of aliens; services authorized by 5 USC 3109; publication and dissemination of atomic information; purchase, repair, and cleaning of uniforms; official entertainment expenses (not to exceed \$10,000); reimbursement of the General Services Administration for security guard services; hire of passenger motor vehicles and aircraft; \$244,430,000, to remain available until expended: *Provided*, That from this appropriation, transfer of sums may be made to other agencies of the Government for the performance of the work for which this appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred: *Provided further*, Moneys received by the Commission for the cooperative nuclear safety research programs may be retained and used for salaries and expenses associated with those programs, notwithstanding the provisions of section 3617 of the Revised Statutes (31 USC 484), and shall remain available until expended.

**PUBLIC WORKS FOR WATER AND POWER  
DEVELOPMENT AND ENERGY RESEARCH  
APPROPRIATION ACT, 1976**

**Public Law 94-180**

**December 26, 1975**

**89 Stat. 1035**

**An Act**

Making appropriations for public works for water and power development and energy research, including the Corps of Engineers—Civil, the Bureau of Reclamation, power agencies of the Department of the Interior, the Appalachian regional development programs, the Federal Power Commission, the Tennessee Valley Authority, the Nuclear Regulatory Commission, the Energy Research and Development Administration, and related independent agencies and commissions for the fiscal year ending June 30, 1976, and the period ending September 30, 1976, and for other purposes.

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

Public Works for  
Water and Power  
Development and  
Energy Research  
Appropriation Act,  
1976

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1976, and the period ending September 30, 1976, for public works for water and power development and energy research, including the Corps of Engineers-Civil, the Bureau of Reclamation, power agencies of the Department of the Interior, the Appalachian regional development programs, the Federal Power Commission, the Tennessee Valley Authority, the Nuclear Regulatory Commission, the Energy Research and Development Administration, and related independent agencies and commissions, and for other purposes, namely:

**TITLE IV-INDEPENDENT OFFICES**  
**NUCLEAR REGULATORY COMMISSION**  
**SALARIES AND EXPENSES**

42 USC 5801 note.

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, including the employment of aliens; services authorized by 5 USC 3109; publication and dissemination of atomic information; purchase, repair, and cleaning of uniforms; official entertainment expenses (not to exceed \$7,000); reimbursement of the General Services Administration for security guard services; hire of passenger motor vehicles and aircraft; \$215,423,000; *Provided*, That from this appropriation, transfers of sums may be made to other agencies of the Government for the performance of the work for which this appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred.

For "Salaries and expenses" in accordance with the above provisions for the period July 1, 1976, through September 30, 1976, \$51,425,000.

**TITLE V-GENERAL PROVISIONS**

Fiscal year  
limitation.

**Sec. 501.** No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein, except as provided by section 204 of Public Law 93-554.

40 USC 490.  
Space and service  
charges

**Sec. 502.** No part of any appropriation contained in this Act shall be available for paying to the Administrator of the General Services Administration in excess of 90 percentum of the standard level user charge established pursuant to section 210(j) of the Federal Property and Administrative Services Act of 1949, as amended, for space and services.

Short Title.

This Act may be cited as the "Public Works for Water and Power Development and Energy Research Appropriation Act, 1976."

**SECOND SUPPLEMENTAL APPROPRIATIONS ACT, 1975**

**Public Law 94-32**

**89 Stat. 173**

**June 12, 1975**

**An Act**

Making supplemental appropriations for the fiscal year ending June 30, 1975, and for other purposes

Second  
Supplemental  
Appropriations  
Act, 1975.

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

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to supply supplemental appropriations (this Act may be cited as the "Second Supplemental Appropriations Act, 1975") for fiscal year ending June 30, 1975, and for the other purposes, namely:

**TITLE I-CHAPTER VIII  
NUCLEAR REGULATORY COMMISSION  
SALARIES AND EXPENSES**

For necessary expenses of the Nuclear Regulatory Commission as authorized by law, including services as authorized by 5 USC 3109, \$44,400,000, to remain available until expended.

**TITLE II-INCREASED PAY COSTS**

For additional amounts for appropriations for the fiscal year 1975, for increased pay costs authorized by or pursuant to law, as follows:

**ENERGY RESEARCH AND DEVELOPMENT  
ADMINISTRATION**

"Operating expenses", \$5,681,000, to remain available until expended;

**NUCLEAR REGULATORY COMMISSION**

"Salaries and expenses", \$1,540,000, to remain available until expended;

**TITLE III-GENERAL PROVISIONS**

Fiscal year  
limitation.

**Sec. 301.** No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

**Sec. 302.** Except where specifically increased or decreased elsewhere in this Act, the restrictions contained within appropriations, or provisions affecting appropriations or other funds, available during the fiscal year 1975, limiting the amounts which may be expended for personal services, or for purposes involving personal services, or amounts which may be transferred between appropriations or authorizations available for or involving such services, are hereby increased to the extent necessary to meet increased pay costs authorized by or pursuant to law.

GSA, space and  
services

**Sec. 303.** No part of any appropriation, funds, or other authority contained in this Act shall be available for paying to the Administrator of the General Services Administration in excess of 90 percentum of the standard level user charge established pursuant to section 210(j) of the Federal Property and Administrative Services Act of 1949, as amended, for space and services.

40 USC 490.  
42 USC 2000c.  
Busing.

**Sec. 304.** No part of the funds contained in this Act may be used to force any school or school district which is desegregated as that term is defined in title IV of the Civil Rights Act of 1964, Public Law 88-352, to take any action to force the busing of students; to force on account of race, creed,

or color the abolishment of any school so desegregated; or to force the transfer or assignment to any student attending any elementary or secondary school so desegregated to or from a particular school over the protest of his or her parents or parent.

42 USC 2000c.  
Busing

**Sec. 305.** (a) No part of the funds contained in this Act shall be used to force any school or school district which is desegregated as that term is defined in title IV of the Civil Rights Act of 1964, Public Law 88-352, to take any action to force the busing of students; to require the abolishment of any school so desegregated; or to force on account of race, creed, or color the transfer of students to or from a particular school so desegregated as a condition precedent to obtaining Federal funds otherwise available to any State, school district, or school.

School  
transportation  
funds.

(b) No funds appropriated in this Act may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school system.

U.S. Postal Service,  
reimbursement

**Sec. 306.** Unobligated balances of operation and maintenance appropriations available to the Department of Defense-Military, in an amount not to exceed \$18,950,000 in fiscal year 1973 and \$23,891,000 in fiscal year 1974, shall be available to reimburse the United States Postal Service for service rendered to the Department of Defense during those fiscal years.

**TABULATION OF NRC APPROPRIATIONS THROUGH FISCAL YEAR 2002**

Appropriation	Amount Requested (\$Million)	Date of Request	Amount Allowed by House (\$Million)	Amount Allowed by Senate (\$Million)	Amount Appropriated (\$Million)	Difference Between Request and Appropriation (Percent)	Date Enacted	Public Law
Fiscal Year 1976, Regular	\$219,935	Feb 3, 1975	\$202,500	\$215,423	\$215,423	-2.1	Dec 26, 1975	94-180
Fiscal Year 1977, Regular	249,430	Jan 21, 1976	244,430	244,430	244,430	-2	July 12, 1976	94-355
Fiscal Year 1978, Regular	292,250	Jan 17, 1977	277,696	285,150	281,423	-3.7	Aug 7, 1977	95-96
Fiscal Year 1979, Regular	330,670	Jan 23, 1978	321,487	328,287	322,301	-2.5	Oct. 18, 1978	95-482
Fiscal Year 1978, Supplemental	5,350	Jan 23, 1978	3,600	3,000v	3,600	-33	Sept. 8, 1978	95-355
Fiscal Year 1979, Regular	330,670	Jan 23, 1978	321,487	328,287	322,301	-2.5	Oct. 18, 1978	95-482
Fiscal Year 1980, Regular	373,000	Jan 22, 1979	358,340	363,340	363,340	-2.6	Sept 25, 1979	96-69
Fiscal Year 1980, Supplemental	49,200	Dec 10, 1979	31,950	31,950	31,950	-35	July 8, 1980	96-304
Fiscal Year 1981, Regular	468,490	Jan 28, 1980	437,220	452,520	447,520	-4.5	Oct 1, 1980	96-367
Fiscal Year 1982, Regular	500,700	Jan 19, 1981	477,534	465,700	465,700	-7	Dec 4, 1981	97-88
Fiscal Year 1983, Regular	479,500	Feb 8, 1982	462,504	462,504	462,504	-3.5	Dec 21, 1982	97-377
Fiscal Year 1984, Regular	466,800	Jan 31, 1983	465,800	466,800	465,800	-0.2	July 14, 1983	98-50
Fiscal Year 1985, Regular	468,200	Jan 1984	438,200	458,200	448,200	-4.3	July 16, 1984	98-360
Fiscal Year 1986, Regular	429,000	Feb 4, 1985	403,671	429,000	418,000	-2.6	Nov 1, 1985	99-141
Fiscal Year 1987, Regular	405,000	Feb 5, 1985	405,000	391,000	401,000	-1	Oct. 30, 1986	99-591
Fiscal Year 1988, Regular	428,000	Jan 5, 1987	417,800	417,800	392,800	-8.2	Dec. 22, 1987	100-202
Fiscal Year 1989, Regular	450,000	Feb. 18, 1988	420,000	430,000	420,000	-6.7	July 19, 1988	100-371
Fiscal Year 1990, Regular	472,100	Jan. 9, 1989	442,100	442,100	442,100	-6.4	Sept. 29, 1989	101-101*
Fiscal Year 1991, Regular	471,320	Jan. 29, 1990	471,320	471,320	461,320	-2.1	Nov. 5, 1990	101-514*
Fiscal Year 1992, Regular	508,810	July 30, 1991	508,810	508,810	508,810	0	Aug. 17, 1991	102-104*
Fiscal Year 1993, Regular	545,415	June 11, 1992	535,415	535,415	535,415	-1.8	Oct. 2, 1992	102-377*
Fiscal Year 1994, Regular	542,900	June 17, 1993	542,490	535,415	535,415	-1.4	Oct. 28, 1993	103-126*
Fiscal Year 1995, Regular	540,501	May 26, 1994	540,501	540,501	540,501	0	Aug. 26, 1994	103-316*
Fiscal Year 1996, Regular	520,501	June 20, 1995	468,300	474,300	468,300	-10	Nov. 13, 1995	104-46*
Fiscal Year 1997, Regular	475,300	July 16, 1996	471,800	471,800	471,800	-0.7	Sept. 30, 1996	104-206*
Fiscal Year 1998, Regular	468,000	July 21, 1997	462,700	476,500	468,000	0	Oct. 13, 1997	105-62*
Fiscal Year 1999, Regular	488,640		462,700	466,000	465,000	-4.8	Oct. 7, 1998	105-245*
Fiscal Year 2000, Regular	465,400	May 4, 1999	455,400	465,400	465,000	-0.1	Sept. 29, 1999	106-60*
Fiscal Year 2001, Regular	481,900	June 23, 2000	481,900	481,900	481,900	0	Oct 27, 2000	106-377
Fiscal Year 2002, Regular	516,900	June 26, 2001	516,900	506,900	516,900	0	Nov 12, 2001	107-66

Appropriation	Amount Requested (\$Million)	Date of Request	Amount Allowed by House (\$Million)	Amount Allowed by Senate (\$Million)	Amount Appropriated (\$Million)	Difference Between Request and Appropriation (Percent)	Date Enacted	Public Law
*Office of Inspector General								
Fiscal Year 1990 . . . . .	2,900		2,900		2,900	0	Sept 29, 1989	101-101
Fiscal Year 1991 . . . . .	3,680		3,680	3,680	3,680	0	Nov 5, 1990	101-514
Fiscal Year 1992 . . . . .	3,690		3,690	3,690	3,690	0	Aug 17, 1991	102-104
Fiscal Year 1993 . . . . .	4,585		4,585	4,585	4,585	0	Oct 2, 1992	102-377
Fiscal Year 1994 . . . . .	4,800		4,800	4,800	4,800	0	Oct. 28, 1993	103-126
Fiscal Year 1995 . . . . .	5,080		5,080	5,080	5,080	0	Aug 26, 1994	103-316
Fiscal Year 1996 . . . . .	5,000		5,000	5,000	5,000	0	Nov 13, 1995	104-46
Fiscal Year 1997 . . . . .	5,000		5,000	5,000	5,000	0	Sept 30, 1996	104-206
Fiscal Year 1998 . . . . .	4,800		4,800	4,800	4,800	0	Oct 13, 1997	105-62
Fiscal Year 1999 . . . . .			4,800	4,800	4,800	--	Oct. 7, 1998	105-245
Fiscal Year 2000 . . . . .			6,000	5,000	5,000	--	Sept 29, 1999	106-60
Fiscal Year 2001 . . . . .	5,500		5,500	5,500	5,500	0	Oct 27, 2000	106-377
Fiscal Year 2002 . . . . .	6,180		6,180	5,500	6,180	0	Nov. 12, 2001	107-66





**NRC AUTHORIZATIONS**  
**TABLE OF CONTENTS**

	<b>Page</b>	<b>Public Law</b>
NRC Authorization Act for Fiscal Year 1984-1985 .....	3-2	98-533
NRC Authorization Act for Fiscal Year 1982-1983 .....	3-6	97-415
NRC Authorization Act for Fiscal Year 1980 .....	3-23	96-295
NRC Authorization Act for Fiscal Year 1979 .....	3-38	95-601
NRC Authorization Act for Fiscal Year 1978 .....	3-46	95-209
NRC Authorization Act for Fiscal Year 1977 .....	3-50	94-291
NRC Authorization Act for Fiscal Year 1976 .....	3-51	94-79
NRC Fiscal Year 1975 Supplemental Authorization Act .....	3-53	94-18
AEC Fiscal Year 1975 Supplemental Authorization Act .....	3-54	93-576
AEC Authorization Act for Fiscal Year 1975 .....	3-55	93-276
AEC Authorization ACT [1974] .....	3-60	93-158

**NRC AUTHORIZATION ACT FOR FISCAL YEAR  
1984-1985**

Public Law 98-553

98 Stat. 2825

October 30, 1984

**An Act**

To authorize appropriations to the Nuclear Regulatory Commission in accordance with section 261 of the Atomic Energy Act of 1954, and section 305 of the Energy Reorganization Act of 1974.

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

**TITLE I- AUTHORIZATION OF APPROPRIATIONS FOR  
FISCAL YEARS 1984 AND 1985**

42 USC 2017.  
42 USC 5875

**Sec. 101.** There are hereby authorized to be appropriated to the Nuclear Regulatory Commission in accordance with the provisions of section 261 of the Atomic Energy Act of 1954 and section 305 of the Energy Reorganization Act of 1974, for the fiscal years 1984 and 1985 to remain available until expended, \$466,800,000 for fiscal year 1984 and \$460,000,000 for fiscal year 1985.

**Sec. 102.** (a) The sums authorized to be appropriated in this Act for fiscal years 1984 and 1985 shall be allocated as follows:

- (1) not more than \$91,490,000 for fiscal year 1984 and \$87,140,000 for fiscal year 1985, may be used for "Nuclear Reactor Regulation", of which an amount not to exceed \$1,000,000 is authorized each such fiscal year to be used to accelerate the effort in gas-cooled thermal reactor pre-application review;
- (2) not more than \$70,910,000 for fiscal year 1984 and \$74,770,000 for fiscal year 1985, may be used for "Inspection and Enforcement";
- (3) not more than \$36,280,000 for fiscal year 1984 and \$35,710,000 for fiscal year 1985, may be used for "Nuclear Material Safety and Safeguards";
- (4) not more than \$199,740,000 for fiscal year 1984 and \$193,290,000 for fiscal year 1985, may be used for "Nuclear Regulatory Research", of which an amount not to exceed \$2,600,000 is authorized each such fiscal year to be used to accelerate the effort in gas-cooled thermal reactor safety research;
- (5) not more than \$27,520,000 for fiscal year 1984 and \$27,470,000 for fiscal year 1985, may be used for "Program Technical Support";
- (6) not more than \$40,860,000 for fiscal year 1984 and \$41,620,000 for fiscal year 1985, may be used for "Program Direction and Administration."

Grants

(b) The Nuclear Regulatory Commission may use not more than 1 per centum of the amounts authorized to be appropriated under paragraph 102(a)(4) to exercise its authority under section 31 a. of the Atomic Energy Act of 1954 (42 USC 2051(a)) to enter into grants and cooperative agreements with universities pursuant to such paragraph. Grants made by the Commission shall be made in accordance with the

Federal Grant and Cooperative Agreement Act of 1977 (41 USC 501 et seq.) and other applicable law.

(c) Any amount appropriated for a fiscal year to the Nuclear Regulatory Commission pursuant to any paragraph of subsection 102(a) for purposes of the program referred to in such paragraph, may be reallocated by the Commission for use in a program referred to in any other paragraph of such subsection; or for use in any other activity within a program, except that the amount available from appropriations for such fiscal year for use in any program or specified activity may not, as a result of reallocations made under this subsection, be increased or reduced by more than \$500,000 unless—

(1) a period of thirty calendar days (excluding any day in which either House of Congress is not in session because of an adjournment of more than three calendar days to a day certain or an adjournment sine die) passes after the receipt, by the Committee on Energy and Commerce and the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Environment and Public Works of the Senate, of notice submitted by the Commission containing a full and complete statement of the reallocation proposed to be made and the facts and circumstances relied upon in support of such proposed reallocation; or

(2) each such committee, before the expiration of such period, transmits to the Commission a written notification that such committee does not object to such proposed reallocation.

31 USC 3302.

**Sec. 103.** Moneys received by the Nuclear Regulatory Commission for the cooperative nuclear research program and the material access authorization program may be retained and used for salaries and expenses associated with such programs, notwithstanding the provisions of section 3617 of the Revised Statutes (31 USC 484), and shall remain available until expended.

**Sec 104.** From amounts appropriated to the Nuclear Regulatory Commission pursuant to this title, the Commission may transfer to other agencies of the Federal Government sums for salaries and expenses for the performance by such agencies of activities for which such appropriations of the Commission are made. Any sums so transferred may be merged with the appropriation of the agency to which such sums are transferred.

**Sec. 105.** Notwithstanding any other provisions of this Act, no authority to make payments under this Act shall be effective except to such extent or in such amounts as are provided in advance in appropriation Acts.

Report.  
Prohibition.

**Sec 106.** (a) No funds authorized to be appropriated under this Act may be used to carry out any policy or program for the decentralization or regionalization of any Nuclear Regulatory Commission authorities regarding commercial nuclear power plant licensing until sixty legislative days after the date on which the Commission submits to the Congress a report evaluating the effect of such policy or program on nuclear reactor safety: *Provided, however,* That the prohibition contained in this subsection shall not apply to any personnel assigned to the field, or to activities in which they were engaged, on or before September 22, 1983. The report shall include—

(1) a detailed description of the authorities to be transferred, the reason for such transfer, and an assessment of the effect of such transfer on nuclear reactor safety;

(2) an analysis of all comments submitted to the Commission regarding the effect on nuclear reactor safety which would result from carrying out the policy or program proposed by the Commission; and

(3) an evaluation of the results, including the advantages and disadvantages, of the pilot program conducted under subsection (b).

(b) Notwithstanding the prohibition contained in subsection (a), the Commission is authorized to conduct a pilot program for the purpose of evaluating the concept of delegating authority to regional offices for issuance of specific types of operating reactor licensing actions and for the purpose of addressing the issues identified in paragraphs (a)(1)-(3) of this section.

**Sec. 107.** (a) Of the amounts authorized to be appropriated under this Act for the fiscal years 1984 and 1985, such sums as may be necessary are authorized to be used by the Nuclear Regulatory Commission for-

(1) the acquisition (by purchase, lease, or otherwise) and installation of equipment to be used for the small test prototype nuclear data link program or for any other program for the collection and transmission to the Commission of data from licensed nuclear reactors during abnormal conditions at such reactors; and

(2) a full and complete analysis of-

(A) the appropriate role of the Commission during abnormal conditions at a nuclear reactor licensed by the Commission;

(B) the information which should be available to the Commission to enable the Commission to fulfill such role and to carry out other related functions;

(C) various alternative means of assuring that such information is available to the Commission in a timely manner; and

(D) any changes in existing Commission authority necessary to enhance the Commission response to abnormal conditions at a nuclear reactor licensed by the Commission:

*Provided, however,* That no funds shall be available under this Act for the acquisition and installation of any equipment for the collection and transmission to the Commission of data from licensed nuclear reactors during abnormal conditions at such reactors, or for the analysis of such equipment, unless such acquisition and analysis includes, as one of the alternatives considered, a fully automated electronic nuclear data link. The small test prototype referred to in paragraph (1) may be used by the Commission in carrying out the study and analysis under paragraph (2). Such analysis shall include a cost-benefit analysis of each alternative examined under subparagraph (C).

**Sec. 108.** Of the amounts authorized to be appropriated under this Act, the Nuclear Regulatory Commission may use such sums as may be necessary, in the absence of a State or local emergency preparedness plan which has been approved by the Federal Emergency Management Agency, to issue an operating license (including a temporary operating license under section 192 of the Atomic Energy Act of 1954, as amended) for a nuclear power reactor, if it determines that there exists a State, local, or utility plan which provides reasonable assurance that public health and safety is not endangered by operation of the facility concerned.

42 USC 2133.  
42 USC 2134

**Sec 109.** Notwithstanding the second sentence of section 103d. and the second sentence of section 104d. of the Atomic Energy Act of 1954, as amended, the Nuclear Regulatory Commission is hereby authorized to transfer Facility Operating License numbered R-81 to a United States entity or corporation owned or controlled by a foreign corporation if the Commission—

(1) finds that such transfer would not be inimical to the common defense and security or to the health and safety of the public; and

(2) includes in such license, as transferred, such conditions as the Commission deems necessary to ensure that such foreign corporation cannot direct the actions of the licensee in ways that would be inimical to the common defense and security or the health and safety of the public.

Approved October 30, 1984.

# NRC AUTHORIZATION ACT FOR FISCAL YEAR 1982-1983

## TABLE OF CONTENTS

		PAGE	31 USC Sec.
Sec. 1.	Authorization of Appropriations .....	3-7	3302
Sec. 2.	Authority to Retain Certain Amounts Received .....	3-8	3302
Sec. 3.	Authority to Transfer Certain Amounts to Other Agencies .....	3-9	
Sec. 4.	Limitation on Spending Authority .....	3-9	
Sec. 5.	Authority to Issue Licenses in Absence of Emergency Preparedness Plans .....	3-9	
Sec. 6.	Nuclear Safety Goals .....	3-9	
Sec. 7.	Loss-of-Fluid Test Facility .....	3-9	
Sec. 8.	Nuclear Data Link .....	3-9	
Sec. 9.	Interim Consolidation of Offices .....	3-10	
		<b>PAGE</b>	<b>42 USC Sec.</b>
Sec. 10.	Three Mile Island .....	3-10	2011
Sec. 11.	Temporary Operating Licenses .....	3-11	2133
Sec. 12.	Operating License Amendment Hearings .....	3-13	2239
Sec. 13.	Quality Assurance .....	3-14	5841
Sec. 14.	Limitation on Use of Special Nuclear Material .....	3-15	2014
Sec. 15.	Resident Inspectors .....	3-15	
Sec. 16.	Sabotage of Nuclear Facilities or Fuel .....	3-16	
Sec. 17.	Department of Energy Information .....	3-16	
Sec. 18.	Standards and Requirements under Section 275 .....	3-17	2022
Sec. 19.	Agreement States .....	3-18	2021
Sec. 20.	Amendment to Section 84 .....	3-19	2014
Sec. 21.	Edgemont .....	3-19	7912
Sec. 22.	Additional Amendments to Sections 84 and 275 .....	3-20	2114
Sec. 23.	Uranium Supply .....	3-20	2210(b)
Sec. 170B.	Uranium Supply .....	3-21	2021

**NRC AUTHORIZATION ACT FOR FISCAL YEAR  
1982-1983**

Public Law 97-415

96 Stat. 2067

Jan. 4, 1983

**An Act**

To authorize appropriations to the Nuclear Regulatory Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and section 305 of the Energy Reorganization Act of 1974, as amended, and for other purposes.

Nuclear Regulatory  
Commission

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

Appropriations.

**Section 1. AUTHORIZATION OF APPROPRIATIONS**

(a) There are hereby authorized to be appropriated to the Nuclear Regulatory Commission in accordance with the provisions of section 261 of the Atomic Energy Act of 1954 (42 USC 2017) and section 305 of the Energy Reorganization Act of 1974 (42 USC 5875), for the fiscal years 1982 and 1983 to remain available until expended, \$485,200,000 for fiscal year 1982 and \$513,100,000 for fiscal year 1983 to be allocated as follows:

(1) Not more than \$80,700,000 for fiscal year 1982 and \$77,000,000 for fiscal year 1983 may be used for "Nuclear Reactor Regulation", of which an amount not to exceed \$1,000,000 is authorized each such fiscal year to be used to accelerate the effort in gas-cooled thermal reactor preapplication review, and an amount not to exceed \$6,000,000 is authorized each such fiscal year to be used for licensing review work for a fast breeder reactor plant project. In the event of a termination of such breeder reactor project, any unused amount appropriated pursuant to this paragraph for licensing review work for such project may be used only for safety technology activities.

(2) Not more than \$62,900,000 for fiscal year 1982 and \$69,850,000 for fiscal year 1983 may be used for "Inspection and Enforcement."

(3) Not more than \$42,000,000 for fiscal year 1982 and \$47,059,600 for fiscal year 1983 may be used for "Nuclear Material Safety and Safeguards."

(4) Not more than \$240,300,000 for fiscal year 1982 and \$257,195,600 for fiscal year 1983 may be used for "Nuclear Regulatory Research", of which—

(A) an amount not to exceed \$3,500,000 for fiscal year 1982 and \$4,500,000 for fiscal year 1983 is authorized to be used to accelerate the effort in gas-cooled thermal reactor safety research;

(B) an amount not to exceed \$18,000,000 is authorized each such fiscal year to be used for fast breeder reactor safety research; and



(C) an amount not to exceed \$57,000,000 is authorized for such two fiscal year period to be used for the Loss-of-Fluid Test Facility research program.

In the event of a termination of the fast breeder reactor plant project, any unused amount appropriated pursuant to this paragraph for fast breeder reactor safety research may be used generally for "Nuclear Regulatory Research".

(5) Not more than \$21,900,000 for fiscal year 1982 and \$20,197,800 for fiscal year 1983 may be used for "Program Technical Support".

(6) Not more than \$37,400,000 for fiscal year 1982 and \$41,797,000 for fiscal year 1983 may be used for "Program Direction and Administration."

Grants and cooperative agreements.

(b) The Nuclear Regulatory Commission may use not more than 1 percent of the amounts authorized to be appropriated under subsection (a)(4) to exercise its authority under section 31 a. of the Atomic Energy Act of 1954 (42 USC 2051(a)) to enter into grants and cooperative agreements with universities pursuant to such section. Grants made by the Commission shall be made in accordance with the Federal Grant and Cooperative Agreement Act of 1977 (41 USC 501 et seq.) and other applicable law. In making such grants and entering into such cooperative agreements, the Commission shall endeavor to provide appropriate opportunities for universities in which the student body has historically been predominantly comprised of minority groups.

Reallocated funds.

(c) Any amount appropriated for a fiscal year to the Nuclear Regulatory Commission pursuant to any paragraph of subsection (a) for purposes of the program office referred to in such paragraph, or any activity that is within such program office and is specified in such paragraph, may be reallocated by the Commission for use in a program office, except that the amount available from appropriations for such fiscal year for use in any program office or specified activity may not, as a result of reallocations made under this subsection, be increased or reduced by more than \$500,000 unless—

Notification of congressional committees

(1) a period of 30 calendar days (excluding any day in which either House of Congress is not in session because of an adjournment of more than 3 calendar days to a day certain or an adjournment sine die) passes after the receipt, by the Committee on Energy and Commerce and the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Environment and Public Works of the Senate, of notice submitted by the Commission containing a full and complete statement of the reallocation proposed to be made and the facts and circumstances relied upon in support of such proposed reallocation; or

(2) each such committee, before the expiration of such period, transmits to the Commission a written notification that such committee does not object to such proposed reallocation.

## **Sec. 2. AUTHORITY TO RETAIN CERTAIN AMOUNTS RECEIVED**

*Ante*, p. 948.  
31 USC 3302.

Moneys received by the Nuclear Regulatory Commission for the cooperative nuclear research program and the material access authorization program may be retained and used for salaries and expenses associated with such programs, notwithstanding the provisions of section

3617 of the Revised Statutes (31 USC 484), and shall remain available until expended.

**Sec. 3. AUTHORITY TO TRANSFER CERTAIN AMOUNTS TO OTHER AGENCIES**

From amounts appropriated to the Nuclear Regulatory Commission pursuant to section 1(a), the Commission may transfer to other agencies of the Federal Government sums for salaries and expenses for the performance by such agencies of activities for which such appropriations of the Commission are made. Any sums so transferred may be merged with the appropriation of the agency to which such sums are transferred.

**Sec. 4. LIMITATION ON SPENDING AUTHORITY**

Notwithstanding any other provision of this Act, no authority to make payments under this Act shall be effective except to such extent or in such amounts as are provided in advance in appropriation Acts.

**Sec. 5. AUTHORITY TO ISSUE LICENSES IN ABSENCE OF EMERGENCY PREPAREDNESS PLANS**

*Post, p 2071.*

Of the amounts authorized to be appropriated under section 1, the Nuclear Regulatory Commission may use such sums as may be necessary, in the absence of a State or local emergency preparedness plan which has been approved by the Federal Emergency Management Agency, to issue an operating license (including a temporary operating license under section 192 of the Atomic Energy Act of 1954, as amended by section 11 of this Act) for a nuclear power reactor, if it determines that there exists a State, local, or utility plan which provides reasonable assurance that public health and safety is not endangered by operation of the facility concerned.

**Sec. 6. NUCLEAR SAFETY GOALS**

Funds authorized to be appropriated under this Act shall be used by the Nuclear Regulatory Commission to expedite the establishment of safety goals for nuclear reactor regulation. The development of such safety goals, and any accompanying methodologies for the application of such safety goals, should be expedited to the maximum extent practicable to permit establishment of a safety goal by the Commission not later than December 31, 1982.

**Sec. 7. LOSS-OF-FLUID TEST FACILITY**

Of the amounts authorized to be used for the Loss-of-Fluid Test Facility in accordance with section 1(a)(4) for fiscal years 1982 and 1983, the Commission shall provide funding through contract with the organization responsible for the Loss-of-Fluid Test operations for a detailed technical review and analysis of research results obtained from the Loss-of-Fluid Test Facility research program. The contract shall provide funding for not more than twenty man-years in each of fiscal years 1982 and 1983 to conduct the technical review and analysis.

**Sec. 8. NUCLEAR DATA LINK**

(a) Of the amounts authorized to be appropriated under this Act for the fiscal years 1982 and 1983, not more than \$200,000 is authorized to be used by the Nuclear Regulatory Commission for—

- (1) the acquisition (by purchase, lease, or otherwise) and installation of equipment to be used for the "small test prototype nuclear data link" program or for any other program for the collection and transmission to the Commission of data from licensed nuclear reactors during abnormal conditions at such reactors; and

Study and analysis

(2) the conduct of a full and complete study and analysis of—

(A) the appropriate role of the Commission during abnormal conditions at a nuclear reactor licensed by the Commission;

(B) the information which should be available to the Commission to enable the Commission to fulfill such role and to carry out other related functions;

(C) various alternative means of assuring that such information is available to the Commission in a timely manner; and

(D) any changes in existing Commission authority necessary to enhance the Commission response to abnormal conditions at a nuclear reactor licensed by the Commission.

The small test prototype referred to in paragraph (1) may be used by the Commission in carrying out the study and analysis under paragraph (2). Such analysis shall include a cost-benefit analysis of each alternative examined under subparagraph (C).

Report to Congress.

(b)(1) Upon completion of the study and analysis required under subsection (a)(2), the Commission shall submit to Congress a detailed report setting forth the results of such study and analysis.

Commission action, notification of congressional committees

(2) The Commission may not take any action with respect to any alternative described in subsection (a)(2)(C), unless a period of 60 calendar days (excluding any day in which either House of Congress is not in session because of an adjournment of more than 3 calendar days to a day certain or an adjournment sine die) passes after the receipt, by the Committee on Energy and Commerce and the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Environment and Public Works of the Senate, of notice submitted by the Commission containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action.

#### **Sec. 9. INTERIM CONSOLIDATION OF OFFICES**

(a) Of the amounts authorized to be appropriated pursuant to paragraph 6 of section 1(a), such sums as may be necessary shall be available for interim consolidation of Nuclear Regulatory Commission headquarters staff offices.

(b) No amount authorized to be appropriated under this Act may be used, in connection with the interim consolidation of Nuclear Regulatory Commission offices, to relocate the offices of members of the Commission outside the District of Columbia.

#### **Sec. 10. THREE MILE ISLAND**

(a) No part of the funds authorized to be appropriated under this Act may be used to provide assistance to the General Public Utilities Corporation for purposes of the decontamination, cleanup, repair, or rehabilitation of facilities at Three Mile Island Unit 2.

42 USC 2011 note.

(b) The prohibition contained in subsection (a) shall not relate to the responsibilities of the Nuclear Regulatory Commission for monitoring or inspection of the decontamination, cleanup, repair, or rehabilitation activities at Three Mile Island and such prohibition shall not apply to the use of funds by the Nuclear Regulatory Commission to carry out regulatory functions of the Commission under the Atomic Energy Act of 1954 with respect to the facilities at Three Mile Island.

42 USC 5877 note. (c) The Nuclear Regulatory Commission shall include in its annual report to the Congress under section 307(c) of the Energy Reorganization Act of 1974 (42 USC 5877(c)) as a separate chapter a description of the collaborative efforts undertaken, or proposed to be undertaken, by the Commission and the Department of Energy with respect to the decontamination, cleanup, repair, or rehabilitation of facilities at Three Mile Island Unit 2.

(d) No funds authorized to be appropriated under this Act may be used by the Commission to approve any willful release of "accident-generated water", as defined by the Commission in NUREG-0683 ("Final Programmatic Environmental Impact Statement" pg.1-23), from Three Mile Island Unit 2 into the Susquehanna River or its watershed.

#### Sec. 11. TEMPORARY OPERATING LICENSES

Section 192 of the Atomic Energy Act of 1954 (42 USC 2242) is amended to read as follows:

##### SEC. 192. TEMPORARY OPERATING LICENSE.—

42 USC 2133.

42 USC 2134.

Post, p. 2073.

Initial petition.

Affidavits.

Publication in

Federal Register.

a. In any proceeding upon an application for an operating license for a utilization facility required to be licensed under section 103 or 104 b. of this Act, in which a hearing is otherwise required pursuant to section 189 a., the applicant may petition the Commission for a temporary operating license for such facility authorizing fuel loading, testing, and operation at a specific power level to be determined by the Commission, pending final action by the Commission on the application. The initial petition for a temporary operating license for each such facility, and any temporary operating license issued for such facility based upon the initial petition, shall be limited to power levels not to exceed 5 percent of rated full thermal power. Following issuance by the Commission of the temporary operating license for each such facility, the licensee may file petitions with the Commission to amend the license to allow facility operation in staged increases at specific power levels, to be determined by the Commission, exceeding 5 percent of rated full thermal power. The initial petition for a temporary operating license for each such facility may be filed at any time after the filing of: (1) the report of the Advisory Committee on Reactor Safeguards required by section 192b.; (2) the filing of the initial Safety Evaluation Report by the Nuclear Regulatory Commission staff and the Nuclear Regulatory Commission staff's first supplement to the report prepared in response to the report of the Advisory Committee on Reactor Safeguards for the facility; (3) the Nuclear Regulatory Commission staff's final detailed statement on the environmental impact of the facility prepared pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 USC 4332(2)(C)); and (4) a State, local, or utility emergency preparedness plan for the facility. Petitions for the issuance of a temporary operating license, or for an amendment to such a license allowing operation at a specific power level greater than that authorized in the initial temporary operating license, shall be accompanied by an affidavit or affidavits setting forth the specific facts upon which the petitioner relies to justify issuance of the temporary operating license or the amendment thereto. The Commission shall publish notice of each such petition in the Federal Register and in such trade or news publications as the Commission deems appropriate to give reasonable notice to persons who might have a potential interest in the grant of such temporary operating license or

amendment thereto. Any person may file affidavits or statements in support of, or in opposition to, the petition within thirty days after the publication of such notice in the Federal Register.

b. With respect to any petition filed pursuant to subsection a. of this section, the Commission may issue a temporary operating license, or amend the license to authorize temporary operation at each specific power level greater than that authorized in the initial temporary operating license, as determined by the Commission, upon finding that—

(1) in all respects other than the conduct or completion of any required hearing, the requirements of law are met;

(2) in accordance with such requirements, there is reasonable assurance that operation of the facility during the period of the temporary operating license in accordance with its terms and conditions will provide adequate protection to the public health and safety and the environment during the period of temporary operation; and

(3) denial of such temporary operating license will result in delay between the date on which construction of the facility is sufficiently completed, in the judgment of the Commission, to permit issuance of the temporary operating license, and the date when such facility would otherwise receive a final operating license pursuant to this Act.

The temporary operating license shall become effective upon issuance and shall contain such terms and conditions as the Commission may deem necessary, including the duration of the license and any provision for the extension thereof. Any final order authorizing the issuance or amendment of any temporary operating license pursuant to this section shall recite with specificity the facts and reasons justifying the findings under this subsection, and shall be transmitted upon such issuance to the Committees on Interior and Insular Affairs and Energy and Commerce of the House of Representatives and the Committee on Environment and Public Works of the Senate. The final order of the Commission with respect to the issuance or amendment of a temporary operating license shall be subject to judicial review pursuant to chapter 158 of title 28, United States Code. The requirements of section 189a. of this Act with respect to the issuance or amendment of facility licenses shall not apply to the issuance or amendment of a temporary operating license under this section.

c. Any hearing on the application for the final operating license for a facility required pursuant to section 189a. shall be concluded as promptly as practicable. The Commission shall suspend the temporary operating license if it finds that the applicant is not prosecuting the application for the final operating license with due diligence. Issuance of a temporary operating license under subsection b. of this section shall be without prejudice to the right of any party to raise any issue in a hearing required pursuant to section 189a.; and failure to assert any ground for denial or limitation of a temporary operating license shall not bar the assertion of such ground in connection with the issuance of a subsequent final operating license. Any party to a hearing required pursuant to section 189a. on the final operating license for a facility for which a temporary operating license has been issued under subsection b., and any member of the Atomic Safety and Licensing Board conducting such hearing, shall promptly notify the Commission of any information indicating that the terms and conditions of the temporary operating license are not being met,

Final order,  
transmittal to  
congressional  
committees.

Judicial review.

28 USC 2341 *et*  
*seq.*  
*Post*, p. 2073.  
Hearing.

*Infra*

or that such terms and conditions are not sufficient to comply with the provisions of paragraph (2) of subsection b.

d. The Commission is authorized and directed to adopt such administrative remedies as the Commission deems appropriate to minimize the need for issuance of temporary operating licenses pursuant to this section.

Expiration date. e. The authority to issue new temporary operating licenses under this section shall expire on December 31, 1983.

**Sec. 12. OPERATING LICENSE AMENDMENT HEARINGS**

(a) Section 189a. of the Atomic Energy Act of 1954 (42 USC 2239(a)) is amended—

(1) by inserting "(1)" after the subsection designation; and

(2) by adding at the end thereof the following new paragraph:

(2)(A) The Commission may issue and make immediately effective any amendment to an operating license, upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person. Such amendment may be issued and made immediately effective in advance of the holding and completion of any required hearing. In determining under this section whether such amendment involves no significant hazards consideration, the Commission shall consult with the State in which the facility involved is located. In all other respects such amendment shall meet the requirements of this Act.

Notice of publication.

(B) The Commission shall periodically (but not less frequently than once every thirty days) publish notice of any amendments issued, or proposed to be issued, as provided in subparagraph (A). Each such notice shall include all amendments issued, or proposed to be issued, since the date of publication of the last such periodic notice. Such notice shall, with respect to each amendment or proposed amendment (i) identify the facility involved; and (ii) provide a brief description of such amendment. Nothing in this subsection shall be construed to delay the effective date of any amendment.

Regulations establishing standards, criteria, and procedures.

(C) The Commission shall, during the ninety-day period following the effective date of this paragraph, promulgate regulations establishing (i) standards for determining whether any amendment to an operating license involves no significant hazards consideration; (ii) criteria for providing or, in emergency situations, dispensing with prior notice and reasonable opportunity for public comment on any such determination, which criteria shall take into account the exigency of the need for the amendment involved; and (iii) procedures for consultation on any such determination with the State in which the facility involved is located.

42 USC 2239 note.

(b) The authority of the Nuclear Regulatory Commission, under the provisions of the amendment made by subsection (a), to issue and to make immediately effective any amendment to an operating license shall take effect upon the promulgation by the Commission of the regulations required in such provisions.

**Sec. 13. QUALITY ASSURANCE**

42 USC 5841 note.  
Resident inspector  
program.

(a) The Nuclear Regulatory Commission is authorized and directed to implement and accelerate the resident inspector program so as to assure the assignment of at least one resident inspector by the end of fiscal year 1982 at each site at which a commercial nuclear power plant is under construction and construction is more than 15 percent complete. At each such site at which construction is not more than 15 percent complete, the Commission shall provide that such inspection personnel as the Commission deems appropriate shall be physically present at the site at such times following issuance of the construction permit as may be necessary in the judgment of the Commission.

Commercial  
nuclear power plant  
construction, study.

(b) The Commission shall conduct a study of existing and alternative programs for improving quality assurance and quality control in the construction of commercial nuclear powerplants. In conducting the study, the Commission shall obtain the comments of the public, licensees of nuclear powerplants, the Advisory Committee on Reactor Safeguards, and organizations comprised of professionals having expertise in appropriate fields. The study shall include an analysis of the following:

(1) providing a basis for quality assurance and quality control, inspection, and enforcement actions through the adoption of an approach which is more prescriptive than that currently in practice for defining principal architectural and engineering criteria for the construction of commercial nuclear powerplants;

(2) conditioning the issuance of construction permits for commercial nuclear powerplants on a demonstration by the licensee that the licensee is capable of independently managing the effective performance of all quality assurance and quality control responsibilities for the power plant;

(3) evaluations, inspections, or audits of commercial nuclear power plant construction by organizations comprised of professionals having expertise in appropriate fields which evaluations, inspections, or audits are more effective than those under current practice;

(4) improvement of the Commission's organization, methods, and programs for quality assurance development, review, and inspection; and

(5) conditioning the issuance of construction permits for commercial nuclear power plants on the permittee entering into contracts or other arrangements with an independent inspector to audit the quality assurance program to verify quality assurance performance.

Independent  
inspector.

For purposes of paragraph (5), the term "independent inspector" means a person or other entity having no responsibility for the design or construction of the plant involved. The study shall also include an analysis of quality assurance and quality control programs at representative sites at which such programs are operating satisfactorily and an assessment of the reasons therefor.

42 USC 2011 note.

(c) For purposes of—

(1) determining the best means of assuring that commercial nuclear powerplants are constructed in accordance with the applicable safety requirements in effect pursuant to the Atomic Energy Act of 1954; and

(2) assessing the feasibility and benefits of the various means listed in subsection (b);

Pilot program. the Commission shall undertake a pilot program to review and evaluate programs that include one or more of the alternative concepts identified in subsection (b) for the purposes of assessing the feasibility and benefits of their implementation. The pilot program shall include programs that use independent inspectors for auditing quality assurance responsibilities of the licensee for the construction of commercial nuclear powerplants, as described in paragraph (5) of subsection (b). The pilot program shall include at least three sites at which commercial nuclear powerplants are under construction. The Commission shall select at least one site at which quality assurance and quality control programs have operated satisfactorily, and at least two sites with remedial programs underway at which major construction, quality assurance, or quality control deficiencies (or any combination thereof) have been identified in the past. The Commission may require any changes in existing quality assurance and quality control organizations and relationships that may be necessary at the selected sites to implement the pilot program.

Study results, submittal to Congress. (d) Not later than fifteen months after the date of the enactment of this Act, the Commission shall complete the study required under subsection (b) and submit to the United States Senate and House of representatives a report setting forth the results of the study. The report shall include a brief summary of the information received from the public and from other persons referred to in subsection (b) and a statement of the Commission's response to the significant comments received. The report shall also set forth in analysis of the results of the pilot program required under subsection (c). The report shall be accompanied by the recommendations of the Commission, including any legislative recommendations, and a description of any administrative actions that the Commission has undertaken or intends to undertake, for improving quality assurance and quality control programs that are applicable during the construction of nuclear powerplants.

#### **Sec. 14. LIMITATION ON USE OF SPECIAL NUCLEAR MATERIAL**

42 USC 2014. Section 57 of the Atomic Energy Act of 1954 (42 USC 2077) is amended by adding at the end thereof the following new subsection:  
42 USC 2133. e. Special nuclear material, as defined in section 11, produced in facilities licensed under section 103 or 104 may not be transferred, reprocessed, used, or otherwise made available by any instrumentality of  
42 USC 2134. the United States or any other person for nuclear explosive purposes.

#### **Sec. 15. RESIDENT INSPECTORS**

Report to Congress. Of the amounts authorized to be appropriated under section 1, the Nuclear Regulatory Commission shall use such sums as may be necessary to conduct a study of the financial hardships incurred by resident inspectors as a result of (1) regulations of the Commission requiring resident inspectors to relocate periodically from one duty station to another; and (2) the requirements of the Commission respecting the domicile of resident inspectors and respecting travel between their domicile and duty station in such manner as to avoid the appearance of a conflict of interest. Not later than 90 days after the date of the enactment of this Act, the Commission shall submit to the Congress a report setting forth the findings of the Commission as a result of such study, together with a legislative proposal (including any supporting data or information)



relating to any assistance for resident inspectors determined by the Commission to be appropriate.

**Sec. 16. SABOTAGE OF NUCLEAR FACILITIES OR FUEL**

Section 236 of the Atomic Energy Act of 1954 (42 USC 2284) is amended to read as follows:

**SEC. 236. SABOTAGE OF NUCLEAR FACILITIES OR FUEL.—**

a. Any person who intentionally and willfully destroys or causes physical damage to, or who intentionally and willfully attempts to destroy or cause physical damage to—

(1) any production facility or utilization facility licensed under this Act;

(2) any nuclear waste storage facility licensed under this Act; or

(3) any nuclear fuel for such a utilization facility, or any spent nuclear fuel from such a facility;

shall be fined not more than \$10,000 or imprisoned for not more than ten years, or both.

Penalties.

b. Any person who intentionally and willfully causes or attempts to cause an interruption of normal operation of any such facility through the unauthorized use of or tampering with the machinery, components, or controls of any such facility, shall be fined not more than \$10,000 or imprisoned for not more than ten years, or both.

**Sec. 17. DEPARTMENT OF ENERGY INFORMATION**

95 Stat. 1169.

(a) Section 148a.(1) of the Atomic Energy Act of 1954 (42 USC 2168(a)(1)) is amended by inserting after "Secretary)" the following: ", with respect to atomic energy defense programs,"

(b) Section 148 of the Atomic Energy Act of 1954 (42 USC 2168) is amended by adding at the end thereof the following new subsections:

Judicial review.

d. Any determination by the Secretary concerning the applicability of this section shall be subject to judicial review pursuant to section 552(a)(4)(B) of title 5, United States Code.

Quarterly report.

e. The Secretary shall prepare on a quarterly basis a report to be made available upon the request of any interested person, detailing the Secretary's application during that period of each regulation or order prescribed or issued under this section. In particular, such report shall—

(1) identify any information protected from disclosure pursuant to such regulation or order;

(2) specifically state the Secretary's justification for determining that unauthorized dissemination of the information protected from disclosure under such regulation or order could reasonably be expected to have a significant adverse effect on the health and safety of the public or the common defense and security by significantly increasing the likelihood of illegal production of nuclear weapons, or theft, diversion, or sabotage of nuclear materials, equipment, or facilities, as specified under subsection a.; and

(3) provide justification that the Secretary has applied such regulation or order so as to protect from disclosure only the minimum amount of information necessary to protect the health and safety of the public or the common defense and security.

**Sec. 18. STANDARDS AND REQUIREMENTS UNDER SECTION 275**

- 42 USC 2022 (a) Section 275 of the Atomic Energy Act of 1954 is amended—
- 42 USC 7911. (1) by striking in subsection a. “one year after the date of enactment of this section” and substituting “October 1, 1982” and by adding the following at the end thereof: After October 1, 1982, if the Administrator has not promulgated standards in final form under this subsection, any action of the Secretary of Energy under title I of the Uranium Mill tailings Radiation Control Act of 1978 which is required to comply with, or be taken in accordance with, the standards proposed by the Administrator under this subsection until such time as the Administrator promulgates such standards in final form;
- Promulgation authority. (2) by striking in subsection b. (1) “eighteen months after the enactment of this section, the Administrator shall, by rule, promulgate” and inserting in lieu thereof the following: October 31, 1982, the Administrator shall, by rule, propose, and within 11 months thereafter promulgate in final form,;
- (3) by adding the following at the end of subsection b.(1): “If the Administrator fails to promulgate standards in final form under this subsection by October 1, 1983, the authority of the Administrator to promulgate such standards shall terminate, and the Commission may take actions under this Act without regard to any provision of this Act requiring such actions to comply with, or be taken in accordance with, standards promulgated by the Administrator. In any such case, the Commission shall promulgate, and from time to time revise, any such standards of general application which the Commission deems necessary to carry out its responsibilities in the conduct of its licensing activities under this Act. Requirements established by the Commission under this Act with respect to byproduct material as defined in section 11e.(2) shall conform to such standards. Any requirements adopted by the Commission respecting such byproduct material before promulgation by the Commission of such standards shall be amended as the Commission deems necessary to conform to such standards in the same manner as provided in subsection f.(3). Nothing in this subsection shall be construed to prohibit or suspend the implementation or enforcement by the Commission of any requirement of the Commission respecting byproduct material as defined in section 11e.(2) pending promulgation by the Commission of any such standard of general application.;
- 42 USC 2014 (4) by adding the following new subsection at the end thereof:
- Uranium mill licensing requirement regulations Implementation and enforcement f. (1) Prior to January 1, 1983, the Commission shall not implement or enforce the provisions of the Uranium Mill Licensing Requirements published as final rules at 45 Federal Register 65521 to 65538 on October 3, 1980 (hereinafter referred to as the “October 3 regulations”). After December 31, 1982, the Commission is authorized to implement and enforce the provisions of such October 3 regulations (and any subsequent modifications or additions to such regulations which may be adopted by the Commission), except as otherwise provided in paragraphs (2) and (3) of this subsection.
- Review, public comment, and suspension. (2) Following the proposal by the Administrator of standards under subsection b., the Commission shall review the October 3 regulations, and, not later than 90 days after the date of such proposal, suspend implementation and enforcement of any provision of such

regulations which the Commission determines after notice and opportunity for public comment to require a major action or major commitment by licensees which would be unnecessary if-

(A) the standards proposed by the Administrator are promulgated in final form without modification, and

(B) the Commission's requirements are modified to conform to such standards.

Such suspension shall terminate on the earlier of April 1, 1984 or the date on which the Commission amends the October 3 regulations to conform to final standards promulgated by the Administrator under subsection b. During the period of such suspension, the Commission shall continue to regulate byproduct material (as defined in section 11 e. (2)) under this Act on a licensee-by-licensee basis as the Commission deems necessary to protect public health, safety, and the environment.

(3) Not later than 6 months after the date on which the Administrator promulgates final standards pursuant to subsection b. of this section, the Commission shall, after notice and opportunity for public comment, amend the October 3 regulations, and adopt such modifications, as the Commission deems necessary to conform to such final standards of the Administrator.

(4) Nothing in this subsection may be construed as affecting the authority or responsibility of the Commission under section 84 to promulgate regulations to protect the public health and safety and the environment.

(b)(1) Section 108(a) of the Uranium Mill Tailings Radiation Control Act of 1978 is amended by adding the following new paragraph at the end thereof:

(3) Notwithstanding paragraphs (1) and (2) of this subsection, after October 31, 1982, if the Administrator has not promulgated standards under section 275 a. of the Atomic Energy Act of 1954 in final form by such date, remedial action taken by the Secretary under this title shall comply with the standards proposed by the Administrator under such section 275 a. until such time as the Administrator promulgates the standards in final form.

(2) The second sentence of section 108(a)(2) of the Uranium Mill tailings Radiation Control Act of 1978 is repealed.

#### **Sec. 19. AGREEMENT STATES**

(a) Section 274o. of the Atomic Energy Act of 1954 is amended by adding the following at the end thereof: "In adopting requirements pursuant to paragraph (2) of this subsection with respect to sites at which ores are processed primarily for their source material content or which are used for the disposal of byproduct material as defined in section 11e.(2), the State may adopt alternatives (including, where appropriate, site-specific alternatives) to the requirements adopted and enforced by the Commission for the same purpose if, after notice and opportunity for public hearing, the Commission determines that such alternatives will achieve a level of stabilization and containment of the sites concerned, and a level of protection for public health, safety, and the environment from radiological and nonradiological hazards associated with such sites, which is equivalent to, to the extent practicable, or more stringent than the level which would be achieved by standards and requirements adopted

42 USC 2114.

Remedial action.  
42 USC 7918

*Ante*, p. 2077  
*Post*, p. 2080.

42 USC 2014.  
42 USC 2021.

- and enforced by the Commission for the same purpose and any final standards promulgated by the Administrator of the Environmental Protection Agency in accordance with section 275. Such alternative State requirements may take into account local or regional conditions, including geology, topography, hydrology and meteorology.
- 42 USC 2022. (b) Section 204(h)(3) of the Uranium Mill Tailings Radiation Control Act of 1978 is amended by inserting the following before the period at the end thereof: *Provided, however,* That, in the case of a State which has exercised any authority under State law pursuant to an agreement entered into under section 274 of the Atomic Energy Act of 1954, the State authority over such byproduct material may be terminated, and the Commission authority over such material may be exercised, only after compliance by the Commission with the same procedures as are applicable in the case of termination of agreements under section 274j. of the Atomic Energy Act of 1954.
- 42 USC 2021 note. **Sec. 20. AMENDMENT TO SECTION 84**
- 42 USC 2021. Section 84 of the Atomic Energy Act of 1954 is amended by adding the following at the end thereof:
- 42 USC 2014. c. In the case of sites at which ores are processed primarily for their source material content or which are used for the disposal of byproduct material as defined in section 11e.(2), a licensee may propose alternatives to specific requirements adopted and enforced by the Commission under this Act. Such alternative proposals may take into account local or regional conditions, including geology, topography, hydrology and meteorology. The Commission may treat such alternatives as satisfying Commission requirements if the Commission determines that such alternatives will achieve a level of stabilization and containment of the sites concerned, and a level of protection for public health, safety, and the environment from radiological and nonradiological hazards associated with such sites, which is equivalent to, to the extent practicable, or more stringent than the level which would be achieved by standards and requirements adopted and enforced by the Commission for the same purpose and any final standards promulgated by the Administrator of the Environmental Protection Agency in accordance with section 275.
- 42 USC 2114 Alternative proposals by licensees
- 42 USC 2022. **Sec. 21. EDGEMONT**
- 42 USC 7912. Section 102(e) of the Uranium Mill Tailings Radiation Control Act of 1978 is amended by adding the following at the end thereof:
- 42 USC 7911. (3) the Secretary shall designate as a processing site within the meaning of section 101(6) any real property, or improvements thereon, in Edgemont, South Dakota, that—
- (A) is in the vicinity of the Tennessee Valley Authority uranium mill site at Edgemont (but not including such site), and
- (B) is determined by the Secretary to be contaminated with residual radioactive materials.
- 42 USC 7917. In making the designation under this paragraph, the Secretary shall consult with the Administrator, the Commission and the State of South Dakota. The provisions of this title shall apply to the site so designated in the same manner and to the same extent as to the sites designated under subsection (a) except that, in applying such provisions to such site, any reference in this title to the date of the enactment of this Act shall be treated as a reference to the date of the enactment of this paragraph and in determining the State share under section 107 of the costs of remedial

action, there shall be credited to the State, expenditures made by the State prior to the date of the enactment of this paragraph which the Secretary determines would have been made by the State or the United States in carrying out the requirements of this title.

**Sec. 22. ADDITIONAL AMENDMENTS TO SECTIONS 84 AND 275**

42 USC 2114.

(a) Section 84a (1) of the Atomic Energy Act of 1954 is amended by inserting before the comma at the end thereof the following: “, taking into account the risk to the public health, safety, and the environment, with due consideration of the economic costs and such other factors as the Commission determines to be appropriate.”.

*Ante*, p. 2077.

(b) Section 275 of the Atomic Energy Act of 1954 is amended—

(1) in subsection a., by inserting after the second sentence thereof the following new sentence: “In establishing such standards, the Administrator shall consider the risk to the public health, safety, and the environment, the environmental and economic costs of applying such standards, and such other factors as the Administrator determines to be appropriate.”; and

(2) by adding at the end of subsection b. (1) the following new sentence: “In establishing such standards, the Administrator shall consider the risk to the public health, safety, and the environment, the environmental and economic costs of applying such standards, and such other factors as the Administrator determines to be appropriate.”

**Sec. 23. URANIUM SUPPLY**

42 USC 2210b  
note.  
Comprehensive  
industry review,  
submittal to  
Congress.

(a)(1) Not later than 12 months after the date of enactment of this section, the President shall prepare and submit to the Congress a comprehensive review of the status of the domestic uranium mining and milling industry. This review shall be made available to the appropriate committees of the United States Senate and the House of Representatives.

(2) The Comprehensive review prepared for submission under paragraph (1) shall include—

(A) projections of uranium requirements and inventories of domestic utilities;

(B) present and future projected uranium production by the domestic mining and milling industry;

(C) the present and future probable penetration of the domestic market by foreign imports;

(D) the size of domestic and foreign ore reserves;

(E) present and projected domestic uranium exploration expenditures and plans;

(F) present and projected employment and capital investment in the uranium industry;

(G) an estimate of the level of domestic uranium production necessary to ensure the viable existence of a domestic uranium industry and protection of national security interests'

(H) an estimate of the percentage of domestic uranium demand which must be met by domestic uranium production through the year 2000 in order to ensure the level of domestic production estimated to be necessary under subparagraph (G);

(I) a projection of domestic uranium production and uranium price levels which will be in effect both under current policy and in the event that foreign import restrictions were enacted by

Congress in order to guarantee domestic production at the level estimated to be necessary under subparagraph (G);

(J) the anticipated effect of spent nuclear fuel reprocessing on the demand for uranium; and

(K) other information relevant to the consideration of restrictions on the importation of source material and special nuclear material from foreign sources.

(b)(1) Chapter 14 of the Atomic Energy Act of 1954 is amended by adding the following new section at the end thereof:

**SEC. 170B. URANIUM SUPPLY-**

42 USC 2210b

42 USC 2231.

Report to Congress and President.

Regulations

Proprietary information, disclosure.

Criteria.

a. The Secretary of Energy shall monitor and for the years 1983 to 1992 report annually to the Congress and to the President a determination of the viability of the domestic uranium mining and milling industry and shall establish by rule, after public notice and in accordance with the requirements of section 181 of this Act, within 9 months of enactment of this section, specific criteria which shall be assessed in the annual reports on the domestic uranium industry's viability. The Secretary of Energy is authorized to issue regulations providing for the collection of such information as the Secretary of Energy deems necessary to carry out the monitoring and reporting requirements of this section.

b. Upon a satisfactory showing to the Secretary of Energy by any person that any information, or portion thereof obtained under this section, would, if made public, divulge proprietary information of such person, the Secretary shall not disclose such information and disclosure thereof shall be punishable under section 1905 of title 18, United States Code.

c. The criteria referred to in subsection a. shall also include, but not be limited to-

(1) an assessment of whether executed contracts or options for source material or special nuclear material will result in greater than 37<sup>1</sup> 2 percent of actual or projected domestic uranium requirements for any two-consecutive-year period being supplied by source material or special nuclear material from foreign sources;

(2) projections of uranium requirements and inventories of domestic utilities for a 10 year period;

(3) present and probable future use of the domestic market by foreign imports;

(4) whether domestic economic reserves can supply all future needs for a future 10 year period;

(5) present and projected domestic uranium exploration expenditures and plans;

(6) present and projected employment and capital investment in the uranium industry;

(7) the level of domestic uranium production capacity sufficient to meet projected domestic nuclear power needs for a 10 year period; and

(8) a projection of domestic uranium production and uranium price levels which will be in effect under various assumptions with respect to imports.

Imported material, impact on domestic industry and national security.

d. The Secretary or Energy, at any time, may determine on the basis of the monitoring and annual reports required under this section that source material or special nuclear material from foreign sources is being imported in such increased quantities as to be a substantial cause of

serious injury, or threat thereof, to the United States uranium mining and milling industry. Based on that determination, the United States Trade Representative shall request that the United States International Trade Commission initiate an investigation under section 201 of the Trade Act of 1974 (19 USC 2251).

e. (1) If, during the period 1982 to 1992, the Secretary of Energy determines that executed contracts or options for source material or special nuclear material from foreign sources for use in utilization facilities within or under the jurisdiction of the United States represent greater than 37-1/2 percent of actual or projected domestic uranium requirements for any two-consecutive-year period, or if the Secretary of Energy shall request the Secretary of Commerce to initiate under section 232 of the Trade Expansion Act of 1962 (19 USC 1862) an investigation to determine the effects on the national security of imports of source material and special nuclear material. The Secretary of Energy shall cooperate fully with the Secretary of Commerce in carrying out such an investigation and shall make available to the Secretary of Commerce his findings that lead to this request and such other information that will assist the Secretary of Commerce in the conduct of the investigation.

Investigations.

(2) The Secretary of Commerce shall, in the conduct of any investigation requested by the Secretary of Energy pursuant to this section, take into account any information made available by the Secretary of Energy, including information regarding the impact on national security of projected or executed contracts or options for source material or special nuclear material from foreign sources or whether domestic production capacity is sufficient to supply projected national security requirements.

(3) No sooner than 3 years following completion of any investigation by the Secretary of Commerce under paragraph (1), if no recommendation has been made pursuant to such study for trade adjustments to assist or protect domestic uranium production, the Secretary of Energy may initiate a request for another such investigation by the Secretary of Commerce.

Approved January 4, 1983.

**NRC AUTHORIZATION ACT FOR FISCAL YEAR 1980**

**TABLE OF CONTENTS**

	<b>PAGE</b>	<b>42 USC Sec.</b>
<b>TITLE I</b>		
<b>AUTHORIZATION OF APPROPRIATIONS FOR FOR FISCAL YEAR 1980 .....</b>	<b>3-24</b>	<b>5845</b>
<b>TITLE II</b>		
<b>AMENDMENTS TO THE ATOMIC ENERGY ACT OF 1954 ..</b>	<b>3-30</b>	<b>2133</b>
<b>TITLE III</b>		
<b>OTHER PROVISIONS .....</b>	<b>3-34</b>	<b>5841</b>



**NRC AUTHORIZATION ACT FOR FISCAL YEAR 1980**

Public Law 96-295

94 Stat. 780

June 30, 1980

**An Act**

To authorize appropriations to the Nuclear Regulatory Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and section 305 of the Energy Reorganization Act of 1974, as amended, and for other purposes.

Nuclear Regulatory  
Commission

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

**TITLE I—AUTHORIZATION OF APPROPRIATIONS FOR  
FISCAL YEAR 1980**

Appropriation  
authorization.

**Sec. 101.** (a) There is hereby authorized to be appropriated to the Nuclear Regulatory Commission in accordance with the provisions of section 261 of the Atomic Energy Act of 1954 (42 USC 2017) and section 305 of the Energy Reorganization Act of 1974 (42 USC 5875), for the fiscal year 1980, the sum of \$426,821,000, to remain available until expended. Of such total amount authorized to be appropriated:

(1) not more than \$66,510,000, may be used for "Nuclear Reactor Regulation", of which an amount not to exceed \$1,000,000 is authorized to accelerate the effort in gas-cooled thermal reactor preapplication review;

(2) not more than \$42,440,000, may be used for "Inspection and Enforcement"; of the total amount appropriated for this purpose \$4,684,000 shall be available for support for 146 additional inspectors for the Resident Inspector program;

(3) not more than \$15,953,000, may be used for "Standards Development";

(4) not more than \$32,380,000, may be used for "Nuclear Material Safety and Safeguards"; of the total amount appropriated for this purpose—

(A) not less than \$60,000 shall be available only for the employment by the Commission of two qualified individuals to be assigned by the Commission for implementation of the United States International Atomic Energy Agency Safeguards Treaty, following ratification of such treaty by the United States Senate;

(B) not less than \$180,000 and six additional positions shall be included in the Division of Safeguards for the regulatory improvements of material control and accounting safeguards and the development of improved regulatory requirements for safeguarding the transportation of spent fuel; and

(C) not less than \$9,675,000 shall be available for Nuclear Waste Disposal and Management activities, including support for five additional positions in the Division of Waste Management for implementation of the Uranium Mill Tailings Radiation Control Act of 1978 (Public Law 95-604; 42 USC 7901 and following);

42 USC 5845.

(5) not more than \$213,005,000, may be used for "Nuclear Regulatory Research", of which—

(A) an amount not to exceed \$3,700,000 shall be available to accelerate the effort in gas-cooled thermal reactor safety research;

(B) an amount not to exceed \$4,400,000 shall be available for implementation of the Improved Safety Systems Research plan required by section 205(f) of the Energy Reorganization Act of 1974.

(C) an amount not to exceed \$6,700,000 shall be available for Nuclear Waste Research activities;

(6) not more than \$18,125,000, may be used for "Program Technical Support"; of the total amount appropriated for this purpose, \$4,238,000 shall be available to the Office of State Programs, including support for eight additional positions for training and assistance to State and local governments in radiological emergency response planning and operations and for review of State plans; and

(7) not more than \$38,408,000 may be used for "Program Direction and Administration"; of the total amount appropriated for this purpose, \$400,000 shall be available for support of eight additional positions in the Division of contracts, Office of Administration.

(b) No amount appropriated to the Nuclear Regulatory Commission pursuant to subsection (a) may be used for any purpose in excess of the amount expressly authorized to be appropriated therefore by paragraphs (1) through (7) of such subsection if such excess amount is greater than \$500,000, nor may the amount available from any appropriation for any purpose specified in such paragraphs be reduced by more than \$500,000, unless—

(1) a period of 45 calendar days (not including any day in which either House of Congress is not in session because of an adjournment of more than 3 calendar days to a day certain or an adjournment sine die) has passed after the receipt by the Committee on Interstate and Foreign Commerce and the Committee on Interior and Insular Affairs of the House of representatives and the Committee on Environment and Public works of the Senate of notice given by the Commission containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action, or

(2) each such Committee has, before the expiration of such period, transmitted to the Commission a written notification that there is no objection to the proposed action.

(c) No amount authorized to be appropriated by this Act may be used by the Nuclear Regulatory Commission to enter into any contract providing funds in excess of \$50,000 encompassing research, study, or technical assistance on domestic safeguards matters except as directed by the Commission, by majority vote, following receipt by the Commission of a recommendation from the Executive Director for Operations supporting the need for such contract.

(d) No amount authorized to be appropriated by this Act may be used by the Nuclear Regulatory Commission to—

(1) place any new work or substantial modification to existing work with another Federal agency, or

(2) contract for research services or modify such contract in an amount greater than \$500,000 unless such placement of work, contract or modification is approved by a Senior Contract Review Board, to be appointed by the Commission within sixty days of the date of enactment of this Act. Such Board shall be accountable to and under the direction of the Commission. If the amount of such placement, contract, or modification is \$1,000,000 or more, approval thereof shall be by majority vote of the Commission. Prior to affording any approval in accordance with the subsection, the reviewing body designated hereunder shall determine that the placement, contract, or modification contains a detailed description of work to be performed, and that alternative methods of obtaining performance including competitive procurement have been considered.

**Sec. 102.** During the fiscal year 1980, moneys received by the Nuclear Regulatory Commission for the cooperative nuclear research programs may be retained and used for salaries and expenses associated with those programs, notwithstanding the provisions of section 3617 of the Revised Statutes (31 USC 484). Such moneys shall remain available until expended.

Transfers of sums.

**Sec. 103.** During the fiscal year 1980, transfers of sums from salaries and expenses of the Nuclear Regulatory Commission may be made to other agencies of the United States Government for the performance of the work for which the appropriation is made, and in such cases of the sums to transferred may be merged with the appropriation to which transferred.

**Sec. 104.** Notwithstanding any other provision of this Act, no authority to make payments hereunder shall be effective except to such extent or in such amounts as are provided in advance in appropriation Acts.

**Sec. 105.** No amount authorized to be appropriated pursuant to this Act may be used to grant any license, permit or other authorization, or permission to any person for the transportation to, or the interim, long-term, or permanent storage of, spent nuclear fuel or high-level radioactive waste on any territory or insular possession of the United States or the Trust Territory of the Pacific Islands unless—

(1) the President submits to the Congress a report on the transfer at least 30 days before such transfer and on a day during which—

(A) both Houses of the Congress are in session, or

(B) either or both Houses are not in session because of an adjournment of three days or less to a day certain; or

(2) the President determines that an emergency situation exists with respect to such transfer and that it is in the national interest to make such transfer and the President notifies the Speaker of the House of Representatives and the President of the Senate as soon as possible of such transfer.

The provisions of this section shall not apply to the cleanup and rehabilitation of Bikini and Eniwetok Atolls.

42 USC 2133.

42 USC 2134.

**Sec. 106.** Of the amounts authorized to be appropriated pursuant to this Act, the Nuclear Regulatory Commission is authorized and directed to use such sums as may be necessary to develop a plan for agency response to accidents at a utilization facility licensed under section 103 or section 104(b) of the Atomic Energy Act of 1954. The plan required to be

developed by this section shall be forwarded to the Congress on or before September 30, 1980.

**Sec. 107.** No funds appropriated pursuant to this Act may be used for the purpose of providing for the licensing or approval of any disposal of nuclear wastes in the oceans.

Regulations.

**Sec. 108. (a)** Of the amounts authorized to be appropriated pursuant to this Act, the Nuclear Regulatory Commission is authorized and directed to use such sums as may be necessary to develop and promulgate regulations establishing demographic requirements for the siting of utilization facilities. Such regulations shall be promulgated by the Commission after notice and opportunity for hearing in accordance with section 553 of title 5 of the United States Code. For purposes of this section, the term "utilization facility" means a facility licensed under section 103 or 104(b) of the Atomic Energy Act of 1954.

Notice and hearing.

Utilization facility.  
42 USC 2133.  
42 USC 2134.

**(b)** The regulations promulgated pursuant to this section shall provide that no construction permit may be issued for a utilization facility to which this section applies after the date of such promulgation unless the facility complies with the requirements set forth in such regulations, except that regulations promulgated under this section shall not apply to any facility for which an application for a construction permit was filed on or before October 1, 1979.

**(c)** The regulations promulgated pursuant to this section shall specify demographic criteria for facility siting, including maximum population density and population distribution for zones surrounding the facility without regard to any design, engineering, or other differences among such facilities.

Accidental release.

**(d)** The regulations promulgated pursuant to this section shall take into account the feasibility of all actions outside the facility which may be necessary to protect public health and safety in the event of any accidental release of radioactive material from the facility which may endanger public health or safety. For purposes of this subsection, the term "accidental release" includes, but is not limited to, each potential accidental release of radioactive material which is required by the Commission to be taken into account for purposes of facility design.

Information and recommendations.

**(e)** The Commission shall provide information and recommendations to State and local land use planning authorities having jurisdiction over the zones established under the regulations promulgated pursuant to this section and over areas beyond the zones which may be affected by a radiological emergency. The information and recommendations provided under this subsection shall be designed to assist such authorities in making State and local land use decisions which may affect emergency planning in relation to utilization facilities.

**(f)** Nothing in this section shall be construed to provide that the Commission shall have any authority to preempt any State requirement relating to land use or respecting the siting of any utilization facility, except that no State or local land use or facility siting requirement relating to the same aspect of facility siting as a requirement established pursuant to this section shall have any force and effect unless such State or local requirement is identical to, or more stringent than, the requirement promulgated pursuant to this section.

**Sec. 109. (a)** Funds authorized to be appropriated pursuant to this Act may be used by the Nuclear Regulatory Commission to conduct

proceedings, and take other actions, with respect to the issuance of an operating license for a utilization facility only if the Commission determines that—

(1) there exists a State or local emergency preparedness plan which—

(A) provides for responding to accidents at the facility concerned, and

(B) as it applies to the facility concerned only, complies with the Commission's guidelines for such plans, or

(2) in the absence of a plan which satisfies the requirements of paragraph (1), there exists a State, local, or utility plan which provides reasonable assurance that public health and safety is not endangered by operation of the facility concerned.

A determination by the Commission under paragraph (1) may be made only in consultation with the Director of the Federal Emergency Management Agency. If, in any proceeding for the issuance of an operating license for a utilization facility to which this subsection applies, the Commission determines that there exists a reasonable assurance that public health and safety is endangered by operation of the facility, the Commission shall identify the risk to public health and safety and provide the applicant with a detailed statement of the reasons for such determination. For purposes of this section, the term "utilization facility" means a facility required to be licensed under section 103 or 104(b) of the Atomic Energy Act of 1954.

Utilization facility.

42 USC 2133

42 USC 2134.

(b) Of the amounts authorized to be appropriated under section 101(a), such sums as may be necessary shall be used by the Nuclear Regulatory Commission to—

Rules

(1) establish by rule—

(A) standards for State radiological emergency response plans, developed in consultation with the Director of the Federal Emergency Management Agency, and other appropriate agencies, which provide for the response to a radiological emergency involving any utilization facility,

(B) a requirement that—

(i) the Commission will issue operating licenses for utilization facilities only if the Commission determines that—

(I) there exists a State or local radiological emergency response plan which provides for responding to any radiological emergency at the facility concerned and which complies with the Commission's standards for such plans under subparagraph (A), or

(II) in the absence of a plan which satisfies the requirements of subclause (I), there exists a State, local, or utility plan which provides reasonable assurance that public health and safety is not endangered by operation of the facility concerned, and

(ii) any determination by the Commission under subclause (I) may be made only in consultation with the Director of the Federal Emergency Management Agency and other appropriate agencies, and

Review of plans

Report to  
congressional  
committees.

(C) a mechanism to encourage and assist States to comply as expeditiously as practicable with the standards promulgated under subparagraph (A) of this paragraph,

(2) review all plans and other preparations respecting such an emergency which have been made by each State in which there is located a utilization facility or in which construction of such a facility has been commenced and by each State which may be affected (as determined by the Commission) by any such emergency,

(3) assess the adequacy of the plans and other preparations reviewed under paragraph (2) and the ability of the States involved to carry out emergency evacuations during an emergency referred to in paragraph (1) and submit a report of such assessment to the appropriate committees of the Congress within 6 months of the date of the enactment of this Act.

(4) identify which, if any, of the States described in paragraph (2) do not have adequate plans and preparations for such an emergency and notify the Governor and other appropriate authorities in each such State of the respects in which such plans and preparations, if any, do not conform to the guidelines promulgated under paragraph (1), and

(5) submit a report to Congress containing (A) the results of its actions under preceding paragraphs and (B) its recommendations respecting any additional Federal statutory authority which the Commission deems necessary to provide that adequate plans and preparations for such radiological emergencies are in effect for each State described in paragraph (2).

(c) In carrying out its review and assessment under subsection (b)(2) and (3) and in submitting its report under subsection (a)(5), the Commission shall include a review and assessment, with respect to each utilization facility and each site for which a construction permit has been issued for such a facility, of the emergency response capability of State and local authorities and of the owner or operator (or proposed owner or operator) of such facility. Such review and assessment shall include a determination by the Commission of the maximum zone in the vicinity of each such facility for which evacuation of individuals is feasible at various different times corresponding to the representative warning times for various different types of accidents.

42 USC 2133.  
42 USC 2134

**Sec. 110.** (a) Of the amounts authorized to be appropriated pursuant to section 101(a), such sums as may be necessary shall be used by the Nuclear Regulatory Commission to develop, submit to the Congress, and implement, as soon as practicable after notice and opportunity for public comment, a comprehensive plan for the systematic safety evaluation of all currently operating utilization facilities required to be licensed under section 103 or section 104(b) of the Atomic Energy Act of 1954.

(b) The plan referred to in subsection (a) shall include—

(1) the identification of each current rule and regulation compliance with which the Commission specifically determines to be of particular significance to the protection of the public health and safety;

(2) a determination by the Commission of the extent to which each operating facility complies with each rule and regulation identified under paragraph (2) of this subsection, including an indication of

where such compliance was achieved by use of Division 1 regulatory guides and staff technical positions and where compliance was achieved by equivalent means;

(3) a list of the generic safety issues set forth in NUREG 0410 (including categories A, B, C, and D) for which technical solutions have been developed;

(4) a determination by the Commission of which technical solutions for generic safety issues identified in paragraph (3) of this subsection should be incorporated into the Commission's rules and regulations; and

(5) a schedule for developing a technical solution to those generic safety issues listed in NUREG 0410 which have not yet been technically resolved.

(c) Not later than 90 days from the date of enactment of this Act, the Commission shall report to the Congress on the status of efforts to carry out subsection (a).

## TITLE II--AMENDMENTS TO THE ATOMIC ENERGY ACT OF 1954

42 USC 2133.

**Sec. 201.** (a) Section 103 of the Atomic Energy Act of 1954 is amended by adding at the end thereof the following new subsection:

42 USC 2134.

f. Each license issued for a utilization facility under this section or section 104b. shall require as a condition thereof that in case of any accident which could result in an unplanned release of quantities of fission products in excess of allowable limits for normal operation established by the Commission, the licensee shall immediately so notify the Commission. Violation of the condition prescribed by this subsection may, in the Commission's discretion, constitute grounds for license revocation. In accordance with section 187 of this Act, the Commission shall promptly amend each license for a utilization facility issued under this section or section 104b. which is in effect on the date of enactment of this subsection to include the provisions required under this subsection.

42 USC 2237.

**Sec. 202** (a) Chapter 18 of the Atomic Energy Act of 1954 is amended by adding the following new section at the end thereof:

42 USC 2283.

**Sec. 235. Protection of Nuclear Inspectors.--**

a. Whoever kills any person who performs any inspections which--

(1) are related to any activity or facility licensed by the Commission, and

42 USC 2133.

42 USC 2134.

(2) are carried out to satisfy requirements under this Act or under any other Federal law governing the safety of utilization facilities required to be licensed under section 103 or 104b., or the safety of radioactive materials, shall be punished as provided under sections 1111 and 1112 of title 18, United States Code. The preceding sentence shall be applicable only if such person is killed while engaged in the performance of such inspection duties or on account of the performance of such duties.

b. Whoever forcibly assaults, resists, opposes, impedes, intimidates, or interferes with any person who performs inspections as described under subsection a. of this section, while such person is engaged in such inspection duties or on account of the performance of such duties, shall be punished as provided under section 111 of title 18, United States Code.

- (b) The table of contents for chapter 18 of the Atomic Energy Act of 1954 is amended by adding the following new item at the end thereof:  
 Sec. 235. Protection of nuclear inspectors.
- 42 USC 2273. Sec. 203. Section 223 of the Atomic Energy Act of 1954 is amended by striking out "Whoever" and substituting:  
 a. Whoever  
 and by adding at the end thereof the following:  
 b. Any individual director, officer, or employee of a firm constructing, or supplying the components of any utilization facility required to be licensed under section 103 or 104 b. of this Act who by act or omission, in connection with such construction or supply, knowingly and willfully violates or causes to be violated, any section of this Act, any rule, regulation, or order issued thereunder, or any license condition, which violation results, or if undetected could have resulted, in a significant impairment of a basic component of such a facility shall, upon conviction, be subject to a fine of not more than \$25,000 for each day of violation, or to imprisonment not to exceed two years, or both. If the conviction is for a violation committed after a first conviction under this subsection, punishment shall be a fine of not more than \$50,000 per day of violation, or imprisonment for not more than two years, or both. For the purposes of this subsection, the term 'basic component' means a facility structure, system, component or part thereof necessary to assure--  
 (1) the integrity of the reactor coolant pressure boundary,  
 (2) the capability to shut-down the facility and maintain it in a safe shut-down condition, or  
 (3) the capability to prevent or mitigate the consequences of accidents which could result in an unplanned offsite release of quantities of fission products in excess of the limits established by the Commission.
- Basic component
- 42 USC 2133. The provisions of this subsection shall be prominently posted at each site where a utilization facility required to be licensed under section 103 or 42 USC 2134. 104b. of this Act is under construction and on the premises of each plant where components for such a facility are fabricated.
- 42 USC 2284. Sec. 204. (a) The Atomic Energy Act of 1954 is amended by adding the following new section after section 234:  
 Sec. 236. Sabotage of Nuclear Facilities or Fuel.--  
 Any person who intentionally and willfully destroys or causes physical damage to, or who intentionally and willfully attempts to destroy or cause physical damage to--  
 (1) any production facility or utilization facility licensed under this Act,  
 (2) any nuclear waste storage facility licensed under this Act,  
 (3) any nuclear fuel for such a utilization facility, or any spent nuclear fuel from such a facility,  
 shall be fined not more than \$10,000 or imprisoned for not more than ten years, or both.
- 42 USC 2021. (b) The table of contents for such Act is amended by inserting the following new item after the item relating to section 234:  
 Sec. 236. Sabotage of nuclear facilities or fuel.  
 Sec. 205. Section 274j. of the Atomic Energy Act of 1954 is amended by inserting "(1)" after "j." and by adding the following at the end thereof:



(2) The Commission, upon its own motion or upon request of the Governor of any State, may, after notifying the Governor, temporarily suspend all or part of its agreement with the State without notice or hearing if, in the judgment of the Commission:

(A) an emergency situation exists with respect to any material covered by such an agreement creating danger which requires immediate action to protect the health or safety of persons either within or outside the State, and

(B) the State has failed to take steps necessary to contain or eliminate the cause of the danger within a reasonable time after the situation arose.

A temporary suspension under this paragraph shall remain in effect only for such time as the emergency situation exists and shall authorize the Commission to exercise its authority only to the extent necessary to contain or eliminate the danger.

42 USC 2282.

**Sec. 206.** The first sentence of section 234a. of the Atomic Energy Act of 1954 is amended by striking all that follows "exceed" the first time it appears and inserting in lieu thereof the following: \$100,000 for each such violation.

**Sec. 207 (a)(1)** The Atomic Energy Act of 1954 is amended by inserting the following new section immediately after section 146:

42 USC 2167.  
Regulations.

**Sec. 147. Safeguards Information.—**

a. In addition to any other authority or requirement regarding protection from disclosure of information, and subject to subsection (b)(3) of section 552 of title 5 of the United States Code, the Commission shall prescribe such regulations, after notice and opportunity for public comment, or issue such orders, as necessary to prohibit the unauthorized disclosure of safeguards information which specifically identifies a licensee's or applicant's detailed—

(1) control and accounting procedures or security measures (including security plans, procedures, and equipment) for the physical protection of special nuclear material, by whomever possessed, whether in transit or at fixed sites, in quantities determined by the Commission to be significant to the public health and safety or the common defense and security;

(2) security measures (including security plans, procedures, and equipment) for the physical protection of source material or byproduct material, by whomever possessed, whether in transit or at fixed sites, in quantities determined by the Commission to be significant to the public health and safety or the common defense and security; or

(3) security measures (including security plans, procedures, and equipment) for the physical protection of and the location of certain plant equipment vital to the safety of production or utilization facilities involving nuclear materials covered by paragraphs (1) and (2)

if the unauthorized disclosure of such information could reasonably be expected to have a significant adverse effect on the health and safety of the public or the common defense and security by significantly increasing the likelihood of theft, diversion, or sabotage of such material or such facility. The Commission shall exercise the authority of this subsection—

(A) so as to apply the minimum restrictions needed to protect the health and safety of the public or the common defense and security, and

(B) upon a determination that the unauthorized disclosure of such information could reasonably be expected to have a significant adverse effect on the health and safety of the public or the common defense and security by significantly increasing the likelihood of theft, diversion, or sabotage of such material or such facility.

42 USC 2282 Nothing in this Act shall authorize the Commission to prohibit the public disclosure of information pertaining to the routes and quantities of shipments of source material, by-product material, high-level nuclear waste, or irradiated nuclear reactor fuel. Any person, whether or not a licensee of the Commission, who violates any regulation adopted under this section shall be subject to the civil monetary penalties of section 234 of this Act. Nothing in this section shall be construed to authorize the withholding of information from the duly authorized committees of the Congress.

42 USC 2273 b. For the purposes of section 223 of this Act, any regulations or orders prescribed or issued by the Commission under this section shall also be deemed to be prescribed or issued under section 161 b. of this Act.

c. Any determination by the Commission concerning the applicability of this section shall be subject to judicial review pursuant to subsection (a)(4)(B) of section 552 of title 5 of the United States Code.

d. Upon prescribing or issuing any regulation or order under subsection a. of this section, the Commission shall submit to Congress a report that:

(1) specifically identifies the type of information the Commission intends to protect from disclosure under the regulation or order;

(2) specifically states the Commission's justification for determining that unauthorized disclosure of the information to be protected from disclosure under the regulation or order could reasonably be expected to have a significant adverse effect on the health and safety of the public or the common defense and security by significantly increasing the likelihood of theft, diversion, or sabotage of such material or such facility, as specified under subsection (a) of this section; and

(3) provides justification, including proposed alternative regulations or orders, that the regulation or order applies only the minimum restrictions needed to protect the health and safety of the public or the common defense and security.

e. In addition to the reports required under subsection d. of this section, the Commission shall submit to Congress on a quarterly basis a report detailing the Commission's application during that period of every regulation or order prescribed or issued under this section. In particular, the report shall:

(1) identify any information protected from disclosure pursuant to such regulation or order;

(2) specifically state the Commission's justification for determining that unauthorized disclosure of the information protected from disclosure under such regulation or order could reasonably be expected to have a significant adverse effect on the health and safety

of the public or the common defense and security by significantly increasing the likelihood of theft, diversion or sabotage of such material or such facility, as specified under subsection a. of this section; and

(3) provide justification that the Commission has applied such regulation or order so as to protect from disclosure only the minimum amount of information necessary to protect the health and safety of the public or the common defense and security.

(2) The table of contents for such Act is amended by inserting the following new item after the item relating to section 146: "Sec. 147. Safeguards Information."

42 USC 2231.

(b) Section 181 of the Atomic Energy Act of 1954 is amended—

(1) by striking out "or defense information" the first time it appears and substituting "defense information, or safeguards information protected from disclosure under the authority of section 147"; and

(2) by striking out "or defense information" in each other place it appears in such section and substituting "defense information, or such safeguards information,".

### TITLE III— OTHER PROVISIONS

42 USC 5841 note.  
Regulations.  
State.

**Sec. 301.** (a) The Nuclear Regulatory Commission, within 90 days of enactment of this Act, shall promulgate regulations providing for timely notification to the Governor of any State prior to the transport of nuclear waste, including spent nuclear fuel, to, through, or across the boundaries of such State. Such notification requirement shall not apply to nuclear waste in such quantities and of such types as the Commission specifically determines do not pose a potentially significant hazard to the health and safety of the public.

(b) As used in this section, the term "State" includes the several States of the Union, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.

42 USC 2016 note.  
Contract  
authorization.

**Sec. 302.** The Nuclear Regulatory Commission is authorized and directed to enter into a contract for an independent review of the Commission's management structure, processes, procedures, and operations. The review shall include an assessment of the effectiveness of all levels of agency management in carrying out the Commission's statutory responsibilities, in developing and implementing policies and programs, and in using the personnel and funding available to it. The contract shall provide for submission of a report of the findings and recommendations of the review to the Commission not later than one year from the date of enactment of this Act, and the Commission shall promptly transmit such report to the Congress.

Report.

42 USC 2016.

**Sec. 303.** The Nuclear Regulatory Commission shall include in its annual report to Congress under section 251 of the Atomic Energy Act of 1954 a statement of—

(1) the direct and indirect costs to the Commission for the issuance of any license or permit and for the inspection of any facility; and

(2) the fees paid to the Commission for the issuance of any license or permit and for the inspection of any facility.

**Sec. 304.** On or before September 30, 1980, the President shall prepare and publish a National Contingency Plan to provide for expeditious, efficient, and coordinated action by appropriate Federal agencies to protect the public health and safety in the case of accidents at any utilization facility licensed under section 103 or 104b. of the Atomic Energy Act of 1954.

**Sec. 305.** (a) As expeditiously as practicable, the Nuclear Regulatory Commission shall establish a mechanism for instantaneous and uninterrupted verbal communication between each utilization facility licensed to operate under section 103 or section 104b. of the Atomic Energy Act of 1954 on the date of enactment of this Act, or thereafter, and

(1) Commission headquarters, and

(2) the appropriate Commission regional office.

(b) Within ninety days after the date of the enactment of this Act, the Commission shall prepare and transmit to the Congress a study of alternate plans for instantaneous and otherwise timely transmission to the Commission of data indicating the status of principal system parameters at utilization facilities licensed to operate under section 103 or section 104 b. of the Atomic Energy Act of 1954. For each alternative, the study shall present procedures for transmitting and analyzing such data and a Commission statement regarding the advantages, disadvantages and desirability.

**Sec. 306.** (a) The Nuclear Regulatory Commission is authorized and directed to undertake a comprehensive investigation and study of the impediments to expeditious and reliable communication among Commission headquarters, the Commission regional office, Commission representatives at the facility site, senior management officials and operator personnel of the licensee, and the Governor of Pennsylvania and other State officials, in the thirty day period immediately following the accident of March 28, 1979, at unit two of the Three Mile Island Nuclear Station in Pennsylvania. Such investigation and study shall include, but not be limited to, a determination of the need for improved communications procedures and the need for advanced communications technology.

(b) The Commission shall report to the Congress by September 30, 1980, on the findings of the investigation and study required by subsection (a), including recommendations on administrative or legislative measures necessary to facilitate expeditious and reliable communications in case of an accident which could result in an unplanned release of quantities of fission products in excess of the allowable limits for normal operation established by the Commission at a utilization facility licensed under section 103 or 104b. of the Atomic Energy Act of 1954. The Commission shall implement, as soon as practicable, each such recommendation not requiring legislative enactment, and shall incorporate the recommendation in the plan for agency response promulgated pursuant to section 304 of this Act.

**Sec. 307.** (a) The Commission is authorized and directed to prepare a plan for improving the technical capability of licensee personnel to safely operate utilization facilities licensed under section 103 or 104 b. of the

National Contingency Plan, publication.

42 USC 2133.

42 USC 2134.

42 USC 5842 note.

Study, transmittal to Congress.

Investigation and study.

Plan, development Report to Congress.

42 USC 2133.

42 USC 2134.

42 USC 2137 note.

42 USC 2137.

Atomic Energy Act of 1954. In proposing such plan, the Commission shall consider the feasibility of requiring standard mandatory training programs for nuclear facility operators, including classroom study, apprenticeships at the facility, and emergency simulator training. Such plan shall include specific criteria for more intensive training and retraining of operator personnel licensed under section 107 of the Atomic Energy Act of 1954, and for the licensing of such personnel, to assure-

(1) conformity with all conditions and requirements of the operating license;

(2) early identification of accidents, events, or event sequences which may significantly increase the likelihood of an accident; and

(3) effective response to any such event or sequence. Such plan shall include provision for Commission review and approval of the qualifications of personnel conducting any required training and retraining program. The plan shall also include requirements for the renewal of operator licenses including, to the extent practicable, requirements that the operator-

(A) has been actively and extensively engaged in the duties listed in such license,

(B) has discharged such duties safely to the satisfaction of the Commission,

(C) is capable of continuing such duties, and

(D) has participated in a requalification training program.

Plan, transmittal to Congress.

Such plan shall include criteria for suspending or revoking operator licenses. In addition, the Commission shall also consider the feasibility of requiring such licensed operator to pass a requalification test every six months including-

(i) written questions, and

(ii) emergency simulator exams.

The Commission shall transmit to the Congress the plan required by this subsection within six months after the date of the enactment of this Act, and shall implement as expeditiously as practicable each element thereof not requiring legislative enactment.

42 USC 2137.

(b) The Nuclear Regulatory Commission is authorized and directed to undertake a study of the feasibility and value of licensing, under section 107 of the Atomic Energy Act of 1954, plant managers of utilization facilities and senior licensee officers responsible for operation of such facilities. The Commission shall report to the Congress within six months of the date of enactment of this Act on the findings and recommendations of the study required by this subsection, and shall expeditiously implement each such recommendation not requiring legislative enactment.

Report to Congress. Study.

42 USC 2051 note.

**Sec. 308.** (a) In the conduct of the study required by section 5(d) of the Nuclear Regulatory Commission Authorization Act for Fiscal Year 1979 (Public Law 95-601), the Nuclear Regulatory Commission and the Environmental Protection Agency, in consultation with the Secretary of Health and Human Services, shall evaluate the feasibility of epidemiological research on the health effects of low-level ionizing radiation exposure to licensee, contractor, and subcontractor employees as a result of-

(1) the accident of March 28, 1979, at unit two of the Three Mile Island Nuclear Station in Pennsylvania;

(2) efforts to stabilize such facility or reduce or prevent radioactive unplanned offsite releases in excess of allowable limits for normal operation established by the Commission; or

(3) efforts to decontaminate, decommission, or repair such facility.

The report required by such section 5(d) shall include the results of the evaluation required under this subsection.

42 USC 2051 note.

(b) Section 5(d) of the Nuclear Regulatory Commission Authorization Act for Fiscal Year 1979 (Public Law 95-601), is amended by striking "September 30, 1979" and inserting in lieu thereof "September 30, 1980".

Approved June 30, 1980

**NRC AUTHORIZATION ACT FOR FISCAL YEAR 1979**

Public Law 95-601

92 Stat. 2947

November 6, 1978

**An Act**

To authorize appropriations to the Nuclear Regulatory Commission for fiscal year 1979, and for other purposes.

Nuclear Regulatory Commission.

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

Appropriation authorization, 1978

**Section 1.** (a) There is hereby authorized to be appropriated to the Nuclear Regulatory Commission in accordance with the provisions of section 261 of the Atomic Energy Act of 1954, as amended (42 USC 2017), and section 305 of the Energy Reorganization Act of 1974, as amended (42 USC 5875), for the fiscal year 1979, to remain available until expended \$333,007,000. Of such total amount authorized to be appropriated:

(1) Not more than \$47,162,000 may be used for "Nuclear Reactor Regulation"; of the total amount appropriated for this purpose, \$2,080,000 shall be available for Advanced Reactors;

(2) Not more than \$38,760,000 may be used for "Inspection and Enforcement";

(3) Not more than \$14,945,000 may be used for "Standards Development"; of the total amount appropriated for this purpose, \$650,000 shall be available for Low-Level Radiation activities, including those described in section 5 of this Act;

(4) Not more than \$27,240,000 may be used for "Nuclear Material Safety and Safeguards"; of the total amount appropriated for this purpose, \$8,127,000 shall be available for Nuclear Waste Disposal and Management activities;

42 USC 5845.

(5) Not more than \$163,470,000 may be used for "Nuclear Regulatory Research"; of the total amount appropriated for this purpose, \$1,500,000 shall be available for the implementation of the Improved Safety Systems Research plan required by section 205(f) of the Energy Reorganization Act of 1974, as amended, \$4,448,000 shall be available for Nuclear Waste research activities, and \$18,333,000 shall be available for Advanced Reactor Research, including an authorization of \$3,900,000 to accelerate the effort in gas-cooled thermal reactor safety research.

(6) Not more than \$13,480,000 may be used for "Program Technical Support";

(7) Not more than \$27,950,000 may be used for "Program Direction and Administration"; of the total amount appropriated for this purpose, \$225,000 shall be available for equal employment opportunity activities, including support of four positions in the Office of Equal Employment Opportunity.

Safeguard research contracts, limitation.

(b)(1) Not more than \$14,285,000 of the aggregate amount authorized to be appropriated under paragraphs (1) through (7) of subsection (a)

may be used for contracts encompassing research, studies, and technical assistance on domestic safeguards matters.

(2) Of the aggregate amount authorized to be appropriated under paragraphs (1) through (7) of subsection (a), \$1,000,000 shall be available for studies and analysis of alternative fuel cycles (including studies and analysis relating to licensing and safety, safeguards, and environmental aspects).

(c)(1) No amount appropriated pursuant to subsection (a) for purposes of subparagraphs (1) through (7) of such subsection, may be used for any function of the Commission in excess of the amount expressly authorized to be appropriated for functions referred to in such paragraphs, if such excess amount is in excess of \$500,000, nor may the amount available from any appropriation for any function referred to in subparagraphs be reduced by more than \$500,000 unless

(i) a period of thirty calendar days (not including any day in which either House of Congress is not in session because of an adjournment of more than three calendar days to a day certain or an adjournment sine die) has passed after the receipt by the Committee on Interstate and Foreign Commerce and the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Environment and Public Works of the Senate of notice given by the Commission containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action, or

(ii) each such committee before the expiration of such period has transmitted to the Commission, written notice stating in substance that such committee has no objection to the proposed action.

(2) Of the amounts authorized to be appropriated for the purposes set forth in paragraphs (1) through (7) of subsection (a) of this section, the amounts available for Advanced Reactors, Low-Level Radiation, Nuclear Waste Disposal and Management, Improved Safety Systems, Research, and Nuclear Waste Research, or that specified in subsection (b)(2) of this section for Alternative Fuel Cycle activities shall not be reprogrammed, unless—

(i) a period of ninety calendar days (not including any day in which either House of Congress is not in session because of an adjournment of more than three calendar days to a day certain or an adjournment sine die) has passed after the receipt by the Committee on Interior and Insular Affairs and the Committee on Interstate and Foreign Commerce of the House of representatives and the Committee on Environment and Public Works of the Senate of notice given by the Commission containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action, or

(ii) each such committee before the expiration of such period has transmitted to the Commission, written notice stating in substance that such committee has no objection to the proposed action.



Safeguard research contracts, limitation.

(d) No amount authorized to be appropriated by this Act may be used by the Commission to enter into any contract, providing funds in excess of \$20,000 encompassing research, study, or technical assistance on domestic safeguards matters except as directed by the Commission, by majority vote, following receipt by the Commission of a recommendation from the Executive Director for Operations supporting the need for such contract.

Sec. 2. Moneys received by the Commission for the cooperative nuclear research programs may be retained and used for salaries and expenses associated with those programs, notwithstanding the provisions of section 3617 of the Revised Statutes (31 USC 484), and shall remain available until expended.

Funds, transfers.

Sec. 3. Transfers of sums from salaries and expenses may be made to other agencies of the Government for the performance of the work for which the appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred.

42 USC 5849.

Sec. 4. (a) Subsection (b) of section 209 of the Energy Reorganization Act of 1974, as amended, is amended by adding at the end thereof the following sentence: "Notwithstanding the preceding sentence, each such director shall keep the Executive Director fully and currently informed concerning the content of all such direct communications with the Commission."

Equal employment opportunity, report.

(b) Section 209 of the Energy Reorganization Act of 1974, as amended, is amended by adding a new subsection (c) to read as follows and redesignating existing subsection (c) accordingly:

(c) The Executive Director shall report to the Commission at semi-annual public meetings on the problems, progress, and status of the Commission's equal employment opportunity efforts."

42 USC 2051 note.

Radiation, health effects studies, consultation.

Sec. 5. (a) The Commission and the Environmental Protection Agency in consultation with the Secretary of Health, Education, and Welfare, are authorized and directed to conduct preliminary planning and design studies for epidemiological research on the health effects of low-level ionizing radiation. In the conduct of such studies, the Commission and the Environmental Protection Agency shall consult with appropriate scientific organizations and Federal and State agencies.

Memorandum, submittal to Congress.

(b) Within thirty days after the date of enactment of this section, the Commission and the Environmental Protection Agency shall submit to the Congress a memorandum of understanding to delineate their responsibilities in the conduct of the planning studies authorized by subsection (a) of this section.

Reports to Congress, consultations.

(c) On or before April 1, 1979, the Commission and the Environmental Protection Agency shall submit a report to the Congress containing an assessment of the capabilities and research needs of such agencies in the area of health effects of low-level ionizing radiation.

(d) On or before September 30, 1979, the Commission and the Environmental Protection Agency, in consultation with the Secretary of Health, Education, and Welfare, shall submit a report to the Congress which includes a study of options for Federal epidemiological research on the health effects of low-level ionizing radiations, with evaluations of the feasibility of such options. Such report shall be consistent with the findings of the assessment required by subsection (c) of this section.

(e) In carrying out the activities specified in subsections (c) and (d) such agencies shall:

Cooperation. (i) cooperate with appropriate scientific organizations and agencies involved in related research, and

Copies (ii) furnish copies of the reports required by those subsections to the organizations and agencies referred to in subsection (e)(i).

Annual status report. **Sec. 6.** Section 209 of the Energy Reorganization Act of 1974 is amended by adding the following new subsection at the end thereof:

(d) The Executive Director shall prepare and forward to the Commission an annual report (for the fiscal year 1978 and each succeeding fiscal year) on the status of the Commission's programs concerning domestic safeguards matters including an assessment of the effectiveness and adequacy of safeguards at facilities and activities licensed by the Commission. The Commission shall forward to the Congress a report under this section prior to February 1, 1979, as a separate document, and prior to February 1 of each succeeding year as a separate chapter of the Commission's annual report (required under section 307(c) of the Energy Reorganization Act of 1974) following the fiscal year to which such report applies.

Report to Congress. **Sec. 7.** The Commission is authorized and directed to undertake a comprehensive review of the existing process for selection and training of members of the Atomic Safety and Licensing Boards, including, but not limited to, the selection criteria, including qualifications, the selection procedures, and the training programs for Board members. The Commission shall report to the Congress on the findings of such review by January 1, 1979, and shall revise such selection and training process as appropriate, based on such findings.

42 USC 5841 note. **Sec. 8 (a)** Chapter 14 of the Atomic Energy Act of 1954 is amended by adding the following new section at the end thereof:

Review. **Sec. 170A. Conflicts of Interest Relating to Contracts and Other Arrangements.—**

Report to Congress. a. The Commission shall, by rule, require any person proposing to enter into a contract, agreement, or other arrangement, whether by competitive bid or negotiation, under this Act or any other law administered by it for the conduct of research, development, evaluation activities, or for technical and management support services, to provide the Commission, prior to entering into any such contract, agreement, or arrangement, with all relevant information, as determined by the Commission, bearing on whether that person has a possible conflict of interest with respect to—

42 USC 2210a Disclosure rules. (1) being able to render impartial, technically sound, or objective assistance or advice in light of other activities or relationships with other persons, or

(2) being given an unfair competitive advantage. Such person shall insure, in accordance with regulations prescribed by the Commission, compliance with this section by any subcontractor (other than a supply subcontractor) of such person in the case of any subcontract for more than \$10,000.

b. The Commission shall not enter into any such contract agreement or arrangement unless it finds, after evaluating all

information provided under subsection a. and any other information otherwise available to the Commission that—

- (1) it is unlikely that a conflict of interest would exist, or
- (2) such conflict has been avoided after appropriate conditions have been included in such contract, agreement, or arrangement; except that if the Commission determines that such conflict of interest exists and that such conflict of interest cannot be avoided by including appropriate conditions therein, the Commission may enter into such contract, agreement, or arrangement, if the Commission determines that it is in the best interests of the United States to do so and includes appropriate conditions in such contract, agreement, or arrangement to mitigate such conflict.

Publication.

c. The Commission shall publish rules for the implementation of this section, in accordance with section 553 of title 5, United States Code (without regard to subsection (a)(2) thereof) as soon as practicable after the date of the enactment of this section, but in no event later than 120 days after such date.

(b) The table of contents for such chapter 14 is amended by adding the following new item at the end thereof:

**Sec. 170A.** Conflicts of interest relating to contracts and other arrangements.

42 USC 2153 note.  
Monitoring and assistance, reports to Congress.

**Sec. 9.** The Commission shall monitor and assist, as requested, the International Fuel Cycle Evaluation and the studies and evaluations of the various nuclear fuel cycle systems by the Department of Energy in progress as of the date of enactment, and report to the Congress semiannually through calendar year 1980 and annually through calendar year 1982 on the status of domestic and international evaluations of nuclear fuel cycle systems. This report shall include, but not be limited to, a summary of the information developed by and available to the Commission on the health, safety and safeguards implications of the leading fuel cycle technologies.

**Sec. 10.** Title II of the Energy Reorganization Act of 1974, as amended, is amended by adding at the end thereof a new section to read as follows:

#### EMPLOYEE PROTECTION

42 USC 5851.

**Sec. 210.** (a) No employer, including a Commission licensee, an applicant for a Commission license, or a contractor or a subcontractor of a Commission licensee or applicant, may discharge any employee or otherwise discriminate against any employee with respect to his compensation, terms, conditions, or privileges of employment because the employee (or any person acting pursuant to a request of the employee)—

42 USC 2011 note.

(1) commenced, caused to be commenced, or is about to commence or cause to be commenced a proceeding under this Act or the Atomic Energy Act of 1954, as amended, or a proceeding for the administration or enforcement of any requirement imposed under this act or the Atomic Energy Act of 1954, as amended;

(2) testified or is about to testify in any such proceeding or;

(3) assisted or participated or is about to assist or participate in any manner in such a proceeding or in any other manner in such a

Complaint, filing and notification.	<p>proceeding or in any other action to carry out the purposes of this Act or the Atomic Energy Act of 1954, as amended.</p> <p>(b)(1) Any employee who believes that he has been discharged or otherwise discriminated against by any person in violation of subsection (a) may, within thirty days after such violation occurs, file (or have any person file on his behalf) a complaint with the Secretary of Labor (hereinafter in this subsection referred to as the 'Secretary') alleging such discharge or discrimination. Upon receipt of such a complaint, the Secretary shall notify the person named in the complaint of the filing of the complaint and the Commission.</p>
Investigation and notification	<p>(2)(A) Upon receipt of a complaint filed under paragraph (1), the Secretary shall conduct an investigation of the violation alleged in the complaint. Within thirty days of the receipt of such complaint, the Secretary shall complete such investigation and shall notify in writing the complainant (any any person acting in his behalf) and the person alleged to have committed such violation of the results of the investigation conducted pursuant to this subparagraph. Within ninety days of the receipt of such complaint the Secretary shall, unless the proceeding on the complaint is terminated by the Secretary on the basis of a settlement entered into by the Secretary and the person alleged to have committed such violation, issue an order either providing the relief prescribed by subparagraph (B) or denying the complaint. An order of the Secretary shall be made on the record after notice and opportunity for public hearing. The Secretary may not enter into a settlement terminating a proceeding on a complaint without the participation and consent of the complainant.</p>
Order.	<p>(B) If, in response to a complaint filed under paragraph (1), the Secretary determines that a violation of subsection (a) has occurred, the Secretary shall order the person who committed such violation to (i) take affirmative action to abate the violation, and (ii) reinstate the complainant to his former position together with the compensation (including back pay), terms, conditions, and privileges of his employment, and the Secretary may order such person to provide compensatory damages to the complainant. If an order is issued under this paragraph, the Secretary, at the request of the complainant shall assess against the person against whom the order is issued a sum equal to the aggregate amount of all costs and expenses (including attorneys' and expert witness fees) reasonably incurred, as determined by the Secretary, by the complainant for, or in connection with, the bringing of the complaint upon which the order was issued.</p>
Notice and hearing Settlement.	<p>(c)(1) Any person adversely affected or aggrieved by an order issued under subsection (b) may obtain review of the order in the United States court of appeals for the circuit in which the violation, with respect to which order was issued, allegedly occurred. The petition for review must be filed within sixty days from the issuance of the Secretary's order. Review shall conform to chapter 7 of title 5 of the United States Code. The commencement of proceedings under this subparagraph shall not, unless ordered by the court, operate as a stay of the Secretary's order. (2) An order of the Secretary with respect to which review could have been obtained under paragraph (1) shall not be subject to judicial review in any criminal or other civil proceeding.</p>
Relief.	<p>Review.</p>
5 USC 701 <i>et seq.</i>	

Jurisdiction. (d) Whenever a person has failed to comply with an order issued under subsection (b)(2), the Secretary may file a civil action in the United States district court for the district in which the violation was found to occur to enforce such order. In actions brought under this subsection, the district courts shall have jurisdiction to grant all appropriate relief, including, but not limited to, injunctive relief, compensatory, and exemplary damages.

(e)(1) Any person on whose behalf an order was issued under paragraph (2) of subsection (b) may commence a civil action against the person to whom such order was issued to require compliance with such order. The appropriate United States district court shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce such order.

Litigative costs. (2) The court, in issuing any final order under this subsection, may award costs of litigation (including reasonable attorney and expert witness fees) to any party whenever the court determines such award is appropriate.

(f) Any nondiscretionary duty imposed by this section shall be enforceable in a mandamus proceeding brought under section 1361 of title 28 of the United States Code.

(g) Subsection (a) shall not apply with respect to any employee who, acting without direction from his or her employer (or the employer's agent), deliberately causes a violation of any requirements of this Act or of the Atomic Energy Act of 1954, as amended.

42 USC 2011 note. 42 USC 2205a. Report to Congress. **Sec. 11.** The Commission shall report to the Congress on January 1, 1979, and annually thereafter on the use of contractors, consultants, and the National Laboratories by the Commission. Such report shall include, for each contract issued, in progress or completed during fiscal year 1978, information on the bidding procedure, nature of the work, amount and duration of the contract, progress of work, relation to previous contracts, and the relation between the amount of the contract and the amount actually spent.

42 USC 5842 note. Authority extension, study. **Sec. 12.** (a) The Commission, in cooperation with the Department of Energy, is authorized and directed to conduct a study of extending the Commission's licensing or regulatory authority to include categories of existing and future Federal radioactive waste storage and disposal activities not presently subject to such authority.

Cooperation. (b) Each Federal agency, subject to the provisions of existing law, shall cooperate with the Commission in the conduct of the study. Such cooperation shall include providing access to existing facilities and sites and providing any information needed to conduct the study which the agency may have or be reasonably able to acquire.

Report to Congress. (c) On or before March 1, 1979, the Commission shall submit a report to the Congress containing the results of the study, the Report shall include a complete listing and inventory of all radioactive waste storage and disposal activities now being conducted or planned by Federal agencies.

**Sec. 13.** Notwithstanding any other provision of this Act, no authority to make payments under this Act shall be effective except to such extent or in such amounts as are provided in advance in appropriation Acts.

42 USC 2021a.  
Waste storage or  
disposal facility  
planning,  
notification

State participation,  
report.

Submittal with  
legislative  
recommendations  
to Congress

**Sec. 14.** (a) Any person, agency, or other entity proposing to develop a storage or disposal facility, including a test disposal facility, for high-level radioactive wastes, non-high-level radioactive wastes including transuranium contaminated wastes, or irradiated nuclear reactor fuel, shall notify the Commission as early as possible after the commencement of planning for a particular proposed facility. The Commission shall in turn notify the Governor and the State legislature of the State of proposed sites whenever the Commission has knowledge of such proposal.

(b) The Commission is authorized and directed to prepare a report on means for improving the opportunities for State participation in the process for siting, licensing, and developing nuclear waste storage or disposal facilities. Such report shall include detailed consideration of a program to provide grants through the Commission to any State, and the advisability of such a program, for the purpose of conducting an independent State review of any proposal to develop a nuclear waste storage or disposal facility identified in subsection (a) within such State. On or before March 1, 1979, the Commission shall submit the report to the Congress including recommendations for improving the opportunities for State participation together with any necessary legislative proposals.

Approved November 6, 1978.

# NRC AUTHORIZATION ACT FOR FISCAL YEAR 1978

## TABLE OF CONTENTS

	PAGE	42 USC Sec.
Sec. 1. Authorization .....	3-47	5841
Sec. 2. Commission Personnel .....	3-48	5841
Sec. 3. Unresolved Safety Issues .....	3-48	5850
Sec. 4. Improved Safety Systems Research .....	3-48	5845
Sec. 5. Reactor Safety Research Study .....	3-48	2039
Sec. 6. ACRS Fellowship Program .....	3-49	2040
Sec. 7. Organizational Conflicts of Interest .....	3-49	2201
Sec. 8. Cooperative Research Funding .....	3-49	
Sec. 9. Transfer of Funds .....	3-49	
Sec. 10. Appropriations .....	3-49	

**NRC AUTHORIZATION ACT FOR FISCAL YEAR 1978**

Public Law 95-209

91 Stat. 1481.

December 13, 1977

**An Act**

To authorize appropriations for Nuclear Regulatory Commission for the fiscal year 1978, and for other purposes.

Nuclear Regulatory  
Commission  
Appropriation  
authorization,  
1978.

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

**Sec. 1. AUTHORIZATION**

(a) There is authorized to be appropriated to the Nuclear Regulatory Commission (hereafter in this act referred to as the "Commission") to carry out its functions and authorities under the Atomic Energy Act of 1954 (42 USC 2017) and the Energy Reorganization Act of 1974 (42 USC 5875) for the fiscal year 1978 to remain available until expended \$297,740,000 to be allocated as follows:

- (1) For "Nuclear Reactor Regulation", not more than \$41,480,000;
- (2) For "Standards Development", not more than \$12,130,000;
- (3) For "Inspection and Enforcement", not more than \$33,050,000;
- (4) For "Nuclear Materials Safety and Safeguards", not more than \$22,090,000;
- (5) For "Nuclear Regulatory Research", \$148,900,000,
- (6) For "Program Technical Support", 10,180,000; of which an amount not to exceed \$600,000 is authorized for a fellowship program pursuant to section 5 of this Act.
- (7) For "Program Direction and Administration", not more than \$29,910,000.

Reallocation.

(b) Of the total amount authorized under section 1(a), the Commissioners may, by majority vote, reallocate among program activities specified in subsection (a) or pursuant to the authority granted in subsection (d) an amount not exceeding \$10,000,000 except that the amount transferred from any of the major program activities specified in subsection (a) shall not exceed 15 per centum of the amount so specified. Prior to any reallocation of an amount in accordance with the provisions of this subsection, where such amount is in excess of \$500,000, the Commission shall inform the appropriate congressional committees. Such reallocation may be made notwithstanding the limitations of subsection (a).

Safeguard research  
contract statement  
publication.

(c) No amount authorized to be appropriated for contracts for research, studies, and technical assistance on domestic safeguard matters under subsection (a) including any amount reallocated under subsection (b) may be used for such contracts and no amount authorized to be appropriated under this subsection may be used by the Office of Nuclear Regulatory Research for such contracts until a statement supporting the need for such research, study, or technical assistance has been prepared and published by the Commission.

(d) No amount authorized to be appropriated for contracts for regulatory research related to advanced reactor safety under this Act may



be used for such contracts except as directed by the Commission, following consideration by the Commission of any recommendation that may be made by the ACRS regarding the proposed research.

(e) In the event that the license application is withdrawn or funding for the continuation of the Clinch River Breeder Reactor project is not authorized or appropriated, the total authorization in subsection (a) shall be reduced by \$2,700,000.

(f) In the event that further construction of the facility at Barnwell, South Carolina, for the purpose of providing plutonium to be used as fuel is canceled or deferred, the total authorization in subsection (a) shall be reduced by \$2,100,000.

#### **Sec. 2. COMMISSION PERSONNEL**

Quarterly report to Congress.  
42 USC 5841.

Section 201 of title II of the Energy Reorganization Act of 1974 is amended by adding the following new subsection at the end thereof:

(h) The Commission shall prepare and submit to the Congress a quarterly report which documents, for grades GS-11 or above:

(1) the number of minority and women candidates hired, by grade level;

(2) the number of minority and women employees promoted, by grade level;

(3) the procedures followed by the Commission in preparing job descriptions, informing potential applicants, and selecting from candidates the persons to be employed in positions at grade GS-11 or above; and

(4) other steps taken to meet provisions of the Equal Employment Act.

42 USC 2000e.

The first quarterly report shall be submitted to the Congress not later than January 31, 1978, and subsequent reports shall be submitted prior to the end of one calendar month after the end of each calendar quarter thereafter.

#### **Sec. 3. UNRESOLVED SAFETY ISSUES**

Title II of the Energy Reorganization Act of 1974, is amended by adding the following new section at the end thereof:

##### **UNRESOLVED SAFETY ISSUES PLAN**

42 USC 5850.

**Sec. 210.** The Commission shall develop a plan providing for the specification and analysis of unresolved safety issues relating to nuclear reactors and shall take such action as may be necessary to implement corrective measures with respect to such issues. Such plan shall be submitted to the Congress on or before January 1, 1978 and progress reports shall be included in the annual report of the Commission thereafter.

Submittal to Congress.  
Progress reports.

42 USC 5845.

#### **Sec. 4. IMPROVED SAFETY SYSTEMS RESEARCH**

(a) Section 205 of the Energy Reorganization Act of 1974 is amended by adding the following new subsection at the end thereof:

Long-term plan development.

(f) The Commission shall develop a long-term plan for projects for the development of new or improved safety systems for nuclear power plants.

#### **Sec. 5. REACTOR SAFETY RESEARCH STUDY**

42 USC 2039.  
Annual report to Congress.

Section 29 of the Atomic Energy Act of 1954 is amended by adding the following at the end thereof: In addition to its other duties under this section, the committee, making use of all available sources, shall

undertake a study of reactor safety research and prepare and submit annually to the Congress a report containing the results of such study. The first such report shall be submitted to the Congress not later than December 31, 1977.

**Sec. 6. ACRS FELLOWSHIP PROGRAM**

42 USC 2040.  
Establishment

To assist the Advisory Committee on Reactor Safeguards in carrying out its function, the committee shall establish a fellowship program under which persons having appropriate engineering or scientific expertise are assigned particular tasks relating to the functions of the committee. Such fellowship shall be for 2-year periods and the recipients of such fellowships shall be selected pursuant to such criteria as may be established by the committee.

**Sec. 7. ORGANIZATIONAL CONFLICTS OF INTEREST**

42 USC 2201 note.  
Guidelines

The Commission shall by December 31, 1977, promulgate guidelines to be applied by the Commission in determining whether an organization proposing to enter into a contractual arrangement with the Commission has a conflict of interest which might impair the contractor's judgment or otherwise give the contractor an unfair competitive advantage.

**Sec. 8. COOPERATIVE RESEARCH FUNDING**

Salaries and  
expenses

Moneys received by the Commission for the cooperative nuclear safety research programs may be retained and used for salaries and expenses associated with those programs, notwithstanding the provisions of section 3617 of the Revised Statutes (31 USC 484), and shall remain available until expended. Funds may be obligated for purposes stated in this section only to the extent provided in appropriation Acts.

**Sec. 9. TRANSFER OF FUNDS**

Transfers of sums from salaries and expenses may be made to other agencies of the Government for the performance of the work for which the appropriation is made, and in such cases the sums so transferred may be merged with the appropriations to which transferred.

**Sec. 10. APPROPRIATIONS**

Notwithstanding any other provision of this Act, no authority to make payments under this Act shall be effective except to such extent or in such amounts as are provided in advance in appropriations Acts.

Approved December 13, 1977

**NRC AUTHORIZATION ACT FOR FISCAL YEAR 1977**

Public Law 94-291

90 Stat. 523

**May 22, 1976**

**An Act**

To authorize appropriations to the Nuclear Regulatory Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and section 305 of the Energy Reorganization Act of 1974, as amended, and for other purposes.

Nuclear Regulatory Commission. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

42 USC 2017.  
42 USC 5875.  
Appropriation authorization.

**Sec. 101.** There is hereby authorized to be appropriated to the Nuclear Regulatory Commission in accordance with the provisions of section 261 of the Atomic Energy Act of 1954, as amended, and section 305 of the Energy Reorganization Act of 1974, as amended; for salaries and expenses, \$274,300,000 to remain available until expended.

Moneys for research programs, use.

**Sec. 102.** Moneys received by the Commission for the cooperative nuclear safety research programs may be retained and used for salaries and expenses associated with those programs, notwithstanding the provisions of section 3617 of the Revised Statutes (31 USC 484), and shall remain available until expended. Funds may be obligated for purposes stated in this section only to the extent provided in appropriation Acts.

Transfer of sums.

**Sec. 103.** Transfers of sums from salaries and expenses may be made to other agencies of the Government for the performance of the work for which the appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred.

**AMENDMENTS TO PRIOR YEAR ACT**

89 Stat. 413.

**Sec. 104.** (a) Title I of Public Law 94-79 is amended by adding section 102 to read as follows: Moneys received by the Commission for the cooperative nuclear research program may be retained and used for salaries and expenses associated with that program, notwithstanding the provisions of section 3617 of the Revised Statutes (31 USC 484), and shall remain available until expended. Funds may be obligated for purposes stated in this section only to the extent provided in appropriation Acts.

(b) Section 101 of Public Law 94-79 is amended by adding the phrase "and shall remain available until expended" after the words "September 30, 1976."

Approved May 22, 1976

**NRC AUTHORIZATION ACT FOR FISCAL YEAR 1976**  
**Public Law 94-79** **89 Stat. 413**

August 9, 1975

An Act

To authorize appropriations to the Nuclear Regulatory Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and section 305 of the Energy Reorganization Act of 1974, and for other purposes.

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

**TITLE I**

42 USC 2017.  
Appropriation  
authorization  
Nuclear Regulatory  
Commission

**Sec. 101.** There is authorized to be appropriated to the Nuclear Regulatory Commission to carry out the provisions of section 261 of the Atomic Energy Act of 1954, as amended, and section 305 of the Energy Reorganization Act of 1974: \$222,935,000 for fiscal year 1976 and \$52,750,000 for the period from July 1, 1976 through September 30, 1976 and shall remain available until expended.<sup>1</sup>

42 USC 5875.

**Sec. 102.** Moneys received by the Commission for the cooperative nuclear research program may be retained and used for salaries and expenses associated with that program, notwithstanding the provisions of section 3617 of the Revised Statutes (31 USC 484), and shall remain available until expended. Funds may be obligated for purposes stated in this section only to the extent provided in appropriations Acts.<sup>2</sup>

**TITLE II**

42 USC 5841.

**Sec. 201.** Section 201(a) of the Energy Reorganization Act of 1974 is amended

42 USC 5801 note.  
Commission  
chairman,  
functions.

(1) by inserting "(1)" immediately after Sec. 201(a); and  
(2) The Chairman of the Commission shall be the principal executive officer of the Commission, and he shall exercise all of the executive and administrative functions of the Commission, including functions of the Commission with respect to (a) the appointment and supervision of personnel employed under the commission (other than personnel employed regularly and full time in the immediate offices of commissioners other than the Chairman, and except as otherwise provided in the Energy Reorganization Act of 1974), (b) the distribution of business among such personnel and among administrative units of the Commission, and (c) the use and expenditure of funds.

(3) 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.

<sup>1</sup>Public Law 94-291 (90 STAT. 523) (1976) sec. 104(b) amended sec. 101 by adding the phrase "and shall remain available until expended" after September 30, 1976

<sup>2</sup>Public Law 94-291 (90 STAT. 523) (1976) sec. 104(a) added sec. 102

(4) The appointment by the Chairman of the heads of major administrative units under the Commission shall be subject to the approval of the Commission.

(5) 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.

42 USC 5841 note.  
Plutonium  
shipments,  
restrictions.

The Nuclear Regulatory Commission shall not license any shipments by air transport of plutonium in any form, whether exports, imports or domestic shipments: *Provided, however,* That any plutonium in any form contained in a medical device designed for individual human application is not subject to this restriction. This restriction shall be in force until the Nuclear Regulatory Commission has certified to the Joint Committee on Atomic Energy of the Congress that a safe container has been developed and tested which will not rupture under crash and blast-testing equivalent to the crash and explosion of a high-flying aircraft.

42 USC 5841.  
Term of office.

Sec. 202. Subsection 201(c) of the Energy Reorganization Act of 1974 is amended by deleting the period at the end of the subsection and adding the following text: and except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed, shall be appointed for the remainder of such term.

Sec. 203. Section 201(c) is amended to include the following: For the purpose of determining the expiration date of the terms of office of the five members first appointed to the Nuclear Regulatory Commission, each such term shall be deemed to have begun July 1, 1975.<sup>3</sup>

Approved August 9, 1975

<sup>3</sup>Public Law 94-291 (90 STAT.523)(1976) sec. 104(a) added sec. 102

**NRC FISCAL YEAR 1975 SUPPLEMENTAL  
AUTHORIZATION ACT**

Public Law 94-18

89 Stat. 80

April 25, 1975

**An Act**

To authorize supplemental appropriations to the Nuclear Regulatory Commission for fiscal year 1975.

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

42 USC 2017.  
42 USC 5875.  
Nuclear Regulatory  
Commission  
Appropriation  
Authorization.

That there is authorized to be appropriated to the Nuclear Regulatory Commission to carry out the provisions of section 261 of the Atomic Energy Act of 1954, as amended, and section 305 of the Energy Reorganization Act of 1974, \$50,200,000 for fiscal year 1975.

Approved April 25, 1975

**AEC FISCAL YEAR 1975 SUPPLEMENTAL  
AUTHORIZATION ACT**

Public Law 93-576

88 Stat. 1878

**December 21, 1974**

**An Act**

88 Stat. 1878.

To amend Public Law 93-276 to increase the authorization for appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

Atomic Energy  
Commission.  
Appropriation  
increase.  
*Ante*, p 116.

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

That section 101(a) of Public Law 93-276 is hereby amended by striking therefrom the figure "\$2,551,533,000" and substituting the figure "\$2,580,733,000".

**Sec. 2.** Section 101(b) of Public Law 93-276 is hereby amended by striking from subsection (11) capital equipment the figure "\$208,850,000" and substituting the figure "\$224,900,000".

Safeguards  
program.

**Sec. 3.** From the increase of the sums authorized to be appropriated by this Act \$23,000,000 shall be allotted to, and made available only for the Safeguards Program, with regard to the safeguarding of special nuclear materials from diversion from its intended uses, and for research and development of safeguards techniques and related activities involved in handling nuclear material.

Approved December 31, 1974

**AEC AUTHORIZATION ACT FOR FISCAL YEAR 1975**

**Public Law 93-276**

**77 Stat. 88**

**May 10, 1974**

**An Act**

To authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

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

Appropriation  
authorization  
Atomic Energy  
Commission.  
42 USC 2017.  
77 Stat. 88.

88 Stat. 115.  
88 Stat. 116.

**Sec. 101.** There is hereby authorized to be appropriated to the Atomic Energy Commission in accordance with the provisions of section 261 of the Atomic Energy Act of 1954, as amended:

(a) For "Operating expenses", \$2,580,733,000<sup>4</sup> not to exceed \$132,200,000 in operating costs for the high energy physics program category.

(b) For "Plant and capital equipment", including construction, acquisition, or modification of facilities, including land acquisition; and acquisition and fabrication of capital equipment not related to construction, a sum of dollars equal to the total of the following:

(1) NUCLEAR MATERIALS.—

Project 75-1-a, additional facilities, high-level waste handling and storage, Savannah River, South Carolina, \$30,000,000.

Project 75-1-b, replacement ventilation air filter, H chemical separations area, Savannah River, South Carolina, \$6,000,000.

Project 75-1-c, new waste calcining facility, Idaho Chemical Processing Plant, National Reactor Testing Station, Idaho, \$20,000,000.

Project 75-1-d, waste management effluent control, Richland, Washington, \$3,500,000.

Project 75-1-e, retooling of component preparation laboratories, multiple sites, \$4,500,000.

Project 75-1-f, atmospheric pollution control facilities, stoker fired boilers, Savannah River, South Carolina, \$7,500,000.

(2) NUCLEAR MATERIALS.—

Project 75-2-a, additional cooling tower capacity, gaseous diffusion plant, Portsmouth, Ohio, \$2,200,000.

(3) WEAPONS.—

Project 75-3-a, weapons production, development, and test installations, \$10,000,000.

Project 75-3-b, high energy laser facility, Los Alamos Scientific Laboratory, New Mexico, \$22,600,000.

Project 75-3-c, TRIDENT production facilities, various locations, \$22,200,000.

<sup>4</sup>Public Law 93-576 (88 Stat. 1878) (1974), sec. 1, increased this figure from the previously authorized \$2,551,533,000



Project 75-3-d, consolidation of final assembly plants, Pantex, Amarillo, Texas, \$4,500,000.

Project 75-3-e, addition to building 350 for safeguards analytical laboratory, Argonne National Laboratory, Illinois, \$3,500,000.

(4) WEAPONS.-

Project 75-4-a, technical support relocation, Los Alamos Scientific Laboratory, New Mexico, \$2,800,000.

(5) CIVILIAN REACTOR RESEARCH AND DEVELOPMENT.-

Project 75-5-a, transient test facility, Santa Susana, California, \$4,000,000.

Project 75-5-b, advanced test reactor control system upgrading, National Reactor Testing Station, Idaho, \$2,400,000.

Project 75-5-c, test reactor area water recycle and pollution control facilities, National Reactor Testing Station, Idaho, \$1,000,000.

Project 75-5-d, modifications to reactors, \$4,000,000.

Project 75-5-e, high temperature gas reactor fuel re-processing facility, National Reactor Testing Station, Idaho, \$10,100,000.

Project 75-5-f, high temperature gas reactor fuel refabrication pilot plant, Oak Ridge National Laboratory, Tennessee, \$3,000,000.

Project 75-5-g, molten salt breeder reactor (preliminary planning preparatory to possible future demonstration project), \$1,500,000.

(6) PHYSICAL RESEARCH.-

Project 75-6-a, accelerator and reactor improvements and modifications, \$3,000,000.

Project 75-6-b, heavy ion research facilities, various locations, \$19,200,000.

Project 75-6-c, positron-electron joint project, Lawrence Berkeley Laboratory and Stanford Linear Accelerator Center, \$900,000.

(7) BIOMEDICAL AND ENVIRONMENTAL RESEARCH AND SAFETY.-

Project 75-7-a, upgrading of laboratory facilities, Oak Ridge National Laboratory, Tennessee, \$2,100,000.

Project 75-7-b, environmental research laboratory, Savannah River, South Carolina, \$2,000,000.

Project 75-7-c, intermediate-level waste management facilities, Oak Ridge National Laboratory, Tennessee, \$9,500,000.

Project 75-7-d, modifications and additions to biomedical and environmental research facilities, \$2,850,000.

(8) BIOMEDICAL AND ENVIRONMENTAL RESEARCH AND SAFETY.-

Project 75-8-a, environmental sciences laboratory, Oak Ridge National Laboratory, Tennessee, \$8,800,000.

(9) GENERAL PLANT PROJECTS.-\$55,650,000.

(10) CONSTRUCTION PLANNING AND DESIGN.- \$2,000,000.

88 Stat. 116.

88 Stat. 117.

(11) CAPITAL EQUIPMENT.—Acquisition and fabrication of capital equipment not related to construction, \$224,900,000.<sup>5</sup>

(12) REACTOR SAFETY RESEARCH.—

Project 75-12-a, reactor safety facilities modifications, \$1,000,000.

(13) APPLIED ENERGY TECHNOLOGY.—

Project 75-13-a, hydrothermal pilot plant, \$1,000,000.

**Sec. 102. Limitations.**—(a) The Commission is authorized to start any project set forth in subsection 101(b)(1), (3), (5), (6), (7), (12), and (13) only if the currently estimated cost of that project does not exceed by more than 25 per centum the estimated cost set forth for that project.

(b) The Commission is authorized to start any project set forth in subsection 101(b) (2), (4), (8), and (10) only if the currently estimated cost of that project does not exceed by more than 10 per centum the estimated cost set forth for that project.

(c) The Commission is authorized to start any project under subsection 101(b)(9) only if it is in accordance with the following:

(1) The maximum currently estimated cost of any project shall be \$500,000 and the maximum currently estimated cost of any building included in such project shall be \$100,000: *Provided*, That the building cost limitation may be exceeded if the Commission determines that it is necessary in the interest of efficiency and economy.

(2) The total cost of all projects undertaken under subsection 101(b)(9) shall not exceed the estimated cost set forth in that subsection by more than 10 per centum.

42 USC 2017.  
77 Stat. 88.

(d) The total cost of any project undertaken under subsection 101(b) (1), (3), (5), (6), (7), (12), and (13) shall not exceed the estimated cost set forth for that project by more than 25 per centum, unless and until additional appropriations are authorized under section 261 of the Atomic Energy Act of 1954, as amended, provided that this subsection will not apply to any project with an estimated cost less than \$5,000,000.

42 USC 2017.  
77 Stat. 88.  
88 Stat. 118.

(e) The total cost of any project undertaken under subsection 101(b) (2), (4), (8), (9), and (10) shall not exceed the estimated cost set forth for that project by more than 10 per centum, unless and until additional appropriations are authorized under section 261 of the Atomic Energy Act of 1954, as amended, provided that this subsection will not apply to any project with an estimated cost less than \$5,000,000.

Construction  
design services.

**Sec. 103.** The Commission is authorized to perform construction design services for any Commission construction project whenever (1) such construction project has been included in a proposed authorization bill transmitted to the Congress by the Commission, and (2) the Commission determines that the project is of such urgency that construction of the project should be initiated promptly upon enactment of legislation appropriating funds for its construction.

69 Stat. 471.

**Sec. 104.** Any moneys received by the Commission (except sums received from the disposal of property under the Atomic Energy Community Act of 1955, as amended (42 USC 2301)), may be retained by the Commission and credited to its "Operating expenses" appropriation notwithstanding the provisions of section 3617 of the Revised Statutes (31 USC 484).

<sup>5</sup>Public Law 93-576 (88 Stat 1878) (1978) (1974), sec 2, increased this figure from the previously authorized \$208,850,000

- Transfer of sums.      **Sec. 105.** Transfers of sums from the "Operating expenses" appropriation may be made to other agencies of the Government for the performance of the work for which the appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred.
- Transfer of amounts.      **Sec. 106.** When so specified in an appropriation Act, transfers of amounts between "Operating expenses" and "Plant and capital equipment" may be made as provided in such appropriation Act.
- 80 Stat. 162.  
81 Stat. 126.      **Sec. 107. AMENDMENT OF PRIOR YEAR ACTS.**—(a) Section 101 of Public Law 89-428, as amended, if further amended by striking from subsection (b)(3) project 67-3-a, fast flux test facility, the figure "\$87,500,000", and substituting therefor the figure "\$420,000,000".
- 87 Stat. 145.      (b) Section 101 of Public Law 91-273, as amended, is further amended by striking from subsection (b)(1), project 71-1-f, process equipment modifications, gaseous diffusion plants, the figure "\$172,100,000" and substituting therefor the figure "\$295,100,000".
- 84 Stat. 300.  
87 Stat. 145.      (c) Section 106 of Public Law 91-273, as amended, is further amended by striking from subsection (a) the figure "\$2,000,000" and substituting therefor the figure "3,000,000", and by adding thereto the following new subsection (c):
- 31 USC 665.      (c) The Commission is hereby authorized to agree, by modification to the definitive cooperative arrangement reflecting such changes therein as it deems appropriate for such purpose, to the following: (1) to execute and deliver to the other parties to the AEC definitive contract, the special undertaking of indemnification specified in said contract, which undertakings shall be subject to availability of appropriations to the Atomic Energy Commission (or any other Federal agency to which the Commission's pertinent functions might be transferred at some future time) and to the provisions of section 3679 of the Revised Statutes, as amended; and (2) to acquire ownership and custody of the property constituting the Liquid Metal Fast Breeder Reactor power plant or parts thereof, and to use, decommission, and dispose of said property, as provided for in the AEC definitive contract.
- 86 Stat. 223.      (d) Section 101 of Public Law 92-314, as amended, is amended by striking from subsection (b)(4), project 73-4-b, land acquisition, Rocky Flats, Colorado, the figure "\$8,000,000" and substituting therefor the figure "\$11,400,000".
- 87 Stat. 143.  
88 Stat. 119.      (e) Section 101 of Public Law 93-60 is amended by (1) striking from subsection (b)(1), project 74-1-a, additional facilities, high level waste storage, Savannah River, South Carolina, the figure "\$14,000,000" and substituting therefor the figure "\$17,500,000"; (2) striking from subsection (b)(1), project 74-1-g, cascade uprating program, gaseous diffusion plants, the words "(partial AE and limited component procurement only)" and further striking the figure "\$6,000,000" and substituting therefor the figure "\$183,100,000", and (3) striking from subsection (b)(2), project 74-2-d, national security and resources study center, the words "(AE only), site undesignated" and substituting therefor the words "Los Alamos Scientific Laboratory, New Mexico" and further striking the figure "\$350,000" and substituting therefor the figure "\$4,600,000".

83 Stat. 46.  
86 Stat. 225.

**Sec. 108. RESCISSION.**—(a) Public Law 91-44, as amended, is further amended by rescinding therefrom authorization for a project, except for funds heretofore obligated, as follows:

Project 70-1-b, bedrock waste storage (AE and site selection drilling only), Savannah River, South Carolina, \$4,300,000.

85 Stat. 304.

(b) Public Law 92-84, as amended, is further amended by rescinding therefrom authorization for a project, except for funds heretofore obligated, as follows:

Project 72-3-b, national radioactive waste repository, site undetermined, \$3,500,000.

86 Stat. 224.

(c) Public Law 92-314, as amended, is further amended by rescinding therefrom authorization for a project, except for funds heretofore obligated, as follows:

Project 73-6-c, accelerator improvements, Cambridge Electron Accelerator, Massachusetts, \$75,000.

## TITLE II

69 Stat. 947.  
42 USC 2187.

**Sec. 201.** Section 157b.(3) of the Atomic Energy Act of 1954, as amended, is amended by striking out "upon the recommendation of" and inserting in lieu thereof "after consultation with".

Approved May 10, 1974

**AEC AUTHORIZATION ACT [1974 ]**

Public Law 93-158

87 Stat. 627

November 26, 1973

**An Act**

To amend Public Law 93-60 to increase the authorization for appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

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

That section 101(a) of Public Law 93-60 is hereby amended by striking therefrom the figure "\$1,740,750,000" and substituting the figure "\$1,751,450,000."

Sec. 2. Section 101(b) of Public Law 93-60 is hereby amended by adding to subsection (b)(1) the following words: Project 74-1-i, additional waste concentration and salt cake storage facilities, Richland, Washington, \$30,000,000.

Approved November 26, 1973

**4**

## A. CHIEF FINANCIAL OFFICERS ACT OF 1990

### TABLE OF CONTENTS

	PAGE	31 USC Sec.
<b>TITLE I</b>		
<b>GENERAL PROVISIONS</b>		
Sec. 101. Short Title. ....	4-2	501
Sec. 102. Findings and Purposes. ....	4-2	501
<b>TITLE II</b>		
<b>ESTABLISHMENT OF CHIEF FINANCIAL OFFICERS</b>		
Sec. 201. Deputy Director for Management. ....	4-3	501
Sec. 202. Functions of Deputy Director for Management. ....	4-3	501
Sec. 203. Office of Federal Financial Management. ....	4-5	501
Sec. 204. Duties and Functions of The Department of the Treasury. ...	4-6	501
Sec. 205. Agency Chief Financial Officers. ....	4-6	901
Sec. 206. Transfer of Functions and Personnel of Agency Chief Financial Officers. ....	4-10	901
Sec. 207. Compensation. ....	4-10	901
<b>TITLE III</b>		
<b>ENHANCEMENT OF FEDERAL FINANCIAL MANAGEMENT ACTIVITIES</b>		
Sec. 301. Financial Management Status Report; 5-year Plan of Director of Office of Management and Budget. ....	4-11	901
Sec. 302. Chief Financial Officers Council. ....	4-13	3515
Sec. 303. Financial Statements of Agencies. ....	4-13	3521
Sec. 304. Financial Audits of Agencies. ....	4-15	3511
Sec. 305. Financial Audits of Government Corporations. ....	4-16	3511
Sec. 306. Management Reports of Government Corporations. ....	4-17	3511
Sec. 307. Adoption of Capital Accounting Standards. ....	4-18	3511

## B. REPORTS CONSOLIDATION ACT OF 2000

### TABLE OF CONTENTS

	PAGE	31 USC Sec.
Sec. 1. Short Title. ....	4-19	3501
Sec. 2. Findings and Purposes. ....	4-19	3516
Sec. 3. Consolidated Reports. ....	4-19	3516
Sec. 4. Amendments Relating to Audited Financial Statement ...	4-21	3515
Sec. 5. Amendments Relating to Program Performance Reports .	4-21	1116

**A. CHIEF FINANCIAL OFFICERS ACT OF 1990**  
**Public Law 101-576** **104 Stat. 2838**

Nov. 15, 1990

An Act

To amend title 31, United States Code, to improve the general and financial management of the Federal Government.

Chief Financial  
Officers Act of  
1990.

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

**TITLE I—GENERAL PROVISIONS**

**SEC. 101. SHORT TITLE.**

31 USC 501 note.

This Act may be cited as the "Chief Financial Officers Act of 1990."

**SEC. 102. FINDINGS AND PURPOSES.**

31 USC 501 note.

(a) **FINDINGS.**—The Congress finds the following:

(1) General management functions of the Office of Management and Budget need to be significantly enhanced to improve the efficiency and effectiveness of the Federal Government.

(2) Financial management functions of the Office of Management and Budget need to be significantly enhanced to provide overall direction and leadership in the development of a modern Federal financial management structure and associated systems.

(3) Billions of dollars are lost each year through fraud, waste, abuse, and mismanagement among the hundreds of programs in the Federal Government.

(4) These losses could be significantly decreased by improved management, including improved central coordination of internal controls and financial accounting.

(5) The Federal Government is in great need of fundamental reform in financial management requirements and practices as financial management systems are obsolete and inefficient, and do not provide complete, consistent, reliable, and timely information.

(6) Current financial reporting practices of the Federal Government do not accurately disclose the current and probable future cost of operating and investment decisions, including the future need for cash or other resources, do not permit adequate comparison of actual costs among executive agencies, and do not provide the timely information required for efficient management of programs.

(b) **PURPOSES.**—The purposes of this Act are the following:

(1) Bring more effective general and financial management practices to the Federal Government through statutory provisions which would establish in the office of Management and Budget a Deputy Director for Management, establish an Office of Federal Financial Management headed by a Controller, and designate a Chief Financial Officer in each executive department and in each major executive agency in the Federal Government.

(2) Provide for improvement, in each agency of the Federal Government, of systems of accounting, financial management, and

internal controls to assure the issuance of reliable financial information and to deter fraud, waste, and abuse of Government resources.

(3) Provide for the production of complete, reliable, timely, and consistent financial information for use by the executive branch of the Government and the Congress in the financing, management, and evaluation of Federal programs.

## **TITLE II—ESTABLISHMENT OF CHIEF FINANCIAL OFFICERS**

### **SEC. 201. DEPUTY DIRECTOR FOR MANAGEMENT.**

Section 502 of title 31, United States Code, as amended by this Act, is amended—

(1) by redesignating subsections (c), (d), and (e), as amended by this section, as subsections (d), (e), and (f); and

(2) by inserting after subsection (b) the following:

(c) The Office has a Deputy Director for Management appointed by the President, by and with the advice and consent of the Senate. The Deputy Director for Management shall be the chief official responsible for financial management in the United States Government.

### **SEC. 202. FUNCTIONS OF DEPUTY DIRECTOR FOR MANAGEMENT.**

(a) **CLERICAL AMENDMENTS.**—Sections 503 and 504 of title 31, United States Code, are redesignated in order as sections 505 and 506, respectively.

(b) **FUNCTIONS OF DEPUTY DIRECTOR FOR MANAGEMENT.**—Subchapter I of chapter 5 of title 31, United States Code, is amended by inserting after section 502 the following:

#### **§503. Functions of Deputy Director for Management**

(a) Subject to the direction and approval of the Director, the Deputy Director for Management shall establish government-wide financial management policies for executive agencies and shall perform the following financial management functions:

(1) Perform all functions of the Director, including all functions delegated by the President to the Director, relating to financial management.

(2) Provide overall direction and leadership to the executive branch on financial management matters by establishing financial management policies and requirements, and by monitoring the establishment and operation of Federal Government financial management systems.

(3) Review agency budget requests for financial management systems and operations, and advise the Director on the resources required to develop and effectively operate and maintain Federal Government financial management systems and to correct major deficiencies in such systems.

(4) Review and, where appropriate, recommend to the Director changes to the budget and legislative proposals of agencies to ensure that they are in accordance with financial management plans of the Office of Management and Budget.



(5) Monitor the financial execution of the budget in relation to actual expenditures, including timely performance reports.

(6) Oversee, periodically review, and make recommendations to heads of agencies on the administrative structure of agencies with respect to their financial management activities.

(7) Develop and maintain qualification standards for agency Chief Financial Officers and for agency Deputy Chief Financial Officers appointed under sections 901 and 903, respectively.

(8) Provide advice to agency heads with respect to the selection of agency Chief Financial Officers and Deputy Chief Financial Officers.

(9) Provide advice to agencies regarding the qualifications, recruitment, performance, and retention of other financial management personnel.

(10) Assess the overall adequacy of the professional qualifications and capabilities of financial management staffs throughout the Government and make recommendations on ways to correct problems which impair the capacity of those staffs.

(11) Settle differences that arise among agencies regarding the implementation of financial management policies.

(12) Chair the Chief Financial Officers Council established by section 302 of the Chief Financial Officers Act of 1990.

(13) Communicate with the financial officers of State and local governments, and foster the exchange with those officers of information concerning financial management standards, techniques, and processes.

(14) Issue such other policies and directives as may be necessary to carry out this section, and perform any other function prescribed by the Director.

(b) Subject to the direction and approval of the Director, the Deputy Director for Management shall establish general management policies for executive agencies and perform the following general management functions:

(1) Coordinate and supervise the general management functions of the Office of Management and Budget.

(2) Perform all functions of the Director, including all functions delegated by the President to the Director, relating to—

(A) managerial systems, including the systematic measurement of performance;

(B) procurement policy;

(C) grant, cooperative agreement, and assistance management;

(D) information and statistical policy;

(E) property management;

(F) human resources management;

(G) regulatory affairs; and

(H) other management functions, including organizational studies, long-range planning, program evaluation, productivity improvement, and experimentation and demonstration programs.

(3) Provide complete, reliable, and timely information to the President, the Congress, and the public regarding the management activities of the executive branch.

(4) Facilitate actions by the Congress and the executive branch to improve the management of Federal Government operations and to remove impediments to effective administration.

(5) Provide leadership in management innovation, through  
(A) experimentation, testing, and demonstration programs; and  
(B) the adoption of modern management concepts and technologies.

(6) Work with State and local governments to improve and strengthen intergovernmental relations, and provide assistance to such governments with respect to intergovernmental programs and cooperative arrangements.

(7) Review and, where appropriate, recommend to the Director changes to the budget and legislative proposals of agencies to ensure that they respond to program evaluations by, and are in accordance with general management plans of, the Office of Management and Budget.

(8) Provide advice to agencies on the qualification, recruitment, performance, and retention of managerial personnel.

(9) perform any other functions prescribed by the Director.

**SEC. 203. OFFICE OF FEDERAL FINANCIAL MANAGEMENT.**

(a) **ESTABLISHMENT.**—Subchapter I of chapter 5 of title 31, United States Code, as amended by this Act, is amended by inserting after section 503 (as added by section 202 of this Act) the following:

**§504. Office of Federal Financial Management**

(a) There is established in the Office of Management and Budget an office to be known as the “Office of Federal Financial Management.” The Office of Federal Financial Management, under the direction and control of the Deputy Director for Management of the Office of Management and Budget, shall carry out the financial management functions listed in section 503(a) of this title.

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

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

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

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

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

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

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

503. Functions of Deputy Director for Management.

504. Office of Federal Financial Management.

505. Office of Information and Regulatory Affairs.

506. Office of Federal Procurement Policy.

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

31 USC 501 note.

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

**SEC. 205. AGENCY CHIEF FINANCIAL OFFICERS.**

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

**CHAPTER 9—AGENCY CHIEF FINANCIAL OFFICERS**

**§901. Establishment of agency Chief Financial Officers**

31 USC 901

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

(1) for those agencies described in subsection (b)(1)—

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

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

(2) for those agencies described in subsection (b)(2)—

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

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

(C) be career appointees; and

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

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

(A) The Department of Agriculture.

(B) The Department of Commerce.

(C) The Department of Defense.

(D) The Department of Education.

(E) The Department of Energy.

(F) The Department of Health and Human Services.

(G) The Department of Housing and Urban Development.

(H) The Department of the Interior.

(I) The Department of Justice.

(J) The Department of Labor.

(K) The Department of State.

(L) The Department of Transportation.

(M) The Department of the Treasury.

(N) The Department of Veterans Affairs.

(O) The Environmental Protection Agency.

(P) The National Aeronautics and Space Administration.

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

(A) The Agency for International Development.

(B) The Federal Emergency Management Agency.

- (C) The General Services Administration.
- (D) The National Science Foundation.
- (E) The Nuclear Regulatory Commission.
- (F) The Office of Personnel Management.
- (G) The Small Business Administration.
- (H) The Social Security Administration.

(c)(1) There shall be within the Executive Office of the President a Chief Financial Officer, who shall be designated or appointed by the President from among individuals meeting the standards described in subsection (a)(3). The position of Chief Financial Officer established under this paragraph may be so established in any Office (including the Office of Administration) of the Executive Office of the President.

(2) The Chief Financial Officer designated or appointed under this subsection shall, to the extent that the President determines appropriate and in the interest of the United States, have the same authority and perform the same functions as apply in the case of a Chief Financial Officer of an agency described in subsection (b).

(3) The President shall submit to Congress notification with respect to any provision of section 902 that the President determines shall not apply to a Chief Financial Officer designated or appointed under this subsection.

(4) The President may designate an employee of the Executive Office of the President (other than the Chief Financial Officer), who shall be deemed "the head of the agency" for purposes of carrying out section 902, with respect to the Executive Office of the President.<sup>1</sup>

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

(a) An agency Chief Financial Officer shall—

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

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

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

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

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

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

(D) provides for—

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

(ii) the development and reporting of cost information;

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

(iv) the systematic measurement of performance;

<sup>1</sup>Amended Public Law 103-296, sec 108(j)(1), (108 Stat 1488), Aug 15, 1994; Public Law 106-58, Title VI, sec 638(a), (113 Stat 475), September 29, 1999

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

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

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

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

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

(B) the development of agency financial management budgets;

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

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

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

Reports.

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

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

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

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

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

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

Reports.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“9. Agency Chief Financial Officers.....901.”

31 USC 901 note.

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

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

(2) CONFORMING AMENDMENT.—Section 4(c) of the Department of Veterans Affairs Act (38 USC 201 note) and section 4(e) of the Department of Housing and Urban Development Act

(42 USC 3533(e)), as added by section 121 of Public Law 101-235, are repealed.

**SEC. 206. TRANSFER OF FUNCTIONS AND PERSONNEL OF AGENCY CHIEF FINANCIAL OFFICERS.**

31 USC 901 note.

(a) **AGENCY REVIEWS OF FINANCIAL MANAGEMENT ACTIVITIES.**—Not later than 120 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall require each agency listed in subsection (b) of section 901 of title 31, United States Code, as amended by this Act, to conduct a review of its financial management activities for the purpose of consolidating its accounting, budgeting, and other financial management activities under the agency Chief Financial Officer appointed under subsection (a) of that section for the agency.

(b) **REORGANIZATION PROPOSAL.**—Not later than 120 days after the issuance of requirements under subsection (a) and subject to all laws vesting functions in particular officers and employees of the United States, the head of each agency shall submit to the Director of the Office of Management and Budget a proposal for reorganizing the agency for the purposes of this Act. Such proposal shall include—

(1) a description of all functions, powers, duties, personnel, property, or records which the agency Chief Financial Officer is proposed to have authority over, including those relating to functions that are not related to financial management activities; and

(2) a detailed outline of the administrative structure of the office of the agency Chief Financial Officer, including a description of the responsibility and authority of financial management personnel and resources in agencies or other subdivisions as appropriate to that agency.

(c) **REVIEW AND APPROVAL OF PROPOSAL.**—Not later than 60 days after receiving a proposal from the head of an agency under subsection (b), the Director of the Office of Management and Budget shall approve or disapprove the proposal and notify the head of the agency of that approval or disapproval. The Director shall approve each proposal which establishes an agency Chief Financial Officer in conformance with section 901 of title 31, United States Code, as added by this Act, and which establishes a financial management structure reasonably tailored to the functions of the agency. Upon approving or disapproving a proposal of an agency under this section, the Director shall transmit to the head of the agency a written notice of that approval or disapproval.

(d) **IMPLEMENTATION OF PROPOSAL.**—Upon receiving written notice of approval of a proposal under this section from the Director of the Office of Management and Budget, the head of an agency shall implement that proposal.

**SEC. 207. COMPENSATION.**

(a) **COMPENSATION, LEVEL II.**—Section 5313 of title 5, United States Code, is amended by adding at the end the following:

“Deputy Director for Management, Office of Management and Budget.”

(b) **COMPENSATION, LEVEL III.**—Section 5314 of title 5, United States Code, is amended by adding at the end the following:

“Controller, Office of Federal Financial Management, Office of Management and Budget.”

(c) **COMPENSATION, LEVEL IV.**—Section 5315 of title 5, United States Code, is amended by adding at the end the following:  
Chief Financial Officer, Department of Agriculture.  
Chief Financial Officer, Department of Commerce.  
Chief Financial Officer, Department of Defense.  
Chief Financial Officer, Department of Education.  
Chief Financial Officer, Department of Energy.  
Chief Financial Officer, Department of Health and Human Services.  
Chief Financial Officer, Department of Housing and Urban Development.  
Chief Financial Officer, Department of the Interior.  
Chief Financial Officer, Department of Justice.  
Chief Financial Officer, Department of Labor.  
Chief Financial Officer, Department of State.  
Chief Financial Officer, Department of Transportation.  
Chief Financial Officer, Department of the Treasury.  
Chief Financial Officer, Department of Veterans Affairs.  
Chief Financial Officer, Environmental Protection Agency.  
Chief Financial Officer, National Aeronautics and Space Administration.

### **TITLE III—ENHANCEMENT OF FEDERAL FINANCIAL MANAGEMENT ACTIVITIES**

#### **SEC. 301. FINANCIAL MANAGEMENT STATUS REPORT; 5-YEAR PLAN OF DIRECTOR OF OFFICE OF MANAGEMENT AND BUDGET.**

(a) **IN GENERAL.**—Section 3512 of title 31, United States Code, is amended by striking the heading thereof, redesignating subsections (a) through (f) in order as subsections (b) through (g), and by inserting before such subsection (b), as so redesignated, the following:

**§3512. Executive agency accounting and other financial management reports and plans**

(a)(1) The Director of the Office of Management and Budget shall prepare and submit to the appropriate committees of the Congress a financial management status report and a government-wide 5-year financial management plan.

(2) A financial management status report under this subsection shall include—

(A) a description and analysis of the status of financial management in the executive branch;

(B) a summary of the most recently completed financial statements—

(i) of Federal agencies under section 3515 of this title; and  
(ii) of Government corporations;

(C) a summary of the most recently completed financial statement audits and reports

(i) of Federal agencies under section 3521 (e) and (f) of this title; and  
(ii) of Government corporations;

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



(E) any other information the Director considers appropriate to fully inform the Congress regarding the financial management of the Federal Government.

(3)(A) A governmentwide 5-year financial management plan under this subsection shall describe the activities the Director, the Deputy Director for Management, the Controller of the Office of Federal Financial Management, and agency Chief Financial Officers shall conduct over the next 5 fiscal years to improve the financial management of the Federal Government.

(B) Each governmentwide 5-year financial management plan prepared under this subsection shall—

(i) describe the existing financial management structure and any changes needed to establish an integrated financial management system;

(ii) be consistent with applicable accounting principles, standards, and requirements;

(iii) provide a strategy for developing and integrating individual agency accounting, financial information, and other financial management systems to ensure adequacy, consistency, and timeliness of financial information;

(iv) identify and make proposals to eliminate duplicative and unnecessary systems, including encouraging agencies to share systems which have sufficient capacity to perform the functions needed;

(v) identify projects to bring existing systems into compliance with the applicable standards and requirements;

(vi) contain milestones for equipment acquisitions and other actions necessary to implement the 5-year plan consistent with the requirements of this section;

(vii) identify financial management personnel needs and actions to ensure those needs are met;

(viii) include a plan for ensuring the annual audit of financial statements of executive agencies pursuant to section 3521(h) of this title; and

(ix) estimate the costs of implementing the governmentwide 5-year plan.

(4)(A) Not later than 15 months after the date of the enactment of this subsection, the Director of the Office of Management and Budget shall submit the first financial management status report and government-wide 5-year financial management plan under this subsection to the appropriate committees of the Congress.

(B)(i) Not later than January 31 of each year thereafter, the Director of the Office of Management and Budget shall submit to the appropriate committees of the Congress a financial management status report and a revised government-wide 5-year financial management plan to cover the succeeding 5 fiscal years, including a report on the accomplishments of the executive branch in implementing the plan during the preceding fiscal year

(ii) The Director shall include with each revised government-wide 5-year financial management plan a description of any substantive changes in the financial statement audit plan required by paragraph (3)(B)(viii),

progress made by executive agencies implementing the audit plan, and any improvements in Federal Government financial management related to preparation and audit of financial statements of executive agencies.

(5) Not later than 30 days after receiving each annual report under section 902(a)(6) of this title, the Director shall transmit to the Chairman of the Committee on Government Operations of the House of Representatives and the Chairman of the Committee on Governmental Affairs of the Senate a final copy of that report and any comments on the report by the Director.

(b) **CLERICAL AMENDMENT.**—The table of contents at the beginning of chapter 35 of title 31, United States Code, is amended by striking the item relating to Section 3512 and inserting the following:  
3512. Executive agency accounting and other financial management reports and plans.

**SEC. 302. CHIEF FINANCIAL OFFICERS COUNCIL.**

31 USC 901 note

(a) **ESTABLISHMENT.**—There is established a Chief Financial Officers Council, consisting of—

(1) the Deputy Director for Management of the Office of Management and Budget, who shall act as chairperson of the council;

(2) the Controller of the Office of Federal Financial Management of the Office of Management and Budget;

(3) the Fiscal Assistant Secretary of Treasury; and

(4) each of the agency Chief Financial Officers appointed under section 901 of title 31, United States Code, as amended by this Act.

(b) **FUNCTIONS.**—The Chief Financial Officers Council shall meet periodically to advise and coordinate the activities of the agencies of its members on such matters as consolidation and modernization of financial systems, improved quality of financial information, financial data and information standards, internal controls, legislation affecting financial operations and organizations, and any other financial management matter.

**SEC. 303. FINANCIAL STATEMENTS OF AGENCIES.**

(a) **PREPARATION OF FINANCIAL STATEMENTS.**—

(1) **IN GENERAL.**—Subchapter II of chapter 35 of title 31, United States Code, is amended by adding at the end the following:

**§3515. Financial statements of agencies**

(a) Not later than March 1 of 1997 and each year thereafter, the head of each executive agency identified in section 901(b) of this title shall prepare and submit to the Congress and the Director of the Office of Management and Budget an audited financial statement for the preceding fiscal year, covering all accounts and associated activities of each office, bureau, and activity of the agency.

(b) Each audited financial statement of an executive agency under this section shall reflect—

(1) the overall financial position of the offices, bureaus, and activities covered by the statement, including assets and liabilities thereof; and

(2) results of operations of those offices, bureaus, and activities.

(c) The Director of the Office of Management and Budget shall identify components of executive agencies that shall be required to have audited financial statements meeting the requirements of subsection (b).

(d) The Director of the Office of Management and Budget shall prescribe the form and content of the financial statements of executive agencies under this section, consistent with applicable accounting and financial reporting principles, standards, and requirements.<sup>2</sup>

**§3516. Reports Consolidation.**

(a)(1) With the concurrence of the Director of the Office of Management and Budget, the head of an executive agency may adjust the frequency and due dates of, and consolidate into an annual report to the President, the Director of the Office of Management and Budget, and Congress any statutorily required reports described in paragraph (2). Such a consolidated report shall be submitted to the President, the Director of the Office of Management and Budget, and to appropriate committees and subcommittees of Congress not later than 150 days after the end of the agency's fiscal year.

(2) The following reports may be consolidated into the report referred to in paragraph (1):

(A) Any report by an agency to Congress, the Office of Management and Budget, or the President under section 1116 of this chapter.

(B) The following agency-specific reports:

(i) The biennial financial management improvement plan by the Secretary of Defense under section 2222 of title 10.

(ii) The annual report of the Attorney General under section 522 of title 28.

(C) Any other statutorily required report pertaining to an agency's financial or performance management if the head of the agency—

(i) determines that inclusion of that report will enhance the usefulness of the reported information to decision makers; and

(ii) consults in advance of inclusion of that report with the committee on Governmental Affairs of the Senate, the Committee on Government Reform of the House of Representatives and any other committee of Congress having jurisdiction with respect to the report proposed for inclusion.

(b) A report under subsection (a) that incorporates the agency's program performance report under section 1116 shall be referred to as a performance and accountability report.

(c) A report under subsection (a) that does not incorporate the agency's program performance report under section 1116 shall contain a summary of the most significant portions of the agency's program performance report, including the agency's success in achieving key performance goals for the applicable year.

(d) A report under subsection (a) shall include a statement prepared by the agency's inspector general that summarizes what the inspector general considers to be the most serious management and performance challenges facing the agency and briefly assesses the agency's progress in addressing those challenges. The inspector general shall provide such statement to the agency head at least 30 days before the due date of the report under

<sup>2</sup>Public Law 101-576, Title III, sec. 303(a)(1), (104 Stat. 2849; November 15, 1990; Public Law 103-356, Title IV, sec. 405(a), (108 Stat. 3415), October 13, 1994; Public Law 106-531, sec. 4(a), (114 Stat. 2539), November 22, 2000.

subsection (a). The agency head may comment on the inspector general's statement, but may not modify the statement.

(e) A report under subsection (a) shall include a transmittal letter from the agency head containing, in addition to any other content, an assessment by the agency head of the completeness and reliability of the performance and financial data used in the report. The assessment shall describe any material inadequacies in the completeness and reliability of the data, and the actions the agency can take and is taking to resolve such inadequacies.<sup>3</sup>

#### **SEC. 304. FINANCIAL AUDITS OF AGENCIES.**

##### **§3521**

(a) Each account of an agency shall be audited administratively before being submitted to the Comptroller General and the Controller of the Office of Federal Financial Management. The head of each agency shall prescribe regulations for conducting the audit and designate a place at which the audit is to be conducted. However, a disbursing official of an executive agency may not administratively audit vouchers for which the official is responsible. With the consent of the Comptroller General, the head of the agency may waive any part of an audit.

(b) The head of an agency may prescribe a statistical sampling procedure to audit vouchers of the agency when the head of the agency decides economies will result from using the procedure. The Comptroller General—

(1) may prescribe the maximum amount of a voucher that may be audited under this subsection; and

(2) in reviewing the accounting system of the agency, shall evaluate the adequacy and effectiveness of the procedure.

(c) A disbursing or certifying official acting in good faith under subsection (b) of this section is not liable for a payment or certification of a voucher not audited specifically because of the procedure prescribed under subsection (b) if the official and the head of the agency carry out diligent collection action the Comptroller General prescribes.

(d) Subsections (b) and (c) of this section do not—

(1) affect the liability, or authorize the relief, of a payee, beneficiary, or recipient of an illegal, improper, or incorrect payment; or

(2) relieve a disbursing or certifying official, the head of an agency, or the Comptroller General of responsibility in carrying out collection action against a payee, beneficiary, or recipient.

(e) Each financial statement prepared under section 3515 by an agency shall be audited in accordance with applicable generally accepted government auditing standards—

(1) in the case of an agency having an Inspector General appointed under the Inspector General Act of 1978 (5 USC App.), by the Inspector General or by an independent external auditor, as determined by the Inspector General of the agency; and

(2) in any other case, by an independent external auditor, as determined by the head of the agency.

(f) For each audited financial statement required under subsection (a) of section 3515 of this title, the person who audits the statement for purpose of subsection (e) of this section shall submit a report on the audit

<sup>3</sup>Added November 22, 2000, Public Law 106-531, sec. 3(a), 114 Stat. 2537.

to the head of the agency. A report under this subsection shall be prepared in accordance with generally accepted government auditing standards.

(g) The Comptroller General of the United States—

Reports.

(1) may review any audit of a financial statement conducted under this subsection by an Inspector General or an external auditor;

(2) shall report to the Congress, the Director of the Office of Management and Budget, and the head of the agency which prepared the statement, regarding the results of the review and make any recommendation the Comptroller General considers appropriate; and

(3) may audit a financial statement prepared under section 3515 of this title at the discretion of the Comptroller General or at the request of a committee of the Congress.

An audit the Comptroller General performs under this subsection shall be in lieu of the audit otherwise required by subsection (e) of this section. Prior to performing such audit, the Comptroller General shall consult with the Inspector General of the agency which prepared the statement.

(h) Each financial statement prepared by an executive agency for a fiscal year after fiscal year 1991 shall be audited in accordance with this section and the plan required by section 3512(a)(3)(B)(viii) of this title.<sup>4</sup>

#### **SEC. 305. FINANCIAL AUDITS OF GOVERNMENT CORPORATIONS.**

Section 9105 of title 31, United States Code, is amended to read as follows:

##### **§9105. Audits**

(a)(1) The financial statements of Government corporations shall be audited by the Inspector General of the corporation appointed under the Inspector General Act of 1978 (5 USC App.) or by an independent external auditor, as determined by the Inspector General or, if there is no Inspector General, by the head of the corporation.

(2) Audits under this section shall be conducted in accordance with applicable generally accepted government auditing standards.

Reports

(3) Upon completion of the audit required by this subsection, the person who audits the statement shall submit a report on the audit to the head of the Government corporation, to the Chairman of the Committee on Government Operations of the House of Representatives, and to the Chairman of the Committee on Governmental Affairs of the Senate.

(4) The Comptroller General of the United States—

Reports.

(A) may review any audit of a financial statement conducted under this subsection by an Inspector General or an external auditor;

(B) shall report to the Congress, the Director of the Office of Management and Budget, and the head of the Government corporation which prepared the statement, regarding the results of the review and make any recommendation the Comptroller General of the United States considers appropriate; and

<sup>4</sup>As amended, Public Law 101-576, Title III, sec. 304(a), November 15, 1990, 104 Stat. 2852, Public Law 103-356, Title IV, sec. 405(b), October 13, 1994, 108 Stat. 3416; Public Law 104-208, Div. A Title I, sec 101(f) [Title VIII, sec 805(a)], September 30, 1996, 110 Stat. 3009-392; Public Law 106-531, sec. 4(b), November 22, 2000, 114 Stat 2539.

(C) may audit a financial statement of a Government corporation at the discretion of the Comptroller General or at the request of a committee of the Congress. An audit the Comptroller General performs under this paragraph shall be in lieu of the audit otherwise required by paragraph (1) of this subsection. Prior to performing such audit, the Comptroller General shall consult with the Inspector General of the agency which prepared the statement.

(5) A Government corporation shall reimburse the Comptroller General of the United States for the full cost of any audit conducted by the Comptroller General under this subsection, as determined by the Comptroller General. All reimbursements received under this paragraph by the Comptroller General of the United States shall be deposited in the Treasury as miscellaneous receipts.

(b) Upon request of the Comptroller General of the United States, a Government corporation shall provide to the Comptroller General of the United States all books, accounts, financial records, reports, files, workpapers, and property belonging to or in use by the Government corporation and its auditor that the Comptroller General of the United States considers necessary to the performance of any audit or review under this section.

(c) Activities of the Comptroller General of the United States under this section are in lieu of any audit of the financial transactions of a Government corporation that the Comptroller General is required to make under any other law.

#### **SEC. 306. MANAGEMENT REPORTS OF GOVERNMENT CORPORATIONS.**

(a) **IN GENERAL.**—Section 9106 of title 31, United States Code, is amended to read as follows:

##### **§9106. Management reports**

(a)(1) A Government corporation shall submit an annual management report to the Congress not later than 180 days after the end of the Government corporation's fiscal year.

(2) A management report under this subsection shall include—

(A) a statement of financial position;

(B) a statement of operations;

(C) a statement of cash flows;

(D) a reconciliation to the budget report of the Government corporation, if applicable;

(E) a statement on internal accounting and administrative control systems by the head of the management of the corporation, consistent with the requirements for agency statements on internal accounting and administrative control systems under the amendments made by the Federal Managers' Financial Integrity Act of 1982 (Public Law 97-255);

(F) the report resulting from an audit of the financial statements of the corporation conducted under section 9105 of this title; and

(G) any other comments and information necessary to inform the Congress about the operations and financial condition of the corporation.

(b) A Government corporation shall provide the President, the Director of the Office of Management and Budget, and the Comptroller

General of the United States a copy of the management report when it is submitted to Congress.

(b) **CLERICAL AMENDMENT.**—The table of sections for chapter 91 of title 31, United States Code, is amended by striking the item relating to section 9106 and inserting the following:

9106. Management reports.

**SEC. 307. ADOPTION OF CAPITAL ACCOUNTING STANDARDS.**

31 USC 3511 note.

No capital accounting standard or principle, including any human capital standard or principle, shall be adopted for use in an executive department or agency until such standard has been reported to the Congress and a period of 45 days of continuous session of the Congress has expired.

Approved November 15, 1990

## B. REPORTS CONSOLIDATION ACT OF 2000

Public Law 106-531

114 Stat. 2537

November 22, 2000

### An Act

to amend chapter 35 of Title 31, United States Code, to authorize the consolidation of certain financial and performance management reports required of Federal agencies, and for other purposes.

#### Sec. 1. Short Title.

This Act may be cited as the "Reports Consolidation Act of 2000."

Reports  
Consolidation Act  
of 2000. 31 USC  
3501 note.

#### Sec. 2. Findings and Purposes.

(a) FINDINGS.—Congress finds that—

- (1) existing law imposes numerous financial and performance management reporting requirements on agencies;
- (2) these separate requirements can cause duplication of effort on the part of agencies and result in uncoordinated reports containing information in a form that is not completely useful to Congress; and
- (3) pilot projects conducted by agencies under the direction of the Office of Management and Budget demonstrate that single consolidated reports providing an analysis of verifiable financial and performance management information produce more useful reports with greater efficiency.

(b) PURPOSES.—The purposes of this Act are—

- (1) to authorize and encourage the consolidation of financial and performance management reports;
- (2) to provide financial and performance management information in a more meaningful and useful format for Congress, the President, and the public;
- (3) to improve the quality of agency financial and performance management information; and
- (4) to enhance coordination and efficiency on the part of agencies in reporting financial and performance management information.

#### Sec. 3. Consolidated Reports.

(a) IN GENERAL.—Chapter 35 of Title 31, United States Code, is amended by adding at the end of the following:

"§ 3516. Reports Consolidation

Deadline

"(a)(1) With the concurrence of the Director of the Office of Management and Budget, the head of an executive agency may adjust the frequency and due dates of, and consolidate into an annual report to the President, the Director of the Office of Management and Budget, and Congress any statutorily required reports described in paragraph (2). Such a consolidated report shall be submitted to the President, the Director of the Office of Management and Budget, and to appropriate committees and subcommittees of Congress not later than 150 days after the end of the agency's fiscal year.

"(2) The following reports may be consolidated into the report referred to in paragraph (1):



(A) Any report by an agency to Congress, the Office of Management and Budget, or the President under section 1116, this chapter, and chapters 9, 33, 37, 75, and 91.

(B) The following agency-specific reports:

“(i) The biennial financial management improvement plan by the Secretary of Defense under section 2222 of Title 10.

“(ii) The annual report of the Attorney General under section 522 of Title 28.

(C) Any other statutorily required report pertaining to an agency’s financial or performance management if the head of the agency—

“(i) determines that inclusion of that report will enhance the usefulness of the reported information to decision makers; and

“(ii) consults in advance of inclusion of that report with the committee on Governmental Affairs of the Senate, the Committee on Government Reform of the House of Representatives, and any other committee of Congress having jurisdiction with respect to the report proposed for inclusion.

“(b) A report under subsection (a) that incorporates the agency’s program performance report under section 1116 shall be referred to as a performance and accountability report.

“(c) A report under subsection (a) that does not incorporate the agency’s program performance report under section 1116 shall contain a summary of the most significant portions of the agency’s program performance report, including the agency’s success in achieving key performance goals for the applicable year.

“(d) A report under subsection (a) shall include a statement prepared by the agency’s inspector general that summarizes what the inspector general considers to be the most serious management and performance challenges facing the agency and briefly assesses the agency’s progress in addressing those challenges. The inspector general shall provide such statement to the agency head at least 30 days before the due date of the report under subsection (a). The agency head may comment on the inspector general’s statement, but may not modify the statement.

“(e) A report under subsection (a) shall include a transmittal letter from the agency head containing, in addition to any other content, an assessment by the agency head of the completeness and reliability of the performance and financial data used in the report. The assessment shall describe any material inadequacies in the completeness and reliability of the data, and the actions the agency can take and is taking to resolve such inadequacies.”

Deadline

Deadline.

31 USC 3516 note.

(b) SPECIAL RULE FOR FISCAL YEARS 2000 AND 2001 – Notwithstanding paragraph (1) of section 3516(a) of Title 31, United States Code (as added by subsection (a) of this section), the head of an executive agency may submit a consolidated report under such paragraph not later than 180 days after the end of that agency’s fiscal year, with respect to fiscal years 2000 and 2001.

(c) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 35 of Title 31, United States Code, is amended by inserting after the item relating to section 3515 the following:

“3516. Reports consolidation.”

**Sec. 4. Amendments Relating to Audited Financial Statement.**

(a) **FINANCIAL STATEMENTS.**—Section 3515 of Title 31, United States Code, is amended—

(1) in subsection (a); by inserting “Congress and the” before “Director”; and

(2) by striking subsections (e) through (h).

(b) **ELIMINATION OF REPORT.**—Section 3521(f) of Title 31, United States code is amended—

(1) in paragraph (1)—

(A) by striking “subsections (a) and (f)” and inserting “subsection (a)”; and

(B) by striking “(1)”; and

(2) by striking paragraph (2).

**Sec. 5. Amendments Relating to Program Performance Reports.**

(a) **REPORT DUE DATE.**—

(1) **IN GENERAL.**—Section 1116(a) of Title 31, United States Code, is amended by striking “No later than March 31, 2000, and no later than March 31 of each year thereafter,” and inserting “Not later than 150 days after the end of an agency’s fiscal year.”

31 USC 1116 note.

(2) **SPECIAL RULE FOR FISCAL YEARS 2000 AND 2001.**—

Notwithstanding subsection (a) of section 1116 of Title 31, United States Code (as amended by paragraph (1) of this subsection), an agency head may submit a report under such subsection not later than 180 days after the end of that agency’s fiscal year, with respect to fiscal years 2000 and 2001.

(b) **INCLUSION OF INFORMATION IN FINANCIAL STATEMENT.**—Section 1116(e) of Title 31, United States Code, is amended to read as follows:

“(e)(1) Except as provided in paragraph (2), each program performance report shall contain an assessment by the agency head of the completeness and reliability of the performance data included in the report. The assessment shall describe any material inadequacies in the completeness and reliability of the performance data, and the actions the agency can take and is taking to resolve such inadequacies.

“(2) If a program performance report is incorporated into a report submitted under section 3516, the requirements of section 3516(e) shall apply in lieu of paragraph (1).”

Approved November 22, 2000

5

# INSPECTOR GENERAL ACT OF 1978, AS AMENDED

## TABLE OF CONTENTS

### 5 USC APPENDIX

Sec. 1.	Short Title .....	5-2
Sec. 2.	Purpose and Establishment of Offices of Inspector General: Departments and Agencies Involved .....	5-2
Sec. 3.	Appointment of Inspector General. Supervision: Removal: Political Activities: Appointment of Assistant Inspector General for Auditing and Assistant Inspector General for Investigations .....	5-2
Sec. 4.	Duties and Responsibilities. Report of Criminal Violations to Attorney General. ....	5-3
Sec. 5.	Semiannual Reports; Transmittal to Congress; Availability to Public; Immediate Report on Serious or Flagrant Problems; Disclosure of Information; Definitions. ....	5-4
Sec. 6.	Authority of Inspector General; Information and Assistance from Federal Agencies, Unreasonable Refusal, Office Space and Equipment .....	5-7
Sec. 7.	Complaints by Employees. Disclosure of Identity; Reprisals .....	5-8
Sec. 8.	Additional Provisions with Respect to the Inspector General of the Department of Defense .....	5-9
Sec. 8A.	Special Provisions Relating to the Agency for International Development .....	5-10
Sec. 8B.	Special Provisions Concerning the Nuclear Regulatory Commission .....	5-11
Sec. 8C.	Special Provisions Concerning the Federal Deposit Insurance Corporation. ....	5-11
Sec. 8D.	Special Provisions Concerning the Department of the Treasury .....	5-12
Sec. 8E.	Special Provisions Concerning the Department of Justice .....	5-15
Sec. 8F.	Special Provisions Concerning the Corporation for National and Community Service .....	5-16
Sec. 8G.	Requirements for Federal Entities and Designated Federal Entities .....	5-16
Sec. 8H.	Additional Provisions with Respect to Inspectors General of the Intelligence Community .....	5-19
Sec. 8I.	Rule of Construction of Special Provisions .....	5-21
Sec. 9.	Transfer of Functions .....	5-21
Sec. 10.	Conforming and Technical Amendments .....	5-23
Sec. 11.	Definitions .....	5-23
Sec. 12.	Effective Date .....	5-24
	<b>Pertinent Portions of Inspector General Act Amendment of 1988 (which did not amend Inspector General Act of 1978) .....</b>	<b>5-24</b>

**INSPECTOR GENERAL ACT OF 1978, AS AMENDED**

**Public Law 95-452**

**October 1, 1978**

**92 Stat. 1101**

**5 USC Appendix**

**Sec. 1. SHORT TITLE**

**Sec. 2. PURPOSE AND ESTABLISHMENT OF OFFICES OF INSPECTOR GENERAL: DEPARTMENTS AND AGENCIES INVOLVED**

In order to create independent and objective units—

(1) to conduct and supervise audits and investigations relating to the programs and operations of the establishments listed in section 11(2);

(2) to provide leadership and coordination and recommend policies for activities designed (A) to promote economy, efficiency, and effectiveness in the administration of, and (B) to prevent and detect fraud and abuse in, such programs and operations; and

(3) to provide a means for keeping the head of the establishment and the Congress fully and currently informed about problems and deficiencies relating to the administration of such programs and operations and the necessity for and progress of corrective action; there is established—

(A) in each of such establishments an Office of Inspector General, subject to subparagraph (B); and

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

(i) an Office of Inspector General of the Department of the Treasury; and

(ii) an Office of Treasury Inspector General for Tax Administration.<sup>1</sup>

**Sec. 3. APPOINTMENT OF INSPECTOR GENERAL. SUPERVISION: REMOVAL: POLITICAL ACTIVITIES: APPOINTMENT OF ASSISTANT INSPECTOR GENERAL FOR AUDITING AND ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS**

(a) There shall be at the head of each Office an Inspector General who shall be appointed by the President, by and with the advice and consent of the Senate, without regard to political affiliation and solely on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations. Each Inspector General shall 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—

<sup>1</sup>As amended Public Law 105-206, Title I, sec 1103(a), 112 Stat. 705, July 22, 1998

(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.

**Sec. 4. DUTIES AND RESPONSIBILITIES. REPORT OF CRIMINAL VIOLATIONS TO ATTORNEY GENERAL.**

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

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

(2) to review existing and proposed legislation and regulations relating to programs and operations of such establishment and to make recommendations in the semiannual reports required by section 5(a) concerning the impact of such legislation or regulation 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 nongovernment entities with respect to (A) all matters relating to 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 8E(a)(2), and any audit office established within a Federal entity defined under section 8E(a)(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 8E(a)(2).

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

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

**Sec. 5. SEMIANNUAL REPORTS; TRANSMITTAL TO CONGRESS; AVAILABILITY TO PUBLIC; IMMEDIATE REPORT ON SERIOUS OR FLAGRANT PROBLEMS; DISCLOSURE OF INFORMATION; DEFINITIONS.**

(a)<sup>2</sup> 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;

<sup>2</sup>Pub L. 95-452, § 5, Oct. 12, 1978, 92 Stat. 1103; Pub L. 97-252, Title XI, § 1117(c), Sept. 8, 1982, 96 Stat. 752; Pub L. 100-504, Title I, §§ 102(g), 106, Oct. 18, 1988, 102 Stat. 2521, 2525, Pub L. 104-208, Div. A, Title I, § 101(f) [Title VIII, § 805(c)], Sept. 30, 1996, 110 Stat. 3009-393

- (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) of the Federal Financial Management Improvement Act of 1996.
- (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 USCA § 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 pre-award reviews of contract or grant agreements; or

(F) any other savings which are specifically identified;

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

(6) the term "final action" means—

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

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

#### **Sec. 6. AUTHORITY OF INSPECTOR GENERAL; INFORMATION AND ASSISTANCE FROM FEDERAL AGENCIES, UNREASONABLE REFUSAL, OFFICE SPACE AND EQUIPMENT**

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

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

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

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

(4) to require by subpoena the production of all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence necessary in the performance of the functions assigned by this Act, which subpoena, in the case of contumacy or refusal to obey, shall be enforceable by order of any

appropriate United States district court: *Provided*, That procedures other than subpoenas shall be used by the Inspector General to obtain documents and information from Federal agencies;

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

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

(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.

#### **Sec. 7. COMPLAINTS BY EMPLOYEES. DISCLOSURE OF IDENTITY; REPRISALS**

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

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

(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 actions against any employee as a reprisal for making a complaint or disclosing information to an Inspector General, unless the complaint was made for the information disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

**Sec. 8. ADDITIONAL PROVISIONS WITH RESPECT TO THE INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE**

(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 Committees on Armed Services and Government Operations 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) and (2) to the Committees on Armed Services and Governmental Affairs of the Senate and the Committees on Armed Services and Government Operations of the House of Representatives 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 Committees on Armed Services and Governmental Operations 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 Committees on Armed Services and Governmental Affairs of the Senate and the Committees on Armed Services and Government Operations of the House of Representatives.

(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.<sup>3</sup>

#### **Sec. 8A. SPECIAL PROVISIONS RELATING TO THE AGENCY FOR INTERNATIONAL DEVELOPMENT**

(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.

(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

<sup>3</sup>As amended, Public Law 106-65, Div. A, Title X, sec. 1067(17), (113 Stat 775), Oct 5, 1999.

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 USC 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, an employee of the Inter-American Foundation, and an employee of the African Development Foundation.<sup>4</sup>

(g), (h) Redesignated (e), (f).

#### **Sec. 8B. SPECIAL PROVISIONS CONCERNING THE NUCLEAR REGULATORY COMMISSION**

(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.

#### **Sec. 8C. SPECIAL PROVISIONS CONCERNING THE FEDERAL DEPOSIT INSURANCE CORPORATION.**

(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 ;

<sup>4</sup>As amended Public Law 105-277, Div G, Title XIV, sec. 1422(b)(2), Oct 21, 1998, 112 Stat. 2681-792; Public Law 106-113, Div B, sec. 1000(a)(7) [Div A, Title II, sec. 205], Nov. 29, 1999, 113 Stat. 1536, 1501A-422.

**Sec. 8D. SPECIAL PROVISIONS CONCERNING THE DEPARTMENT OF THE TREASURY:**

(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 investigation, 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 USC 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 exercise 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 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 Treasury shall have oversight responsibility for the internal investigations performed by the Office of Internal Affairs of the Bureau of Alcohol, Tobacco and Firearms, 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 of the Department of Treasury the significant activities being carried out by such office.

(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.

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<sup>5</sup>As amended Public Law 105-206, Title I, sec 1103(b), (c)(1), (2), July 22, 1998, 112 Stat. 705, 709.

(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 initiates an audit or investigation under subsection (c) concerning a bureau or service referred to in subsection (b), the Inspector General may provide the head of the office of such bureau or service referred to in subsection (b) with written notice that the Inspector General has initiated such an audit or investigation. If the Inspector General 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 and any other audit or investigation of such matter shall cease.

(e)(1) The Inspector General shall have access to returns and return information, as defined in section 6103(b) of the Internal Revenue Code of 1986, only in accordance with the provisions of section 6103 of such Code 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.A. § 6103(p)(3)(A)]. Such system of standardized records or accounting shall also be available for examination in the same manner as provided under section 6103(p)(3) of the Internal Revenue Code of 1986 [26 U.S.C.A. § 6103(p)(3)].

(3) The Treasury Inspector General for Tax Administration shall be subject to the same safeguards and conditions for receiving returns and return information are as described under section 6103(p)(4) of the Internal Revenue Code of 1986 [26 U.S.C.A. § 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.A. § 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)(2) of the Internal Revenue Code of 1986 [26 U.S.C.A. § 7608(b)];

(B) in addition to the functions authorized under section 7608(b)(2) of such Code [26 USCA. § 7608(b)(2)], 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 provisions 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).<sup>6</sup>

#### **Sec. 8E. SPECIAL PROVISIONS CONCERNING THE DEPARTMENT OF JUSTICE**

(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) 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 investigation 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.

(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

<sup>6</sup>As amended Public Law 105-206, Title I, sec. 1103(b), (e)(1), (2), (112 Stat. 705, 709), July 22, 1998

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:

**Sec. 8F. SPECIAL PROVISIONS CONCERNING THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE**

(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) of the National and Community Service Trust Act of 1993; and

(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.

**Sec. 8G. REQUIREMENTS FOR FEDERAL ENTITIES AND DESIGNATED FEDERAL ENTITIES**

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

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

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

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

(C) the Executive Office of the President;

(D) the Central Intelligence Agency;

(E) the 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 Equal Employment Opportunity Commission, the Farm Credit Administration, the Federal Communications Commission, the Federal Election 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 Services, 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 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) Notwithstanding subsection (d), the Inspector General shall be under the authority, direction, and control of the Governors with respect to audits or investigations, or the issuance of subpoenas, which require access to sensitive information concerning—

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

(ii) with respect to the information described under clause (i), the Governors may prohibit the Inspector General from carrying out or completing any audit or investigation, or from issuing any subpoena, after such Inspector General 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) 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 standard 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.

#### **Sec. 8H. ADDITIONAL PROVISIONS WITH RESPECT TO INSPECTORS GENERAL OF THE INTELLIGENCE COMMUNITY.**

(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 USCA § 403a et seq.].

(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. 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.

(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 committee, together with any comments the head of the establishment considers appropriate.

(d)(1) If the Inspector General does not transmit, or does not transmit in an accurate form, the complaint or information described in 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 this section shall not be subject to judicial review.

(g) 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, 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 action.

(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.<sup>7</sup>

#### **Sec. 8I. RULE OF CONSTRUCTION OF SPECIAL PROVISIONS**

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).<sup>8,9</sup>

#### **Sec. 9. TRANSFER OF FUNCTIONS**

(a) There shall be transferred—

(1) to the Office of Inspector General—

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

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

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

(D) of the Department of Education, all functions of the Inspector General of Health, Education, and Welfare or of the Office of Inspector General of Health, Education, and Welfare relating to functions transferred by section 301 of the Department of Education Organization Act [20 USCA § 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);

<sup>7</sup>Public Law 105-272, Title VII, § 702(b)(1), (112 Stat. 2415), Oct. 20, 1998

<sup>8</sup>Public Law 105-272 (112 Stat. 2415), Oct. 20, 1998, redesignated Sec. 8H to Sec. 8I.

<sup>9</sup>Public Law 95-452, § 8I, formerly § 8F, as added Public Law 100-504, Title I, § 105, Oct. 18, 1988, 102 Stat. 2525; renumbered § 8G and amended Public Law 103-82, Title II, § 202(g)(1), (5)(B), Sept. 21, 1993, 107 Stat. 889, 890; renumbered § 8H, Public Law 104-208, Div. A, Title I, § 101(f) [Title VI, § 662(b)(3)], Sept. 30, 1996, 110 Stat. 3009-379, renumbered § 8H and amended Public Law 105-206, Title I, § 1103(e)(3), July 22, 1998, 112 Stat. 709, renumbered 8I and amended Public Law 105-272, Title VII, § 702(b), Oct. 20, 1998, 112 Stat. 2414.



(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, Bureau of Alcohol, Tobacco, and Firearms", 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, the Office of Chief Inspector of the Internal Revenue Service;<sup>10</sup>

(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,

<sup>10</sup>As amended, Public Law 105-206, Title I, sec. 1103(c)(1), (112 Stat. 708), July 22, 1998

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";

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

(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) 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.

#### **Sec. 10. CONFORMING AND TECHNICAL AMENDMENTS**

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

#### **Sec. 11. DEFINITIONS**

As used in this Act<sup>11</sup>—

(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, 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

<sup>11</sup>(Pub L. 104-106, Div. D, Title XLIII, § 4322(b)(1),(3), Feb 10, 1996, 110 Stat 677.)

Agency, the Office of Personnel Management or the United States Information Agency; 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; and the chief executive officer of the Resolution Trust Corporation; and the chairperson of the Federal Deposit Insurance Corporation; or the Commissioner of Social Security, Social Security Administration; or the Board of Directors of the Tennessee Valley Authority; as the case may be;<sup>12</sup>

(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, 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 United States Information Agency, the Corporation for National and Community Service, or the Veterans' Administration, or the Social Security Administration; or the Tennessee Valley Authority, as the case may be;<sup>13</sup>

(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(e) 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.

#### **Sec. 12. EFFECTIVE DATE**

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

### **PERTINENT PORTIONS OF INSPECTOR GENERAL ACT AMENDMENT OF 1988 (which did not amend Inspector General Act of 1978)**

#### **UNIFORM SALARIES FOR INSPECTORS GENERAL.**

(a) **UNIFORM SALARIES.**—Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new paragraphs  
Inspector General, Department of Commerce.  
Inspector General, Department of the Interior.  
Inspector General, Department of Justice.  
Inspector General, Department of the Treasury.  
Inspector General, Agency for International Development.  
Inspector General, Environmental Protection Agency.  
Inspector General, Federal Emergency Management Agency.  
Inspector General, General Services Administrator.  
Inspector General, National Aeronautics and Space Administration.  
Inspector General, Nuclear Regulatory Commission.

<sup>12</sup>As amended, Public Law 105-277, Div. G, Title XIII, sec. 1314(b), (112 Stat. 2681-776), Oct. 21, 1998; Public Law 106-422, sec. 1(b)(2), (114 Stat. 1872), Nov. 1, 2000.

<sup>13</sup>As amended, Public Law 105-277, Div. G, Title XIII, sec. 1314(b), (112 Stat. 2681-776), Oct. 21, 1998; Public Law 106-422, sec. 1(b)(2), (114 Stat. 1872), Nov. 1, 2000.

Inspector General, Office of Personnel Management.  
Inspector General, Railroad Retirement Board.  
Inspector General, Small Business Administration.

#### **APPROPRIATION ACCOUNTS.**

Section 1105(a)(25) of title 31, United States code, is amended to read as follows:  
(a) During the first 15 days of each regular session of Congress, the President shall submit a budget of the United States Government for the following fiscal year. Each budget shall include a budget message and summary and supporting information. The President shall include in each budget the following:

(25) a separate appropriation account for appropriations for each Office of Inspector General of an establishment defined under section 11(2) of the Inspector General Act of 1978.

#### **PAYMENT AUTHORITY SUBJECT TO APPROPRIATIONS.**

Any authority to make payments under this title (Inspector General Act Amendments) shall be effective only to such extent as provided in appropriations Acts.

#### **EFFECTIVE DATE.**

This title and the amendments made by this title shall take effect 180 days after the date of the enactment of this title, 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.

6

# INFORMATION TECHNOLOGY MANAGEMENT

## TABLE OF CONTENTS

	PUBLIC LAW	PAGE
1. INFORMATION TECHNOLOGY MANAGEMENT REFORM ACT OF 1996 (CLINGER-COHEN) .....	104-106	6-2
2. PAPERWORK REDUCTION ACT OF 1995, AS AMENDED .....	104-13	6-11
3. GOVERNMENT PAPERWORK ELIMINATION ACT ..	105-277	6-41
4. DATA QUALITY .....	106-554	6-45
5. ELECTRONIC RECORDS AND SIGNATURES IN COMMERCE .....	106-229	6-46

**INFORMATION TECHNOLOGY MANAGEMENT  
REFORM ACT OF 1996 (Clinger-Cohen)**

**TABLE OF CONTENTS**

**NATIONAL DEFENSE AUTHORIZATION ACT  
FOR FISCAL YEAR 1996**

	<b>PAGE</b>	<b>40 USC Sec.</b>
<b>DIVISION E</b>		
<b>INFORMATION TECHNOLOGY MANAGEMENT REFORM</b>		
Sec. 5001. Short Title. ....	6-3	1401
Sec. 5002. Definitions. ....	6-3	1401
<b>TITLE LI</b>		
<b>RESPONSIBILITY FOR ACQUISITIONS OF INFORMATION TECHNOLOGY</b>		
<b>SUBTITLE A-GENERAL AUTHORITY</b>		
Sec. 5101. Repeal of Central Authority of the Administrator of General Services. ....	6-4	1411
<b>SUBTITLE B-DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET</b>		
Sec. 5111. Responsibility of Director. ....	6-4	1411
Sec. 5112. Capital Planning and Investment Control. ....	6-4	1412
Sec. 5113. Performance-based And Results-based Management. ....	6-5	1413
<b>SUBTITLE C-EXECUTIVE AGENCIES</b>		
Sec. 5121. Responsibilities. ....	6-6	1421
Sec. 5122. Capital Planning And Investment Control. ....	6-6	1422
Sec. 5123. Performance And Results-based Management. ....	6-7	1423
Sec. 5124. Acquisitions of Information Technology. ....	6-8	1424
Sec. 5125. Agency Chief Information Officer. ....	6-8	1425
Sec. 5126. Accountability. ....	6-10	1426
Sec. 5127. Significant Deviations. ....	6-10	1427
Sec. 5128. Interagency Support. ....	6-10	1428

**1. INFORMATION TECHNOLOGY MANAGEMENT  
REFORM ACT OF 1996 (Clinger-Cohen)**

**Public Law 104-106**

**110 Stat. 679**

**February 10, 1996**

**DIVISION E-INFORMATION TECHNOLOGY MANAGEMENT  
REFORM**

**Sec. 5001. Short Title.**

40 USC 1401 note.  
Information  
Technology  
Management  
Reform Act of  
1996.

This division may be cited as the "Information Technology Management Reform Act of 1996."

40 USC 1401.

**Sec. 5002. Definitions.**

In this division:

(1) Director.—The term "Director" means the Director of the Office of Management and Budget.

(2) Executive agency.—The term "executive agency" has the meaning given that term in section 4(1) of the Office of Federal Procurement Policy Act (41 USC 403(1)).

(3) Information technology.—(A) The term "information technology", with respect to an executive agency means any equipment or interconnected system or subsystem of equipment, that is used in the automatic acquisition, storage, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of data or information by the executive agency. For purposes of the preceding sentence, equipment is used by an executive agency if the equipment is used by the executive agency directly or is used by a contractor under a contract with the executive agency which (i) requires the use of such equipment, or (ii) requires the use, to a significant extent, of such equipment in the performance of a service or the furnishing of a product.

(B) The term "information technology" includes computers, ancillary equipment, software, firmware and similar procedures, services (including support services), and related resources.

(C) Notwithstanding subparagraphs (A) and (B), the term "information technology" does not include any equipment that is acquired by a Federal contractor incidental to a Federal contract.

(4) Information resources.—The term "information resources" has the meaning given such term in section 3502(6) of title 44, United States Code.

(5) Information resources management.—The term "information resources management" has the meaning given such term in section 3502(7) of title 44, United States Code.

(6) Information system.—The term "information system" has the meaning given such term in section 3502(8) of title 44, United States Code.

(7) Commercial item.—The term "commercial item" has the meaning given that term in section 4(12) of the Office of Federal Procurement Policy Act (41 USC 403(12)).



**TITLE LI—RESPONSIBILITY FOR ACQUISITIONS OF  
INFORMATION TECHNOLOGY**

**SUBTITLE A—GENERAL AUTHORITY**

**Sec. 5101. Repeal of Central Authority of the Administrator of  
General Services.**

Section 111 of the Federal Property and Administrative Services Act of 1949 (40 USC 759) is repealed.

**SUBTITLE B—DIRECTOR OF THE OFFICE OF  
MANAGEMENT AND BUDGET**

**Sec. 5111. Responsibility of Director.**

40 USC 1411. In fulfilling the responsibility to administer the functions assigned under chapter 35 of title 44, United States Code, the Director shall comply with this title with respect to the specific matters covered by this title.

**Sec. 5112. Capital Planning and Investment Control.**

40 USC 1412. (a) **FEDERAL INFORMATION TECHNOLOGY.**—The Director shall perform the responsibilities set forth in this section in fulfilling the responsibilities under section 3504(h) of title 44, United States Code.

Public information. (b) **USE OF INFORMATION TECHNOLOGY IN FEDERAL PROGRAMS.**—The Director shall promote and be responsible for improving the acquisition, use, and disposal of information technology by the Federal Government to improve the productivity, efficiency, and effectiveness of Federal programs, including through dissemination of public information and the reduction of information collection burdens on the public.

Reports. (c) **USE OF BUDGET PROCESS.**—The Director shall develop, as part of the budget process, a process for analyzing, tracking, and evaluating the risks and results of all major capital investments made by an executive agency for information systems. The process shall cover the life of each system and shall include explicit criteria for analyzing the projected and actual costs; benefits, and risks associated with the investments. At the same time that the President submits the budget for a fiscal year to Congress under section 1105(a) of title 31, United States Code, the Director shall submit to Congress a report on the net program performance benefits achieved as a result of major capital investments made by executive agencies in information systems and how the benefits relate to the accomplishment of the goals of the executive agencies.

(d) **INFORMATION TECHNOLOGY STANDARDS.**—The Director shall oversee the development and implementation of standards and guidelines pertaining to Federal computer systems by the Secretary of Commerce through the National Institute of Standards and Technology under section 5131 and section 20 of the National Institute of Standards and Technology Act (15 USC 278g-3).

(e) **DESIGNATION OF EXECUTIVE AGENTS FOR ACQUISITIONS.**—The Director shall designate (as the Director considers appropriate) one or more heads of executive agencies as executive agent for Government-wide acquisitions of information technology.

(f) **USE OF BEST PRACTICES IN ACQUISITIONS.**—The Director shall encourage the heads of the executive agencies to develop and use the best practices in the acquisition of information technology.

(g) **ASSESSMENT OF OTHER MODELS FOR MANAGING INFORMATION TECHNOLOGY.**—The Director shall assess, on a continuing basis, the experiences of executive agencies, State and local governments, international organizations, and the private sector in managing information technology.

(h) **COMPARISON OF AGENCY USES OF INFORMATION TECHNOLOGY.**—The Director shall compare the performances of the executive agencies in using information technology and shall disseminate the comparisons to the heads of the executive agencies.

(i) **TRAINING.**—The Director shall monitor the development and implementation of training in information resources management for executive agency personnel.

(j) **INFORMING CONGRESS.**—The Director shall keep Congress fully informed on the extent to which the executive agencies are improving the performance of agency programs and the accomplishment of agency missions through the use of the best practices in information resources management.

(k) **PROCUREMENT POLICY AND ACQUISITIONS OF INFORMATION TECHNOLOGY.**—The Director shall coordinate the development and review by the Administrator of the Office of Information and Regulatory Affairs of policy associated with Federal acquisition of information technology with the Office of Federal Procurement Policy.

**Sec. 5113. Performance-Based and Results-Based Management.**

40 USC 1413.

(a) **IN GENERAL.**—The Director shall encourage the use of performance-based and results-based management in fulfilling the responsibilities assigned under section 3504(h), of title 44, United States Code.

(b) **EVALUATION OF AGENCY PROGRAMS AND INVESTMENTS.**—

(1) **Requirement.**—The Director shall evaluate the information resources management practices of the executive agencies with respect to the performance and results of the investments made by the executive agencies in information technology.

(2) **Direction for executive agency action.**—The Director shall issue to the head of each executive agency clear and concise direction that the head of such agency shall—

(A) establish effective and efficient capital planning processes for selecting, managing, and evaluating the results of all of its major investments in information systems;

(B) determine, before making an investment in a new information system—

(i) whether the function to be supported by the system should be performed by the private sector and, if so, whether any component of the executive agency performing that function should be converted from a governmental organization to a private sector organization; or

(ii) whether the function should be performed by the executive agency and, if so, whether the function should be performed by a private sector source under contract or by executive agency personnel;

(C) analyze the missions of the executive agency and, based on the analysis, revise the executive agency's mission-related processes and administrative processes, as appropriate, before making significant investments in information technology to be used in support of those missions; and

(D) ensure that the information security policies, procedures, and practices are adequate.

(3) Guidance for multiagency investments.—The direction issued under paragraph (2) shall include guidance for undertaking efficiently and effectively interagency and Government-wide investments in information technology to improve the accomplishment of missions that are common to the executive agencies.

(4) Periodic reviews.—The Director shall implement through the budget process periodic reviews of selected information resources management activities of the executive agencies in order to ascertain the efficiency and effectiveness of information technology in improving the performance of the executive agency and the accomplishment of the missions of the executive agency.

(5) Enforcement of accountability.—

(A) In general.—The Director may take any authorized action that the Director considers appropriate, including an action involving the budgetary process or appropriations management process, to enforce accountability of the head of an executive agency for information resources management and for the investments made by the executive agency in information technology.

(B) Specific actions.—Actions taken by the Director in the case of an executive agency may include—

(i) recommending a reduction or an increase in any amount for information resources that the head of the executive agency proposes for the budget submitted to Congress under section 1105(a) of title 31, United States Code;

(ii) reducing or otherwise adjusting apportionments and reapportionments of appropriations for information resources;

(iii) using other authorized administrative controls over appropriations to restrict the availability of funds for information resources; and

(iv) designating for the executive agency an executive agent to contract with private sector sources for the performance of information resources management or the acquisition of information technology.

#### SUBTITLE C—EXECUTIVE AGENCIES

##### SEC. 5121. Responsibilities.

40 USC 1421.

In fulfilling the responsibilities assigned under chapter 35 of title 44, United States Code, the head of each executive agency shall comply with this subtitle with respect to the specific matters covered by this subtitle.

##### SEC. 5122. Capital Planning and Investment Control.

40 USC 1422.

(a) DESIGN OF PROCESS.—In fulfilling the responsibilities assigned under section 3506(h) of title 44, United States Code, the head of each executive agency shall design and implement in the executive agency a

process for maximizing the value and assessing and managing the risks of the information technology acquisitions of the executive agency.

(b) **CONTENT OF PROCESS.**—The process of an executive agency shall—

(1) provide for the selection of information technology investments to be made by the executive agency, the management of such investments, and the evaluation of the results of such investments;

(2) be integrated with the processes for making budget, financial, and program management decisions within the executive agency;

(3) include minimum criteria to be applied in considering whether to undertake a particular investment in information systems, including criteria related to the quantitatively expressed projected net, risk-adjusted return on investment and specific quantitative and qualitative criteria for comparing and prioritizing alternative information systems investment projects;

(4) provide for identifying information systems investments that would result in shared benefits or costs for other Federal agencies or State or local governments;

(5) provide for identifying for a proposed investment quantifiable measurements for determining the net benefits and risks of the investment; and

(6) provide the means for senior management personnel of the executive agency to obtain timely information regarding the progress of an investment in an information system, including a system of milestones for measuring progress, on an independently verifiable basis, in terms of cost, capability of the system to meet specified requirements, timeliness, and quality.

**Sec. 5123. Performance and Results-Based Management.**

40 USC 1423.

In fulfilling the responsibilities under section 3506(h) of title 44, United States Code, the head of an executive agency shall—

(1) establish goals for improving the efficiency and effectiveness of agency operations and, as appropriate, the delivery of services to the public through the effective use of information technology;

Reports.

(2) prepare an annual report, to be included in the executive agency's budget submission to Congress, on the progress in achieving the goals;

(3) ensure that performance measurements are prescribed for information technology used by or to be acquired for, the executive agency and that the performance measurements measure how well the information technology supports programs of the executive agency;

(4) where comparable processes and organizations in the public or private sectors exist, quantitatively benchmark agency process performance against such processes in terms of cost, speed, productivity, and quality of outputs and outcomes;

(5) analyze the missions of the executive agency and, based on the analysis, revise the executive agency's mission-related processes and administrative processes as appropriate before making significant investments in information technology that is to be used in support of the performance of those missions; and

(6) ensure that the information security policies, procedures, and practices of the executive agency are adequate.

40 USC 1424.

**Sec. 5124. Acquisitions of Information Technology.**

(a) IN GENERAL.—The authority of the head of an executive agency to conduct an acquisition of information technology includes the following authorities:

(1) To acquire information technology as authorized by law.

(2) To enter into a contract that provides for multiagency acquisitions of information technology in accordance with guidance issued by the Director.

(3) If the Director finds that it would be advantageous for the Federal Government to do so, to enter into a multiagency contract for procurement of commercial items of information technology that requires each executive agency covered by the contract, when procuring such items, either to procure the items under that contract or to justify an alternative procurement of the items.

(b) FTS 2000 PROGRAM.—Notwithstanding any other provision of this or any other law, the Administrator of General Services shall continue to manage the FTS 2000 program, and to coordinate the follow-on to that program, on behalf of and with the advice of the heads of executive agencies.

40 USC 1425.

**Sec. 5125. Agency Chief Information Officer.**

(a) DESIGNATION OF CHIEF INFORMATION OFFICERS.—Section 3506 of title 44, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (2)(A), by striking out “senior official” and inserting in lieu thereof “Chief Information Officer”;

(B) in paragraph (2)(B)—

(i) by striking out “senior officials” in the first sentence and inserting in lieu thereof “Chief Information Officers”;

(ii) by striking out “official” in the second sentence and inserting in lieu thereof “Chief Information Officer”; and

(iii) by striking out “officials” in the second sentence and inserting in lieu thereof “Chief Information Officers”; and

(C) in paragraphs (3) and (4), by striking out “senior official” each place it appears and inserting in lieu thereof “Chief Information Officer”; and

(2) in subsection (c)(1), by striking out “official” in the matter preceding subparagraph (A) and inserting in lieu thereof “Chief Information Officer.

(b) GENERAL RESPONSIBILITIES.—The Chief Information Officer of an executive agency shall be responsible for—

(1) providing advice and other assistance to the head of the executive agency and other senior management personnel of the executive agency to ensure that information technology is acquired and information resources are managed for the executive agency in a manner that implements the policies and procedures of this division, consistent with chapter 35 of title 44, United States Code, and the priorities established by the head of the executive agency;

(2) developing, maintaining, and facilitating the implementation of a sound and integrated information technology architecture for the executive agency; and

(3) promoting the effective and efficient design and operation of all major information resources management processes for the

executive agency, including improvements to work processes of the executive agency.

(c) **DUTIES AND QUALIFICATIONS.**—The Chief Information Officer of an agency that is listed in section 901(b) of title 31, United States Code, shall—

(1) have information resources management duties as that official's primary duty;

(2) monitor the performance of information technology programs of the agency, evaluate the performance of those programs on the basis of the applicable performance measurements, and advise the head of the agency regarding whether to continue, modify, or terminate a program or project; and

(3) annually, as part of the strategic planning and performance evaluation process required (subject to section 1117 of title 31, United States Code) under section 306 of title 5, United States Code, and sections 1105(a)(29), 1115, 1116, 1117, and 9703 of title 31, United States Code—

(A) assess the requirements established for agency personnel regarding knowledge and skill in information resources management and the adequacy of such requirements for facilitating the achievement of the performance goals established for information resources management;

(B) assess the extent to which the positions and personnel at the executive level of the agency and the positions and personnel at management level of the agency below the executive level meet those requirements;

(C) in order to rectify any deficiency in meeting those requirements, develop strategies and specific plans for hiring, training, and professional development; and

Reports. (D) report to the head of the agency on the progress made in improving information resources management capability.

(d) **INFORMATION TECHNOLOGY ARCHITECTURE**

**DEFINED.**—In this section, the term “information technology architecture”, with respect to an executive agency, means an integrated framework for evolving or maintaining existing information technology and acquiring new information technology to achieve the agency's strategic goals and information resources management goals.

(e) **EXECUTIVE LEVEL IV.**—Section 5315 of title 5, United States Code, is amended by adding at the end the following:

Chief Information Officer, Department of Agriculture.

Chief Information Officer, Department of Commerce.

Chief Information Officer, Department of Defense (unless the official designated as the Chief Information Officer of the Department of Defense is an official listed under section 5312, 5313, or 5314 of this title).

Chief Information Officer, Department of Education.

Chief Information Officer, Department of Energy.

Chief Information Officer, Department of Health and Human Services.

Chief Information Officer, Department of Housing and Urban Development.

Chief Information Officer, Department of Interior.

Chief Information Officer, Department of Justice.

Chief Information Officer, Department of Labor.

Chief Information Officer, Department of State.

Chief Information Officer, Department of Transportation.  
Chief Information Officer, Department of Treasury.  
Chief Information Officer, Department of Veterans Affairs.  
Chief Information Officer, Environmental Protection Agency.  
Chief Information Officer, National Aeronautics and Space Administration.  
Chief Information Officer, Agency for International Development.  
Chief Information Officer, Federal Emergency Management Agency.  
Chief Information Officer, General Services Administration.  
Chief Information Officer, National Science Foundation.  
Chief Information Officer, Nuclear Regulatory Agency.  
Chief Information Officer, Office of Personnel Management.  
Chief Information Officer, Small Business Administration.

**Sec. 5126. Accountability.**

40 USC 1426.

The head of each executive agency, in consultation with the Chief Information Officer and the Chief Financial Officer of that executive agency (or, in the case of an executive agency without a Chief Financial Officer, any comparable official), shall establish policies and procedures that—

(1) ensure that the accounting, financial, and asset management systems and other information systems of the executive agency are designed, developed, maintained, and used effectively to provide financial or program performance data for financial statements of the executive agency;

(2) ensure that financial and related program performance data are provided on a reliable, consistent, and timely basis to executive agency financial management systems; and

(3) ensure that financial statements support—

(A) assessments and revisions of mission-related processes and administrative processes of the executive agency; and

(B) performance measurement of the performance in the case of investments made by the agency in information systems.

**Sec. 5127. Significant Deviations.**

40 USC 1427.

The head of an executive agency shall identify in the strategic information resources management plan required under section 3506(b)(2) of title 44, United States Code, any major information technology acquisition program, or any phase or increment of such a program, that has significantly deviated from the cost, performance, or schedule goals established for the program.

**Sec. 5128. Interagency Support.**

40 USC 1428.

Funds available for an executive agency for oversight, acquisition, and procurement of information technology may be used by the head of the executive agency to support jointly with other executive agencies the activities of interagency groups that are established to advise the Director in carrying out the Director's responsibilities under this title. The use of such funds for that purpose shall be subject to such requirements and limitations on uses and amounts as the Director may prescribe. The Director shall prescribe any such requirements and limitations during the Director's review of the executive agency's proposed budget submitted to the Director by the head of the executive agency for purposes of section 1105 of title 31, United States Code.

Approved February 10, 1996

## 2. PAPERWORK REDUCTION ACT OF 1995, AS AMENDED

### TABLE OF CONTENTS

	PAGE	44 USC Sec.
Sec. 1. Short Title. ....	6-12	101
Sec. 2. Coordination of Federal Information Policy. ....	6-12	3501

#### CHAPTER 35

#### COORDINATION OF FEDERAL INFORMATION POLICY

Sec. 3501. Purposes .....	6-13	3501
Sec. 3502. Definitions .....	6-14	3502
Sec. 3503. Office of Information and Regulatory Affairs .....	6-15	3503
Sec. 3504. Authority and Functions of Director .....	6-16	3504
Sec. 3505. Assignment of Tasks and Deadlines .....	6-19	3505
Sec. 3506. Federal Agency Responsibilities .....	6-20	3506
Sec. 3507. Public Information Collection Activities; Submission to Director; Approval and Delegation .....	6-25	3507
Sec. 3508. Determination of Necessity for Information; Hearing .....	6-29	3508
Sec. 3509. Designation of Central Collection Agency .....	6-29	3509
Sec. 3510. Cooperation of Agencies in Making Information Available .....	6-29	3510
Sec. 3511. Establishment and Operation of Government Information Locator Service .....	6-30	3511
Sec. 3512. Public Protection .....	6-30	3512
Sec. 3513. Director Review of Agency Activities; Reporting; Agency Response .....	6-31	3513
Sec. 3514. Responsiveness to Congress .....	6-31	3514
Sec. 3515. Administrative Powers .....	6-31	3515
Sec. 3516. Rules and Regulations .....	6-32	3516
Sec. 3517. Consultation with Other Agencies and the Public .....	6-32	3517
Sec. 3518. Effect on Existing Laws and Regulations .....	6-32	3518
Sec. 3519. Access to Information .....	6-33	3519
Sec. 3520. Authorization of Appropriations .....	6-33	3520

#### SUBCHAPTER II INFORMATION SECURITY

Sec. 3531. Purposes. ....	6-33	
Sec. 3532. Definitions .....	6-34	
Sec. 3533. Authority and Functions of the Director .....	6-34	
Sec. 3534. Federal Agency Responsibilities .....	6-36	
Sec. 3535. Annual Independent Evaluation .....	6-39	
Sec. 3536. Expiration .....	6-40	



2. PAPERWORK REDUCTION ACT OF 1995,  
AS AMENDED

Public Law 104-13

109 Stat. 163

May 22, 1995

An Act

To further the goals of the Paperwork Reduction Act to have Federal agencies become more responsible and publicly accountable for reducing the burden of Federal paperwork on the public, and for other purposes.

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

Information  
resources  
management.  
Paperwork  
Reduction Act of  
1995.  
44 USC 101 note.

**Sec. 1. Short Title.**

This Act may be cited as the "Paperwork Reduction Act of 1995."

**Sec. 2. Coordination of Federal Information Policy.**

Chapter 35 of title 44, United States Code, is amended to read as follows:

**CHAPTER 35—COORDINATION OF FEDERAL INFORMATION POLICY**

Sec.

3501. Purposes.

3502. Definitions.

3503. Office of Information and Regulatory Affairs.

3504. Authority and functions of Director.

3505. Assignment of tasks and deadlines.

3506. Federal agency responsibilities.

3507. Public information collection activities; submission to Director; approval and delegation.

3508. Determination of necessity for information; hearing.

3509. Designation of central collection agency.

3510. Cooperation of agencies in making information available.

3511. Establishment and operation of Government Information Locator Service.

3512. Public protection.

3513. Director review of agency activities; reporting; agency response.

3514. Responsiveness to Congress.

3515. Administrative powers.

3516. Rules and regulations.

3517. Consultation with other agencies and the public.

3518. Effect on existing laws and regulations.

3519. Access to information.

3520. Authorization of appropriations.

### Sec. 3501. Purposes

The purposes of this subchapter<sup>1</sup> are to—

(1) minimize the paperwork burden for individuals, small businesses, educational and nonprofit institutions, Federal contractors, State, local and tribal governments, and other persons resulting from the collection of information by or for the Federal Government;

(2) ensure the greatest possible public benefit from and maximize the utility of information created, collected, maintained, used, shared and disseminated by or for the Federal Government;

(3) coordinate, integrate, and to the extent practicable and appropriate, make uniform Federal information resources management policies and practices as a means to improve the productivity, efficiency, and effectiveness of Government programs, including the reduction of information collection burdens on the public and the improvement of service delivery to the public;

(4) improve the quality and use of Federal information to strengthen decisionmaking, accountability, and openness in Government and society;

(5) minimize the cost to the Federal Government of the creation, collection, maintenance, use, dissemination, and disposition of information;

(6) strengthen the partnership between the Federal Government and State, local, and tribal governments by minimizing the burden and maximizing the utility of information created, collected, maintained, used, disseminated, and retained by or for the Federal Government;

(7) provide for the dissemination of public information on a timely basis, on equitable terms, and in a manner that promotes the utility of the information to the public and makes effective use of information technology;

(8) ensure that the creation, collection, maintenance, use, dissemination, and disposition of information by or for the Federal Government is consistent with applicable laws, including laws relating to—

(A) privacy and confidentiality, including section 552a of title 5;

(B) security of information, including the Computer Security Act of 1987 (Public Law 100-235); and

(C) access to information, including section 552 of title 5;

(9) ensure the integrity, quality, and utility of the Federal statistical system;

(10) ensure that information technology is acquired, used, and managed to improve performance of agency missions, including the reduction of information collection burdens on the public; and

(11) improve the responsibility and accountability of the Office of Management and Budget and all other Federal agencies to Congress and to the public for implementing the information collection review process, information resources management, and related policies and guidelines established under this chapter.

<sup>1</sup>Public Law 106-398, sec. 1, (114 Stat. 1654), Oct 30 2000 substituted "subchapter" for "chapter" wherever occurring

**Sec. 3502. Definitions**

As used in this subchapter—

(1) the term “agency” means any executive department, military department, Government corporation, Government controlled corporation, or other establishment in the executive branch of the Government (including the Executive Office of the President), or any independent regulatory agency, but does not include—

(A) the General Accounting Office;

(B) Federal Election Commission;

(C) the governments of the District of Columbia and of the territories and possessions of the United States, and their various subdivisions; or

(D) Government-owned contractor-operated facilities, including laboratories engaged in national defense research and production activities;

(2) the term “burden” means time, effort, or financial resources expended by persons to generate, maintain, or provide information to or for a Federal agency, including the resources expended for—

(A) reviewing instructions;

(B) acquiring, installing, and utilizing technology and systems;

(C) adjusting the existing ways to comply with any previously applicable instructions and requirements;

(D) searching data sources;

(E) completing and reviewing the collection of information;

and

(F) transmitting, or otherwise disclosing the information;

(3) the term “collection of information”—

(A) means the obtaining, causing to be obtained, soliciting, or requiring the disclosure to third parties or the public, of facts or opinions by or for an agency, regardless of form or format, calling for either—

(i) answers to identical questions posed to, or identical reporting or recordkeeping requirements imposed on, ten or more persons, other than agencies, instrumentalities, or employees of the United States; or

(ii) answers to questions posed to agencies, instrumentalities, or employees of the United States which are to be used for general statistical purposes; and

(B) shall not include a collection of information described under section 3518(c)(1);

(4) the term “Director” means the Director of the Office of Management and Budget;

(5) the term “independent regulatory agency” means the Board of Governors of the Federal Reserve System, the Commodity Futures Trading Commission, the Consumer Product Safety Commission, the Federal Communications Commission, the Federal Deposit Insurance Corporation, the Federal Energy Regulatory Commission, the Federal Housing Finance Board, the Federal Maritime Commission, the Federal Trade Commission, the Interstate Commerce Commission, the Mine Enforcement Safety and Health Review Commission, the National Labor Relations Board, the Nuclear Regulatory Commission, the Occupational Safety and Health Review Commission, the Postal

Rate Commission, the Securities and Exchange Commission, and any other similar agency designated by statute as a Federal independent regulatory agency or commission;

(6) the term "information resources" means information and related resources, such as personnel, equipment, funds, and information technology;

(7) the term "information resources management" means the process of managing information resources to accomplish agency missions and to improve agency performance, including through the reduction of information collection burdens on the public;

(8) the term "information system" means a discrete set of information resources organized for the collection, processing, maintenance, use, sharing, dissemination, or disposition of information;

(9) the term "information technology" has the meaning given that term in section 5002 of the Clinger-Cohen Act of 1996 (40 USC 1401) but does not include national security systems as defined in section 5142 of that Act (40 USC 1452);

(10) the term "person" means an individual, partnership, association, corporation, business trust, or legal representative, an organized group of individuals, a State, territorial, tribal, or local government or branch thereof, or a political subdivision of a State, territory, tribal, or local government or a branch of a political subdivision;

(11) the term "practical utility" means the ability of an agency to use information, particularly the capability to process such information in a timely and useful fashion;

(12) the term "public information" means any information, regardless of form or format, that an agency discloses, disseminates, or makes available to the public;

(13) the term "recordkeeping requirement" means a requirement imposed by or for an agency on persons to maintain specified records, including a requirement to—

(A) retain such records;

(B) notify third parties, the Federal Government, or the public of the existence of such records;

(C) disclose such records to third parties, the Federal Government, or the public; or

(D) report to third parties, the Federal Government, or the public regarding such records; and

(14) the term "penalty" includes the imposition by an agency or court of a fine or other punishment; a judgment for monetary damages or equitable relief; or the revocation, suspension, reduction, or denial of a license, privilege, right, grant, or benefit.<sup>2</sup>

#### **Sec. 3503. Office of Information and Regulatory Affairs**

Establishment.

(a) There is established in the Office of Management and Budget an office to be known as the Office of Information and Regulatory Affairs.

(b) There shall be at the head of the Office an Administrator who shall be appointed by the President, by and with the advice and consent of the

<sup>2</sup>May 22, 1995, Public Law 104-13, sec 2, (109 Stat. 164), February 10, 1996, Public Law 104-106, Div E, Title LVI, sec 5605(a), (110 Stat. 700); November 18, 1997, Public Law 105-85, Div. A, Title X, Subtitle G, sec 1073(h)(5)(A), (111 Stat 1907).

Senate. The Director shall delegate to the Administrator the authority to administer all functions under this chapter, except that any such delegation shall not relieve the Director of responsibility for the administration of such functions. The Administrator shall serve as principal adviser to the Director on Federal information resources management policy.

**Sec. 3504. Authority and Functions of Director**

(a)(1) The Director shall oversee the use of information resources to improve the efficiency and effectiveness of governmental operations to serve agency missions, including burden reduction and service delivery to the public. In performing such oversight, the Director shall—

(A) develop, coordinate and oversee the implementation of Federal information resources management policies, principles, standards, and guidelines; and

(B) provide direction and oversee—

(i) the review and approval of the collection of information and the reduction of the information collection burden;

(ii) agency dissemination of and public access to information;

(iii) statistical activities;

(iv) records management activities;

(v) privacy, confidentiality, security; disclosure, and sharing of information; and

(vi) the acquisition and use of information technology.

(2) The authority of the Director under this subchapter shall be exercised consistent with applicable law.

(b) With respect to general information resources management policy, the Director shall—

(1) develop and oversee the implementation of uniform information resources management policies, principles, standards, and guidelines;

(2) foster greater sharing, dissemination, and access to public information, including through—

(A) the use of the Government Information Locator Service; and

(B) the development and utilization of common standards for information collection, storage, processing and communication, including standards for security, interconnectivity and interoperability;

(3) initiate and review proposals for changes in legislation, regulations, and agency procedures to improve information resources management practices;

(4) oversee the development and implementation of best practices in information resources management, including training; and

(5) oversee agency integration of program and management functions with information resources management functions.

(c) With respect to the collection of information and the control of paperwork, the Director shall—

(1) review and approve proposed agency collections of information;

(2) coordinate the review of the collection of information associated with Federal procurement and acquisition by the Office of

Information and Regulatory Affairs with the Office of Federal Procurement Policy, with particular emphasis on applying information technology to improve the efficiency and effectiveness of Federal procurement, acquisition and payment, and to reduce information collection burdens on the public;

(3) minimize the Federal information collection burden, with particular emphasis on those individuals and entities most adversely affected;

(4) maximize the practical utility of and public benefit from information collected by or for the Federal Government; and

(5) establish and oversee standards and guidelines by which agencies are to estimate the burden to comply with a proposed collection of information.

(d) With respect to information dissemination, the Director shall develop and oversee the implementation of policies, principles, standards, and guidelines to—

(1) apply to Federal agency dissemination of public information, regardless of the form or format in which such information is disseminated; and

(2) promote public access to public information and fulfill the purposes of this chapter, including through the effective use of information technology.

(e) With respect to statistical policy and coordination, the Director shall—

(1) coordinate the activities of the Federal statistical system to ensure—

(A) the efficiency and effectiveness of the system; and

(B) the integrity, objectivity, impartiality, utility, and confidentiality of information collected for statistical purposes;

(2) ensure that budget proposals of agencies are consistent with system-wide priorities for maintaining and improving the quality of Federal statistics and prepare an annual report on statistical program funding;

(3) develop and oversee the implementation of Government-wide policies, principles, standards, and guidelines concerning—

(A) statistical collection procedures and methods;

(B) statistical data classification;

(C) statistical information presentation and dissemination;

(D) timely release of statistical data; and

(E) such statistical data sources as may be required for the administration of Federal programs;

(4) evaluate statistical program performance and agency compliance with Government-wide policies, principles, standards and guidelines;

(5) promote the sharing of information collected for statistical purposes consistent with privacy rights and confidentiality pledges;

(6) coordinate the participation of the United States in international statistical activities, including the development of comparable statistics;

(7) appoint a chief statistician who is a trained and experienced professional statistician to carry out the functions described under this subsection;

Establishment.

(8) establish an Interagency Council on Statistical Policy to advise and assist the Director in carrying out the functions under this subsection that shall—

(A) be headed by the chief statistician; and

(B) consist of—

(i) the heads of the major statistical programs; and

(ii) representatives of other statistical agencies under

rotating membership; and

(9) provide opportunities for training in statistical policy functions to employees of the Federal Government under which—

(A) each trainee shall be selected at the discretion of the Director based on agency requests and shall serve under the chief statistician for at least 6 months and not more than 1 year; and

(B) all costs of the training shall be paid by the agency requesting training.

Records.

(f) With respect to records management, the Director shall—

(1) provide advice and assistance to the Archivist of the United States and the Administrator of General Services to promote coordination in the administration of chapters 29, 31, and 33 of this title with the information resources management policies, principles, standards, and guidelines established under this chapter;

(2) review compliance by agencies with—

(A) the requirements of chapters 29, 31, and 33 of this title;

and

(B) regulations promulgated by the Archivist of the United

States and the Administrator of General Services; and

(3) oversee the application of records management policies, principles, standards, and guidelines, including requirements for archiving information maintained in electronic format, in the planning and design of information systems.

(g) With respect to privacy and security, the Director shall—

(1) develop and oversee the implementation of policies, principles, standards, and guidelines on privacy, confidentiality, security, disclosure and sharing of information collected or maintained by or for agencies;

(2) oversee and coordinate compliance with sections 552 and 552a of title 5, sections 20 and 21 of the National Institute of Standards and Technology Act (15 USC 278g-3 and 278g-4), section 5131 of the Clinger-Cohen Act of 1996 (40 USC 1441), and sections 5 and 6 of the Computer Security Act of 1987 (40 USC 759 note), and related information management laws; and

(3) require Federal agencies, consistent with the standards and guidelines promulgated under section 5131 of the Clinger-Cohen Act of 1996 (40 USC 1441) and sections 5 and 6 of the Computer Security Act of 1987 (40 USC 759 note), to identify and afford security protections commensurate with the risk and magnitude of the harm resulting from the loss, misuse, or unauthorized access to or modification of information collected or maintained by or on behalf of an agency.

(h) With respect to Federal information technology, the Director shall—

(1) in consultation with the Director of the National Institute of Standards and Technology and the Administrator of General Services—

(A) develop and oversee the implementation of policies, principles, standards, and guidelines for information technology functions and activities of the Federal Government, including periodic evaluations of major information systems; and

(B) oversee the development and implementation of standards under section 5131 of the Clinger-Cohen Act of 1996 (40 USC 1441);

(2) monitor the effectiveness of, and compliance with, directives issued under division E of the Clinger-Cohen Act of 1996 (40 USC 1401 et seq.) and directives issued under section 110 of the Federal Property and Administrative Services Act of 1949 (40 USC 757);

(3) coordinate the development and review by the Office of Information and Regulatory Affairs of policy associated with Federal procurement and acquisition of information technology with the Office of Federal Procurement Policy;

(4) ensure, through the review of agency budget proposals, information resources management plans and other means—

(A) agency integration of information resources management plans, program plans and budgets for acquisition and use of information technology; and

(B) the efficiency and effectiveness of inter-agency information technology initiatives to improve agency performance and the accomplishment of agency missions; and

(5) promote the use of information technology by the Federal Government to improve the productivity, efficiency, and effectiveness of Federal programs, including through dissemination of public information and the reduction of information collection burdens on the public.<sup>3</sup>

**Sec. 3505. Assignment of Tasks and Deadlines**

(a) In carrying out the functions under this subchapter, the Director shall—

(1) in consultation with agency heads, set an annual Government-wide goal for the reduction of information collection burdens by at least 10 percent during each of fiscal years 1996 and 1997 and 5 percent during each of fiscal years 1998, 1999, 2000, and 2001; and set annual agency goals to—

(A) reduce information collection burdens imposed on the public that—

(i) represent the maximum practicable opportunity in each agency; and

(ii) are consistent with improving agency management of the process for the review of collections of information established under section 3506(c); and

(B) improve information resources management in ways that increase the productivity, efficiency and effectiveness of Federal programs, including service delivery to the public;

<sup>3</sup>May 22, 1995, Public Law 104-13, sec. 2, (109 Stat. 167), February 10, 1996, November 18, 1997, Public Law 104-106, Div. E, Title LI, Subtitle D, sec. 513(e)(1), Title LVI, sec. 5605(b), (c), (110 Stat. 688, 700), Public Law 105-85, Div. A, Title X, Subtitle G, sec. 1073(h)(5)(B), (C), (111 Stat., 1907).



(2) with selected agencies and non-Federal entities on a voluntary basis, conduct pilot projects to test alternative policies, practices, regulations, and procedures to fulfill the purposes of this chapter, particularly with regard to minimizing the Federal information collection burden; and

(3) in consultation with the Administrator of General Services, the Director of the National Institute of Standards and Technology, the Archivist of the United States, and the Director of the Office of Personnel Management, develop and maintain a Government-wide strategic plan for information resources management, that shall include—

(A) a description of the objectives and the means by which the Federal Government shall apply information resources to improve agency and program performance;

(B) plans for—

(i) reducing information burdens on the public, including reducing such burdens through the elimination of duplication and meeting shared data needs with shared resources;

(ii) enhancing public access to and dissemination of, information, using electronic and other formats; and

(iii) meeting the information technology needs of the Federal Government in accordance with the purposes of this chapter; and

(C) a description of progress in applying information resources management to improve agency performance and the accomplishment of missions.

(b) For purposes of any pilot project conducted under subsection (a)(2), the Director may, after consultation with the agency head, waive the application of any administrative directive issued by an agency with which the project is conducted, including any directive requiring a collection of information, after giving timely notice to the public and the Congress regarding the need for such waiver.

#### **Sec. 3506. Federal Agency Responsibilities**

(a)(1) The head of each agency shall be responsible for—

(A) carrying out the agency's information resources management activities to improve agency productivity, efficiency, and effectiveness; and

(B) complying with the requirements of this chapter and related policies established by the Director.

Reports.

(2)(A) Except as provided under subparagraph (B), the head of each agency shall designate a Chief Information Officer who shall report directly to such agency head to carry out the responsibilities of the agency under this subchapter.

Reports.

(B) The Secretary of the Department of Defense and the Secretary of each military department may each designate Chief Information Officers who shall report directly to such Secretary to carry out the responsibilities of the department under this chapter. If more than one Chief Information Officer is designated, the respective duties of the Chief Information Officers shall be clearly delineated.

(3) The Chief Information Officer designated under paragraph (2) shall head an office responsible for ensuring agency compliance with

and prompt, efficient, and effective implementation of the information policies and information resources management responsibilities established under this chapter, including the reduction of information collection burdens on the public. The Chief Information Officer and employees of such office shall be selected with special attention to the professional qualifications required to administer the functions described under this subchapter.

(4) Each agency program official shall be responsible and accountable for information resources assigned to and supporting the programs under such official. In consultation with the Chief Information Officer designated under paragraph (2) and the agency Chief Financial Officer (or comparable official), each agency program official shall define program information needs and develop strategies, systems, and capabilities to meet those needs.

(b) With respect to general information resources management, each agency shall—

(1) manage information resources to—

(A) reduce information collection burdens on the public;

(B) increase program efficiency and effectiveness; and

(C) improve the integrity, quality, and utility of information to all users within and outside the agency, including capabilities for ensuring dissemination of public information, public access to government information, and protections for privacy and security;

(2) in accordance with guidance by the Director, develop and maintain a strategic information resources management plan that shall describe how information resources management activities help accomplish agency missions;

(3) develop and maintain an ongoing process to—

(A) ensure that information resources management operations and decisions are integrated with organizational planning, budget, financial management, human resources management, and program decisions;

(B) in cooperation with the agency Chief Financial Officer (or comparable official), develop a full and accurate accounting of information technology expenditures, related expenses, and results; and

(C) establish goals for improving information resources management's contribution to program productivity, efficiency, and effectiveness, methods for measuring progress towards those goals, and clear roles and responsibilities for achieving those goals;

(4) in consultation with the Director, the Administrator of General Services, and the Archivist of the United States, maintain a current and complete inventory of the agency's information resources, including directories necessary to fulfill the requirements of section 3511 of this subchapter; and

(5) in consultation with the Director and the Director of the Office of Personnel Management, conduct formal training programs to educate agency program and management officials about information resources management.

(c) With respect to the collection of information and the control of paperwork, each agency shall—

(1) establish a process within the office headed by the Chief Information Officer designated under subsection (a), that is sufficiently independent of program responsibility to evaluate fairly whether proposed collections of information should be approved under this subchapter, to—

(A) review each collection of information before submission to the Director for review under this chapter, including—

(i) an evaluation of the need for the collection of information;

(ii) a functional description of the information to be collected;

(iii) a plan for the collection of the information;

(iv) a specific, objectively supported estimate of burden;

(v) a test of the collection of information through a pilot program, if appropriate; and

(vi) a plan for the efficient and effective management and use of the information to be collected, including necessary resources;

(B) ensure that each information collection—

(i) is inventoried, displays a control number and, if appropriate, an expiration date;

(ii) indicates the collection is in accordance with the clearance requirements of section 3507; and

(iii) informs the person receiving the collection of information of—

(I) the reasons the information is being collected;

(II) the way such information is to be used;

(III) an estimate, to the extent practicable, of the burden of the collection;

(IV) whether responses to the collection of information are voluntary, required to obtain a benefit, or mandatory; and

(V) the fact that an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number; and

(C) assess the information collection burden of proposed legislation affecting the agency;

(2)(A) except as provided under subparagraph (B) or section 3507(j), provide 60-day notice in the Federal Register, and otherwise consult with members of the public and affected agencies concerning each proposed collection of information, to solicit comment to—

(i) evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility;

(ii) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information;

(iii) enhance the quality, utility, and clarity of the information to be collected; and

(iv) minimize the burden of the collection of information on those who are to respond, including through the use of

Federal Register,  
publication.

Regulations.

automated collection techniques or other forms of information technology; and

(B) for any proposed collection of information contained in a proposed rule (to be reviewed by the Director under section 3507(d)), provide notice and comment through the notice of proposed rulemaking for the proposed rule and such notice shall have the same purposes specified under subparagraph (A)(i) through (iv); and

(3) certify (and provide a record supporting such certification, including public comments received by the agency) that each collection of information submitted to the Director for review under section 3507—

(A) is necessary for the proper performance of the functions of the agency, including that the information has practical utility;

(B) is not unnecessarily duplicative of information otherwise reasonably accessible to the agency;

(C) reduces to the extent practicable and appropriate the burden on persons who shall provide information to or for the agency, including with respect to small entities, as defined under section 601(6) of title 5, the use of such techniques as—

(i) establishing differing compliance or reporting requirements or timetables that take into account the resources available to those who are to respond;

(ii) the clarification, consolidation, or simplification of compliance and reporting requirements; or

(iii) an exemption from coverage of the collection of information, or any part thereof;

(D) is written using plain, coherent, and unambiguous terminology and is understandable to those who are to respond;

(E) is to be implemented in ways consistent and compatible, to the maximum extent practicable, with the existing reporting and recordkeeping practices of those who are to respond;

(F) indicates for each recordkeeping requirement the length of time persons are required to maintain the records specified;

(G) contains the statement required under paragraph (1)(B)(iii);

(H) has been developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected, including the processing of the information in a manner which shall enhance, where appropriate, the utility of the information to agencies and the public;

(I) uses effective and efficient statistical survey methodology appropriate to the purpose for which the information is to be collected; and

(J) to the maximum extent practicable, uses information technology to reduce burden and improve data quality, agency efficiency and responsiveness to the public.

Public information.

(d) With respect to information dissemination, each agency shall—  
(1) ensure that the public has timely and equitable access to the agency's public information, including ensuring such access through—

(A) encouraging a diversity of public and private sources for information based on government public information;

(B) in cases in which the agency provides public information maintained in electronic format, providing timely and equitable access to the underlying data (in whole or in part); and

(C) agency dissemination of public information in an efficient, effective, and economical manner;

(2) regularly solicit and consider public input on the agency's information dissemination activities;

(3) provide adequate notice when initiating, substantially modifying, or terminating significant information dissemination products; and

(4) not, except where specifically authorized by statute—

(A) establish an exclusive, restricted, or other distribution arrangement that interferes with timely and equitable availability of public information to the public;

(B) restrict or regulate the use, resale, or redissemination of public information by the public;

(C) charge fees or royalties for resale or redisseminations of public information; or

(D) establish user fees for public information that exceed the cost of dissemination.

(e) With respect to statistical policy and coordination, each agency shall—

(1) ensure the relevance, accuracy, timeliness, integrity, and objectivity of information collected or created for statistical purposes;

(2) inform respondents fully and accurately about the sponsors, purposes, and uses of statistical surveys and studies;

(3) protect respondents' privacy and ensure that disclosure policies fully honor pledges of confidentiality;

(4) observe Federal standards and practices for data collection, analysis, documentation, sharing, and dissemination of information;

(5) ensure the timely publication of the results of statistical surveys and studies, including information about the quality and limitations of the surveys and studies; and

(6) make data available to statistical agencies and readily accessible to the public.

Records.

(f) With respect to records management, each agency shall implement and enforce applicable policies and procedures, including requirements for archiving information maintained in electronic format, particularly in the planning, design and operation of information systems.

Privacy.  
Computer  
technology.

(g) With respect to privacy and security, each agency shall—

(1) implement and enforce applicable policies, procedures, standards, and guidelines on privacy, confidentiality, security, disclosure and sharing of information collected or maintained by or for the agency;

(2) assume responsibility and accountability for compliance with and coordinated management of sections 552 and 552a of title 5, the Computer Security Act of 1987 (40 USC 759 note), and related information management laws; and

(3) consistent with the Computer Security Act of 1987 (40 USC 759 note), identify and afford security protections commensurate with the risk and magnitude of the harm resulting from the loss, misuse, or

Science and  
technology.

Unauthorized access to or modification of information collected or maintained by or on behalf of an agency.

(h) With respect to Federal information technology, each agency shall—

(1) implement and enforce applicable Government-wide and agency information technology management policies, principles, standards, and guidelines;

(2) assume responsibility and accountability for information technology investments;

(3) promote the use of information technology by the agency to improve the productivity, efficiency, and effectiveness of agency programs, including the reduction of information collection burdens on the public and improved dissemination of public information;

(4) propose changes in legislation, regulations, and agency procedures to improve information technology practices, including changes that improve the ability of the agency to use technology to reduce burden; and

(5) assume responsibility for maximizing the value and assessing and managing the risks of major information systems initiatives through a process that is—

(A) integrated with budget, financial, and program management decisions; and

(B) used to select, control, and evaluate the results of major information systems initiatives.

**Sec. 3507. Public Information Collection Activities; Submission to Director; Approval and Delegation**

(a) An agency shall not conduct or sponsor the collection of information unless in advance of the adoption or revision of the collection of information—

(1) the agency has—

(A) conducted the review established under section 3506(c)(1);

(B) evaluated the public comments received under section 3506(c)(2);

(C) submitted to the Director the certification required under section 3506(c)(3), the proposed collection of information, copies of pertinent statutory authority, regulations, and other related materials as the Director may specify; and

(D) published a notice in the Federal Register—“(i) stating that the agency has made such submission; and

(ii) setting forth—

(I) a title for the collection of information;

(II) a summary of the collection of information;

(III) a brief description of the need for the information and the proposed use of the information;

(IV) a description of the likely respondents and proposed frequency of response to the collection of information;

(V) an estimate of the burden that shall result from the collection of information; and

(VI) notice that comments may be submitted to the agency and Director;

Federal Register,  
publication.

(2) the Director has approved the proposed collection of information or approval has been inferred, under the provisions of this section; and

(3) the agency has obtained from the Director a control number to be displayed upon the collection of information.

(b) The Director shall provide at least 30 days for public comment prior to making a decision under subsection (c), (d), or (h), except as provided under subsection (j).

(c)(1) For any proposed collection of information not contained in a proposed rule, the Director shall notify the agency involved of the decision to approve or disapprove the proposed collection of information.

(2) The Director shall provide the notification under paragraph (1), within 60 days after receipt or publication of the notice under subsection (a)(1)(D), whichever is later.

(3) If the Director does not notify the agency of a denial or approval within the 60-day period described under paragraph (2)–

(A) the approval may be inferred;

(B) a control number shall be assigned without further delay; and

(C) the agency may collect the information for not more than 1 year.

Proposed rule. (d)(1) For any proposed collection of information contained in a proposed rule–

(A) as soon as practicable, but no later than the date of publication of a notice of proposed rulemaking in the Federal Register, each agency shall forward to the Director a copy of any proposed rule which contains a collection of information and any information requested by the Director necessary to make the determination required under this subsection; and

Federal Register, publication.

(B) within 60 days after the notice of proposed rulemaking is published in the Federal Register, the Director may file public comments pursuant to the standards set forth in section 3508 on the collection of information contained in the proposed rule;

Federal Register, publication. Regulations.

(2) When a final rule is published in the Federal Register, the agency shall explain–

(A) how any collection of information contained in the final rule responds to the comments, if any, filed by the Director or the public; or

(B) the reasons such comments were rejected.

(3) If the Director has received notice and failed to comment on an agency rule within 60 days after the notice of proposed rulemaking, the Director may not disapprove any collection of information specifically contained in an agency rule.

(4) No provision in this section shall be construed to prevent the Director, in the Director's discretion–

(A) from disapproving any collection of information which was not specifically required by an agency rule;

(B) from disapproving any collection of information contained in an agency rule, if the agency failed to comply with the requirements of paragraph (1) of this subsection;

(C) from disapproving any collection of information contained in a final agency rule, if the Director finds within 60 days after the

publication of the final rule that the agency's response to the Director's comments filed under paragraph (2) of this subsection was unreasonable; or

(D) from disapproving any collection of information contained in a final rule, if—

(i) the Director determines that the agency has substantially modified in the final rule the collection of information contained in the proposed rule; and

(ii) the agency has not given the Director the information required under paragraph (1) with respect to the modified collection of information, at least 60 days before the issuance of the final rule.

(5) This subsection shall apply only when an agency publishes a notice of proposed rulemaking and requests public comments.

(6) The decision by the Director to approve or not act upon a collection of information contained in an agency rule shall not be subject to judicial review.

(e)(1) Any decision by the Director under subsection (c), (d), (h), or (j) to disapprove a collection of information, or to instruct the agency to make substantive or material change to a collection of information, shall be publicly available and include an explanation of the reasons for such decision.

(2) Any written communication between the Administrator of the Office of Information and Regulatory Affairs, or any employee of the Office of Information and Regulatory Affairs, and an agency or person not employed by the Federal Government concerning a proposed collection of information shall be made available to the public.

(3) This subsection shall not require the disclosure of—

(A) any information which is protected at all times by procedures established for information which has been specifically authorized under criteria established by an Executive order or an Act of Congress to be kept secret in the interest of national defense or foreign policy; or

(B) any communication relating to a collection of information which is not approved under this chapter, the disclosure of which could lead to retaliation or discrimination against the communicator.

(f)(1) An independent regulatory agency which is administered by 2 or more members of a commission, board, or similar body, may by majority vote void—

(A) any disapproval by the Director, in whole or in part, of a proposed collection of information of that agency; or

(B) an exercise of authority under subsection (d) of section 3507 concerning that agency.

(2) The agency shall certify each vote to void such disapproval or exercise to the Director, and explain the reasons for such vote. The Director shall without further delay assign a control number to such collection of information, and such vote to void the disapproval or exercise shall be valid for a period of 3 years.

(g) The Director may not approve a collection of information for a period in excess of 3 years.



(h)(1) If an agency decides to seek extension of the Director's approval granted for a currently approved collection of information, the agency shall—

(A) conduct the review established under section 3506(c), including the seeking of comment from the public on the continued need for, and burden imposed by the collection of information; and

(B) after having made a reasonable effort to seek public comment, but no later than 60 days before the expiration date of the control number assigned by the Director for the currently approved collection of information, submit the collection of information for review and approval under this section, which shall include an explanation of how the agency has used the information that it has collected.

(2) If under the provisions of this section, the Director disapproves a collection of information contained in an existing rule, or recommends or instructs the agency to make a substantive or material change to a collection of information contained in an existing rule, the Director shall—

(A) publish an explanation thereof in the Federal Register; and

(B) instruct the agency to undertake a rulemaking within a reasonable time limited to consideration of changes to the collection of information contained in the rule and thereafter to submit the collection of information for approval or disapproval under this subchapter.

(3) An agency may not make a substantive or material modification to a collection of information after such collection has been approved by the Director, unless the modification has been submitted to the Director for review and approval under this subchapter.

(i)(1) If the Director finds that a senior official of an agency designated under section 3506(a) is sufficiently independent of program responsibility to evaluate fairly whether proposed collections of information should be approved and has sufficient resources to carry out this responsibility effectively, the Director may, by rule in accordance with the notice and comment provisions of chapter 5 of title 5, United States Code, delegate to such official the authority to approve proposed collections of information in specific program areas, for specific purposes, or for all agency purposes.

(2) A delegation by the Director under this section shall not preclude the Director from reviewing individual collections of information if the Director determines that circumstances warrant such a review. The Director shall retain authority to revoke such delegations, both in general and with regard to any specific matter. In acting for the Director, any official to whom approval authority has been delegated under this section shall comply fully with the rules and regulations promulgated by the Director.

(j)(1) The agency head may request the Director to authorize a collection of information, if an agency head determines that—

(A) a collection of information—

(i) is needed prior to the expiration of time periods established under this chapter; and

(ii) is essential to the mission of the agency; and

Federal Register,  
publication.

(B) the agency cannot reasonably comply with the provisions of this chapter because—

- (i) public harm is reasonably likely to result if normal clearance procedures are followed;
- (ii) an unanticipated event has occurred; or
- (iii) the use of normal clearance procedures is reasonably likely to prevent or disrupt the collection of information or is reasonably likely to cause a statutory or court ordered deadline to be missed.

(2) The Director shall approve or disapprove any such authorization request within the time requested by the agency head and, if approved, shall assign the collection of information a control number. Any collection of information conducted under this subsection may be conducted without compliance with the provisions of this subchapter for a maximum of 180 days after the date on which the Director received the request to authorize such collection.<sup>4</sup>

**Sec. 3508. Determination of Necessity for Information; Hearing**

Before approving a proposed collection of information, the Director shall determine whether the collection of information by the agency is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility. Before making a determination the Director may give the agency and other interested persons an opportunity to be heard or to submit statements in writing. To the extent, if any, that the Director determines that the collection of information by an agency is unnecessary for any reason, the agency may not engage in the collection of information.

**Sec. 3509. Designation of Central Collection Agency**

The Director may designate a central collection agency to obtain information for two or more agencies if the Director determines that the needs of such agencies for information will be adequately served by a single collection agency, and such sharing of data is not inconsistent with applicable law. In such cases the Director shall prescribe (with reference to the collection of information) the duties and functions of the collection agency so designated and of the agencies for which it is to act as agent (including reimbursement for costs). While the designation is in effect, an agency covered by the designation may not obtain for itself information for the agency which is the duty of the collection agency to obtain. The Director may modify the designation from time to time as circumstances require. The authority to designate under this section is subject to the provisions of section 3507(f) of this subchapter.

**Sec. 3510. Cooperation of Agencies in Making Information Available**

(a) The Director may direct an agency to make available to another agency, or an agency may make available to another agency, information obtained by a collection of information if the disclosure is not inconsistent with applicable law.

(b)(1) If information obtained by an agency is released by that agency to another agency, all the provisions of law (including penalties) that relate to the unlawful disclosure of information apply to the officers and employees of the agency to which information is released to the same

<sup>4</sup>May 22, 1995, Public Law 104-13, sec. 2, (109 Stat. 171); February 10, 1996, Public Law 104-106, Div. E, Title LVI, sec. 5605(d), (110 Stat. 700)

extent and in the same manner as the provisions apply to the officers and employees of the agency which originally obtained the information.

(2) The officers and employees of the agency to which the information is released, in addition, shall be subject to the same provisions of law, including penalties, relating to the unlawful disclosure of information as if the information had been collected directly by that agency.

**Sec. 3511. Establishment and Operation of Government Information Locator Service**

(a) In order to assist agencies and the public in locating information and to promote information sharing and equitable access by the public, the Director shall—

(1) cause to be established and maintained a distributed agency-based electronic Government Information Locator Service (hereafter in this section referred to as the "Service"), which shall identify the major information systems, holdings, and dissemination products of each agency;

(2) require each agency to establish and maintain an agency information locator service as a component of, and to support the establishment and operation of the Service;

Establishment.

(3) in cooperation with the Archivist of the United States, the Administrator of General Services, the Public Printer, and the Librarian of Congress, establish an interagency committee to advise the Secretary of Commerce on the development of technical standards for the Service to ensure compatibility, promote information sharing, and uniform access by the public;

(4) consider public access and other user needs in the establishment and operation of the Service;

(5) ensure the security and integrity of the Service, including measures to ensure that only information which is intended to be disclosed to the public is disclosed through the Service; and

(6) periodically review the development and effectiveness of the Service and make recommendations for improvement, including other mechanisms for improving public access to Federal agency public information.

(b) This section shall not apply to operational files as defined by the Central Intelligence Agency Information Act (50 USC 431 et seq.).

**Sec. 3512. Public Protection**

(a) Notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information that is subject to this chapter if—

(1) the collection of information does not display a valid control number assigned by the Director in accordance with this chapter; or

(2) the agency fails to inform the person who is to respond to required to respond to the collection of information unless it displays a valid control number.

(b) The protection provided by this section may be raised in the form of a complete defense, bar, or otherwise at any time during the agency administrative process or judicial action applicable thereto.

**Sec. 3513. Director Review of Agency Activities; Reporting; Agency Response**

(a) In consultation with the Administrator of General Services, the Archivist of the United States, the Director of the National Institute of Standards and Technology, and the Director of the Office of Personnel Management, the Director shall periodically review selected agency information resources management activities to ascertain the efficiency and effectiveness of such activities to improve agency performance and the accomplishment of agency missions.

(b) Each agency having an activity reviewed under subsection (a) shall, within 60 days after receipt of a report on the review, provide a written plan to the Director describing steps (including milestones) to—

- (1) be taken to address information resources management problems identified in the report; and
- (2) improve agency performance and the accomplishment of agency missions.

**Sec. 3514. Responsiveness to Congress**

(a)(1) The Director shall—

(A) keep the Congress and congressional committees fully and currently informed of the major activities under this chapter; and

(B) submit a report on such activities to the President of the Senate and the Speaker of the House of Representatives annually and at such other times as the Director determines necessary.

(2) The Director shall include in any such report a description of the extent to which agencies have—

(A) reduced information collection burdens on the public, including—

(i) a summary of accomplishments and planned initiatives to reduce collection of information burdens;

(ii) a list of all violations of this chapter and of any rules, guidelines, policies, and procedures issued pursuant to this chapter;

(iii) a list of any increase in the collection of information burden, including the authority for each such collection; and

(iv) a list of agencies that in the preceding year did not reduce information collection burdens in accordance with section 3505(a)(1), a list of the programs and statutory responsibilities of those agencies that precluded that reduction, and recommendations to assist those agencies to reduce information collection burdens in accordance with that section;

(B) improved the quality and utility of statistical information;

(C) improved public access to Government information; and

(D) improved program performance and the accomplishment of agency missions through information resources management.

(b) The preparation of any report required by this section shall be based on performance results reported by the agencies and shall not increase the collection of information burden on persons outside the Federal Government.

**Sec. 3515. Administrative Powers**

Upon the request of the Director, each agency (other than an independent regulatory agency) shall, to the extent practicable, make its

Reports.

services, personnel, and facilities available to the Director for the performance of functions under this chapter.

**Sec. 3516. Rules and Regulations**

The Director shall promulgate rules, regulations, or procedures necessary to exercise the authority provided by this chapter.

**Sec. 3517. Consultation with Other Agencies and the Public**

(a) In developing information resources management policies, plans, rules, regulations, procedures, and guidelines and in reviewing collections of information, the Director shall provide interested agencies and persons early and meaningful opportunity to comment.

(b) Any person may request the Director to review any collection of information conducted by or for an agency to determine, if, under this chapter, a person shall maintain, provide, or disclose the information to or for the agency. Unless the request is frivolous, the Director shall, in coordination with the agency responsible for the collection of information—

(1) respond to the request within 60 days after receiving the request, unless such period is extended by the Director to a specified date and the person making the request is given notice of such extension; and

(2) take appropriate remedial action, if necessary.

**Sec. 3518. Effect on Existing Laws and Regulations**

(a) Except as otherwise provided in this subchapter, the authority of an agency under any other law to prescribe policies, rules, regulations, and procedures for Federal information resources management activities is subject to the authority of the Director under this chapter.

(b) Nothing in this chapter shall be deemed to affect or reduce the authority of the Secretary of Commerce or the Director of the Office of Management and Budget pursuant to Reorganization Plan No. 1 of 1977 (as amended) and Executive order, relating to telecommunications and information policy, procurement and management of telecommunications and information systems, spectrum use, and related matters.

(c)(1) Except as provided in paragraph (2), this chapter shall not apply to the collection of information—

(A) during the conduct of a Federal criminal investigation or prosecution, or during the disposition of a particular criminal matter;

(B) during the conduct of—

(i) a civil action to which the United States or any official or agency thereof is a party; or

(ii) an administrative action or investigation involving an agency against specific individuals or entities;

(C) by compulsory process pursuant to the Antitrust Civil Process Act and section 13 of the Federal Trade Commission Improvements Act of 1980; or

(D) during the conduct of intelligence activities as defined in section 3.4(e) of Executive Order No. 12333, issued December 4, 1981, or successor orders, or during the conduct of cryptologic activities that are communications security activities.

(2) This chapter applies to the collection of information during the conduct of general investigations (other than information collected in an antitrust investigation to the extent provided in subparagraph (C) of

paragraph (1)) undertaken with reference to a category of individuals or entities such as a class of licensees or an entire industry.

(d) Nothing in this chapter shall be interpreted as increasing or decreasing the authority conferred by Public Law 89-306 on the Administrator of the General Services Administration, the Secretary of Commerce, or the Director of the Office of Management and Budget.

(e) Nothing in this subchapter shall be interpreted as increasing or decreasing the authority of the President, the Office of Management and Budget or the Director thereof, under the laws of the United States, with respect to the substantive policies and programs of departments, agencies and offices, including the substantive authority of any Federal agency to enforce the civil rights laws.

**Sec. 3519. Access to Information**

Under the conditions and procedures prescribed in section 716 of title 31, the Director and personnel in the Office of Information and Regulatory Affairs shall furnish such information as the Comptroller General may require for the discharge of the responsibilities of the Comptroller General. For the purpose of obtaining such information, the Comptroller General or representatives thereof shall have access to all books, documents, papers and records, regardless of form or format, of the Office.

**Sec. 3520. Authorization of Appropriations**

There are authorized to be appropriated to the Office of Information and Regulatory Affairs to carry out the provisions of this chapter, and for no other purpose, \$8,000,000 for each of the fiscal years 1996, 1997, 1998, 1999, 2000, and 2001.

**SUBCHAPTER II.  
INFORMATION SECURITY**

**Sec. 3531. Purposes**

The purposes of this subchapter are the following:

(1) To provide a comprehensive framework for establishing and ensuring the effectiveness of controls over information resources that support Federal operations and assets.

(2)(A) To recognize the highly networked nature of the Federal computing environment including the need for Federal Government interoperability and, in the implementation of improved security management measures, assure that opportunities for interoperability are not adversely affected.

(B) To provide effective Government-wide management and oversight of the related information security risks, including coordination of information security efforts throughout the civilian, national security, and law enforcement communities.

(3) To provide for development and maintenance of minimum controls required to protect Federal information and information systems.

(4) To provide a mechanism for improved oversight of Federal agency information security programs.<sup>5</sup>

**Sec. 3532. Definitions.**

(a) Except as provided under subsection (b), the definitions under section 3502 shall apply to this subchapter.

(b) In this subchapter:

(1) The term "information technology" has the meaning given that term in section 5002 of the Clinger-Cohen Act of 1996 (40 USC 1401).

(2) The term "mission critical system" means any telecommunications or information system used or operated by an agency or by a contractor of an agency, or other organization on behalf of an agency, that—

(A) is defined as a national security system under section 5142 of the Clinger-Cohen Act of 1996 (40 USC 1452);

(B) is protected at all times by procedures established for information which has been specifically authorized under criteria established by an Executive order or an Act of Congress to be classified in the interest of national defense or foreign policy; or

(C) processes any information, the loss, misuse, disclosure, or unauthorized access to or modification of, would have a debilitating impact on the mission of an agency.<sup>6</sup>

**Sec. 3533. Authority and Functions of the Director**

(a)(1) The Director shall establish Government-wide policies for the management of programs that—

(A) support the cost-effective security of Federal information systems by promoting security as an integral component of each agency's business operations; and

(B) include information technology architectures as defined under section 5125 of the Clinger-Cohen Act of 1996 (40 USC 1425).

(2) Policies under this subsection shall—

(A) be founded on a continuing risk management cycle that recognizes the need to—

(i) identify, assess, and understand risk; and

(ii) determine security needs commensurate with the level of risk;

(B) implement controls that adequately address the risk;

(C) promote continuing awareness of information security risk;

and  
(D) continually monitor and evaluate policy and control effectiveness of information security practices.

(b) The authority under subsection (a) includes the authority to—

(1) oversee and develop policies, principles, standards, and guidelines for the handling of Federal information and information resources to improve the efficiency and effectiveness of government operations, including principles, policies, and guidelines for the implementation of agency responsibilities under applicable law for

<sup>5</sup>Public Law 106-398, sec 1 (114 Stat. 1654); October 30, 2000

<sup>6</sup>Public Law 106-398, sec 1 (114 Stat. 1654); October 30, 2000.

ensuring the privacy, confidentiality, and security of Federal information;

(2) consistent with the standards and guidelines promulgated under section 5131 of the Clinger-Cohen Act of 1996 (40 USC 1441) and sections 5 and 6 of the Computer Security Act of 1987 (40 USC 1441 note; Public Law 100-235; 101 Stat. 1729), require Federal agencies to identify and afford security protections commensurate with the risk and magnitude of the harm resulting from the loss, misuse, or unauthorized access to or modification of information collected or maintained by or on behalf of an agency;

(3) direct the heads of agencies to-

(A) identify, use, and share best security practices;

(B) develop an agency-wide information security plan;

(C) incorporate information security principles and practices throughout the life cycles of the agency's information systems; and

(D) ensure that the agency's information security plan is practiced throughout all life cycles of the agency's information systems;

(4) oversee the development and implementation of standards and guidelines relating to security controls for Federal computer systems by the Secretary of Commerce through the National Institute of Standards and Technology under section 5131 of the Clinger-Cohen Act of 1996 (40 USC 1441) and section 20 of the National Institute of Standards and Technology Act (15 USC 278g-3);

(5) oversee and coordinate compliance with this section in a manner consistent with-

(A) sections 552 and 552a of title 5;

(B) sections 20 and 21 of the National Institute of Standards and Technology Act (15 USC 278g-3 and 278g-4);

(C) section 5131 of the Clinger-Cohen Act of 1996 (40 USC 1441);

(D) sections 5 and 6 of the Computer Security Act of 1987 (40 USC 1441 note; Public Law 100-235; 101 Stat. 1729); and

(E) related information management laws; and

(6) take any authorized action under section 5113(b)(5) of the Clinger-Cohen Act of 1996 (40 USC 1413(b)(5)) that the Director considers appropriate, including any action involving the budgetary process or appropriations management process, to enforce accountability of the head of an agency for information resources, including the requirements of this subchapter and for the investments made by the agency in information technology, including-

(A) recommending a reduction or an increase in any amount for information resources that the head of the agency proposes for the budget submitted to Congress under section 1105(a) of title 31;

(B) reducing or otherwise adjusting apportionments and reappropriations of appropriations for information resources; and

(C) using other authorized administrative controls over appropriations to restrict the availability of funds for information resources.

(c) The authorities of the Director under this section (other than the authority described in subsection (b)(6))-



(1) shall be delegated to the Secretary of Defense, the Director of Central Intelligence, and another agency head as designated by the President in the case of systems described under subparagraphs (A) and (B) of section 3532(b)(2);

(2) shall be delegated to the Secretary of Defense in the case of systems described under subparagraph (C) of section 3532(b)(2) that are operated by the Department of Defense, a contractor of the Department of Defense, or another entity on behalf of the Department of Defense; and

(3) in the case of all other Federal information systems, may be delegated only to the deputy Director for Management of the Office of Management and Budget.<sup>7</sup>

**Sec. 3534. Federal Agency Responsibilities**

(a) The head of each agency shall—

(1) be responsible for—

(A) adequately ensuring the integrity, confidentiality, authenticity, availability, and nonrepudiation of information and information systems supporting agency operations and assets;

(B) developing and implementing information security policies, procedures, and control techniques sufficient to afford security protections commensurate with the risk and magnitude of the harm resulting from unauthorized disclosure, disruption, modification, or destruction of information collected or maintained by or for the agency; and

(C) ensuring that the agency's information security plan is practiced throughout the life cycle of each agency system;

(2) ensure that appropriate senior agency officials are responsible for—

(A) assessing the information security risks associated with the operations and assets for programs and systems over which such officials have control;

(B) determining the levels of information security appropriate to protect such operations and assets; and

(C) periodically testing and evaluating information security controls and techniques;

(3) delegate to the agency Chief Information Officer established under section 3506, or a comparable official in an agency not covered by such section, the authority to administer all functions under this subchapter including—

(A) designating a senior agency information security official who shall report to the Chief Information Officer or a comparable official;

(B) developing and maintaining an agencywide information security program as required under subsection (b);

(C) ensuring that the agency effectively implements and maintains information security policies, procedures, and control techniques;

(D) training and overseeing personnel with significant responsibilities for information security with respect to such responsibilities; and

<sup>7</sup>Public Law 106-398, sec. 1 (114 Stat 1654); October 30, 2000.

- (E) assisting senior agency officials concerning responsibilities under paragraph (2);
- (4) ensure that the agency has training personnel sufficient to assist the agency in complying with the requirements of this subchapter and related policies, procedures, standards, and guidelines; and
- (5) ensure that the agency Chief Information Officer, in coordination with senior agency officials, periodically—
  - (A)(i) evaluates the effectiveness of the agency information security program, including testing control techniques; and
  - (ii) implements appropriate remedial actions based on that evaluation; and
  - (B) reports to the agency head on—
    - (i) the results of such tests and evaluations; and
    - (ii) the progress of remedial actions.
- (b)(1) Each agency shall develop and implement an agencywide information security program to provide information security for the operations and assets of the agency, including operations and assets provided or managed by another agency.
- (2) Each program under this subsection shall include—
  - (A) periodic risk assessments that consider internal and external threats to—
    - (i) the integrity, confidentiality, and availability of systems; and
    - (ii) data supporting critical operations and assets;
  - (B) policies and procedures that—
    - (i) are based on the risk assessments required under subparagraph (A) that cost-effectively reduce information security risks to an acceptable level; and
    - (ii) ensure compliance with—
      - (I) the requirements of this subchapter;
      - (II) policies and procedures as may be prescribed by the Director; and
      - (III) any other applicable requirements;
  - (C) security awareness training to inform personnel of—
    - (i) information security risks associated with the activities of personnel; and
    - (ii) responsibilities of personnel in complying with agency policies and procedures designed to reduce such risks;
  - (D) periodic management testing and evaluation of the effectiveness of information security policies and procedures;
  - (E) a process for ensuring remedial action to address any significant deficiencies; and
  - (F) procedures for detecting, reporting, and responding to security incidents, including—
    - (i) mitigating risks associated with such incidents before substantial damage occurs;
    - (ii) notifying and consulting with law enforcement officials and other offices and authorities;
    - (iii) notifying and consulting with an office designated by the Administrator of General Services within the General Services Administration; and

(iv) notifying and consulting with an office designated by the Secretary of Defense, the Director of Central Intelligence, and another agency head as designated by the President for incidents involving systems described under subparagraphs (A) and (B) of section 3532(b)(2).

(3) Each program under this subsection is subject to the approval of the Director and is required to be reviewed at least annually by agency program officials in consultation with the Chief Information Officer. In the case of systems described under subparagraphs (A) and (B) of section 3532(b)(2), the Director shall delegate approval authority under this paragraph to the Secretary of Defense, the Director of Central Intelligence, and another agency head as designated by the President.

(c)(1) Each agency shall examine the adequacy and effectiveness of information security policies, procedures, and practices in plans and reports relating to—

(A) annual agency budgets;

(B) information resources management under subchapter I of this chapter;

(C) performance and results based management under the Clinger-Cohen Act of 1996 (40 USC 1401 *et seq.*);

(D) program performance under sections 1105 and 1115 through 1119 of title 31, and sections 2801 through 2805 of title 39; and

(E) financial management under—

(i) chapter 9 of title 31, United States Code, and the Chief Financial Officers Act of 1990 (31 USC 501 note; Public Law 101-576) (and the amendments made by that Act);

(ii) the Federal Financial Management Improvement Act of 1996 (31 USC 3512 note) (and the amendments made by that Act); and

(iii) the internal controls conducted under section 3512 of title 31.

(2) Any significant deficiency in a policy, procedure, or practice identified under paragraph (1) shall be reported as a material weakness in reporting required under the applicable provision of law under paragraph (1).

(d)(1) In addition to the requirements of subsection (c), each agency, in consultation with the Chief Information Officer, shall include as part of the performance plan required under section 1115 of title 31 a description of—

(A) the time periods, and

(B) the resources, including budget, staffing, and training, which are necessary to implement the program required under subsection (b)(1).

(2) The description under paragraph (1) shall be based on the risk assessment required under subsection (b)(2)(A).<sup>8</sup>

**Sec. 3535. Annual Independent Evaluation.**

(a)(1) Each year each agency shall have performed an independent evaluation of the information security program and practices of that agency.

(2) Each evaluation by an agency under this section shall include—

(A) testing of the effectiveness of information security control techniques for an appropriate subset of the agency's information systems; and

(B) an assessment (made on the basis of the results of the testing) of the compliance with—

(i) the requirements of this subchapter; and

(ii) related information security policies, procedures, standards, and guidelines.

(3) The Inspector General or the independent evaluator performing an evaluation under this section may use an audit, evaluation, or report relating to programs or practices of the applicable agency.

(b)(1)(A) Subject to subparagraph (B), for agencies with Inspectors General appointed under the Inspector General Act of 1978 (5 USC App.) or any other law, the annual evaluation required under this section or, in the case of systems described under subparagraphs (A) and (B) of section 3532(b)(2), an audit of the annual evaluation required under this section, shall be performed by the Inspector General or by an independent evaluator, as determined by the Inspector General of the agency.

(B) For systems described under subparagraphs (A) and (B) of section 3532(b)(2), the evaluation required under this section shall be performed only by an entity designated by the Secretary of Defense, the Director of Central Intelligence, or another agency head as designated by the President.

(2) For any agency to which paragraph (1) does not apply, the head of the agency shall contract with an independent evaluator to perform the evaluation.

(c) Each year, not later than the anniversary of the date of the enactment of this subchapter [enacted Oct. 30, 2000], the applicable agency head shall submit to the Director—

(1) the results of each evaluation required under this section, other than an evaluation of a system described under subparagraph (A) or (B) of section 3532(b)(2); and

(2) the results of each audit of an evaluation required under this section of a system described under subparagraph (A) or (B) of section 3532(b)(2).

(d)(1) The Director shall submit to congress each year a report summarizing the materials received from agencies pursuant to subsection (c) in that year.

(2) Evaluations and audits of evaluations of systems under the authority and control of the Director of Central Intelligence and evaluations and audits of evaluation of National Foreign Intelligence Programs systems under the authority and control of the Secretary of

<sup>8</sup>Public Law 106-398, sec 1 (114 Stat 1654), October 30, 2000

Defense shall be made available only to the appropriate oversight committees of Congress, in accordance with applicable laws.

(e) Agencies and evaluators shall take appropriate actions to ensure the protection of information, the disclosure of which may adversely affect information security. Such protections shall be commensurate with the risk and comply with all applicable laws.<sup>9</sup>

**Sec. 3536. Expiration.**

This subchapter shall not be in effect after the date that is two years after the date on which this subchapter takes effect.<sup>10</sup>

Approved September 30, 1995

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<sup>9</sup>Public Law 106-398, sec. 1 (114 Stat. 1654), October 30, 2000.

<sup>10</sup>Public Law 106-398, sec. 1 (114 Stat. 1654); October 30, 2000.

### 3. GOVERNMENT PAPERWORK ELIMINATION ACT

#### TABLE OF CONTENTS

44 USC 3504, Note

	PAGE
Sec. 1701. Short Title .....	6-42
Sec. 1702. Authority of OMB to Provide for Acquisition and use of Alternative Information Technologies by Executive Agencies .....	6-42
Sec. 1703. Procedures for Use and Acceptance of Electronic Signatures by Executive Agencies .....	6-42
Sec. 1704. Deadline for Implementation by Executive Agencies of Procedures for Use and Acceptance of Electronic Signatures .....	6-43
Sec. 1705. Electronic Storage and Filing of Employment forms .....	6-43
Sec. 1706. Study on Use of Electronic Signatures .....	6-43
Sec. 1707. Enforceability and Legal Effect of Electronic Records .....	6-43
Sec. 1708. Disclosure of Information .....	6-43
Sec. 1709. Applicability with Internal Revenue Laws .....	6-44
Sec. 1710. Definitions .....	6-44

**3. GOVERNMENT PAPERWORK ELIMINATION ACT**  
**Public Law 105-277** **112 Stat. 2681 - 749**

**DIVISION C-TITLE XVII**

**October 21, 1998**

Government  
Paperwork  
Elimination Act.  
44 USC 3504 note.

**Sec. 1701. Short Title.**

Government Paperwork Elimination Act, 44 USC 3504 note. This title may be cited as the "Government Paperwork Elimination Act of 1996."

**Sec. 1702. Authority of Omb to Provide for Acquisition and Use of Alternative Information Technologies by Executive Agencies.**

Section 3504(a)(1)(B)(vi) of Title 44, United States Code, is amended to read as follows:

"(vi) the acquisition and use of information technology, including alternative information technologies that provide for electronic submission, maintenance, or disclosure of information as a substitute for paper and for the use and acceptance of electronic signatures."

**Sec. 1703. Procedures for Use and Acceptance of Electronic Signatures by Executive Agencies.**

(a) **IN GENERAL.**—In order to fulfill the responsibility to administer the functions assigned under chapter 35 of title 44, United States Code, the provisions of the Clinger-Cohen Act of 1996 (divisions D and E of Public Law 104-106) and the amendments made by that Act, and the provisions of this title, the Director of the Office of Management and Budget shall, in consultation with the National Telecommunications and Information Administration and not later than 18 months after the date of enactment of this Act, develop procedures for the use and acceptance of electronic signatures by Executive agencies.

(b) **REQUIREMENTS FOR PROCEDURES.**—

(1) The procedures developed under subsection (a)—

(A) shall be compatible with standards and technology for electronic signatures that are generally used in commerce and industry and by State governments;

(B) may not inappropriately favor one industry or technology;

(C) shall ensure that electronic signatures are as reliable as is appropriate for the purpose in question and keep intact the information submitted;

(D) shall provide for the electronic acknowledgment of electronic forms that are successfully submitted; and

(E) shall, to the extent feasible and appropriate, require an Executive agency that anticipates receipt by electronic means of 50,000 or more submittals of a particular form to take all steps necessary to ensure that multiple methods of electronic signatures are available for the submittal of such form.

(2) The Director shall ensure the compatibility of the procedures under paragraph (1)(A) in consultation with appropriate private bodies

and State government entities that set standards for the use and acceptance of electronic signatures.

**Sec. 1704. Deadline for Implementation by Executive Agencies of Procedures for Use and Acceptance of Electronic Signatures.**

In order to fulfill the responsibility to administer the functions assigned under chapter 35 of Title 44, United States Code, the provisions of the Clinger-Cohen Act of 1996 (divisions D and E of Public Law 104-106) and the amendments made by that Act, and the provisions of this title, the Director of the Office of Management and Budget shall ensure that, commencing not later than five years after the date of enactment of this Act, Executive agencies provide—

(1) for the option of the electronic maintenance, submission, or disclosure of information, when practicable as a substitute for paper; and

(2) for the use and acceptance of electronic signatures, when practicable.

**Sec. 1705. Electronic Storage and Filing of Employment Forms.**

In order to fulfill the responsibility to administer the functions assigned under chapter 35 of Title 44, United States Code, the provisions of the Clinger-Cohen Act of 1996 (divisions D and E of Public Law 104-106) and the amendments made by that Act, and the provisions of this title, the Director of the Office of Management and Budget shall, not later than 18 months after the date of enactment of this Act, develop procedures to permit private employers to store and file electronically with Executive agencies forms containing information pertaining to the employees of such employers.

**Sec. 1706. Study on Use of Electronic Signatures.**

(a) **ONGOING STUDY REQUIRED.**—In order to fulfill the responsibility to administer the functions assigned under chapter 35 of Title 44, United States Code, the provisions of the Clinger-Cohen Act of 1996 (divisions D and E of Public Law 104-106) and the amendments made by that Act, and the provisions of this title, the Director of the Office of Management and Budget shall, in cooperation with the National Telecommunications and Information Administration, conduct an ongoing study of the use of electronic signatures under this title on—

- (1) paperwork reduction and electronic commerce;
- (2) individual privacy; and
- (3) the security and authenticity of transactions.

(b) **REPORTS.**—The Director shall submit to Congress on a periodic basis a report describing the results of the study carried out under subsection (a).

**Sec. 1707. Enforceability and Legal Effect of Electronic Records.**

Electronic records submitted or maintained in accordance with procedures developed under this title, or electronic signatures or other forms of electronic authentication used in accordance with such procedures, shall not be denied legal effect, validity, or enforceability because such records are in electronic form.

**Sec. 1708. Disclosure of Information.**

Except as provided by law, information collected in the provision of electronic signature services for communications with an executive agency, as provided by this title, shall only be used or disclosed by persons who obtain, collect, or maintain such information as a business or



government practice, for the purpose of facilitating such communications, or with the prior affirmative consent of the person about whom the information pertains.

**Sec. 1709. Application with Internal Revenue Laws.**

No provision of this title shall apply to the Department of the Treasury or the Internal Revenue Service to the extent that such provision—

- (1) involves the administration of the internal revenue laws; or
- (2) conflicts with any provision of the Internal Revenue Service Restructuring and Reform Act of 1998 or the Internal Revenue Code of 1986.

**Sec. 1710. Definitions.**

For purposes of this title:

(1) **ELECTRONIC SIGNATURE.**—The term “electronic signature” means a method of signing an electronic message that—

- (A) identifies and authenticates a particular person as the source of the electronic message.

(2) **EXECUTIVE AGENCY.**—The term “Executive agency” has the meaning given that term in section 105 of title 5, United States Code.

Approved October 21, 1998

#### 4. DATA QUALITY

##### CONSOLIDATED APPROPRIATIONS ACT, 2001

Public Law 106-554

December 21, 2000

114 Stat. 2763A-153

##### APPENDIX C

(Treasury and General Government Appropriations Act, 2001)

##### Sec. 515.

(a) **IN GENERAL.**—The Director of the Office of Management and Budget shall, by not later than September 30, 2001, and with public and Federal agency involvement, issue guidelines under sections 3504(d)(1) and 3516 of title 44, United States Code, that provide policy and procedural guidance to Federal agencies for ensuring and maximizing the quality, objectivity, utility, and integrity of information (including statistical information) disseminated by Federal agencies in fulfillment of the purposes and provisions of chapter 35 of title 44, United States Code, commonly referred to as the Paperwork Reduction Act.

(b) **CONTENT OF GUIDELINES.**—The guidelines under subsection (a) shall—

(1) apply to the sharing by Federal agencies of, and access to, information disseminated by Federal agencies; and

(2) require that each Federal agency to which the guidelines apply—

(A) issue guidelines ensuring and maximizing the quality, objectivity, utility, and integrity of information (including statistical information) disseminated by the agency, by not later than 1 year after the date of issuance of the guidelines under subsection (a);

(B) establish administrative mechanisms allowing affected persons to seek and obtain correction of information maintained and disseminated by the agency that does not comply with the guidelines issued under subsection (a); and

(C) report periodically to the Director—

(i) the number and nature of complaints received by the agency regarding the accuracy of information disseminated by the agency; and

(ii) how such complaints were handled by the agency.

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**5. ELECTRONIC RECORDS AND SIGNATURES IN COMMERCE**

**TABLE OF CONTENTS**

	<b>PAGE</b>	<b>15 USC Sec.</b>
Sec. 1. Short Title .....	6-47	7001
<b>TITLE I ELECTRONIC RECORDS AND SIGNATURES IN COMMERCE</b>		
Sec. 101. General Rule of Validity .....	6-47	
Sec. 102. Exemption to Preemption. ....	6-50	7002
Sec. 103. Specific Exceptions. ....	6-51	7003
Sec. 104. Applicability to Federal and State. ....	6-52	7004
Sec. 105. Studies. ....	6-54	7005
Sec. 106. Definitions. ....	6-54	7006
Sec. 107. Effective Date. ....	6-55	7007
<b>TITLE II TRANSFERABLE RECORDS</b>		
Sec. 201. Transferable Records .....	6-56	7021
Sec. 202. Effective Date. ....	6-57	7021
<b>TITLE III PROMOTION OF INTERNATIONAL ELECTRONIC COMMERCE</b>		
Sec. 301. Principles Governing the Use of Electronic Signatures in International Transactions .....	6-57	
<b>TITLE IV COMMISSION ON ONLINE CHILD PROTECTION</b>		
Sec. 401. Authority to Accept Gifts .....	6-58	

**5. ELECTRONIC RECORDS AND SIGNATURES  
IN COMMERCE**

**Public Law 106-229**

**114 Stat. 464**

**June 30, 2000**

**An Act**

**to facilitate the use of electronic records and signatures in interstate  
or foreign commerce**

**Sec. 1. Short Title**

This Act may be cited as the "Electronic Signatures in Global and National Commerce Act".

**TITLE I**

**ELECTRONIC RECORDS AND SIGNATURES IN COMMERCE**

**Sec. 101. General Rule of Validity**

15 USC 7001.

(a) **IN GENERAL.**—Notwithstanding any statute, regulation, or other rule of law (other than this title and title II), with respect to any transaction in or affecting interstate or foreign commerce—

(1) a signature, contract, or other record relating to such transaction may not be denied legal effect, validity, or enforceability solely because it is in electronic form; and

(2) a contract relating to such transaction may not be denied legal effect, validity, or enforceability solely because an electronic signature or electronic record was used in its formation.

(b) **PRESERVATION OF RIGHTS AND OBLIGATIONS.**—This title does not—

(1) limit, alter, or otherwise affect any requirement imposed by a statute, regulation, or rule of law relating to the rights and obligations of persons under such statute, regulation, or rule of law other than a requirement that contracts or other records be written, signed, or in nonelectronic form; or

(2) require any person to agree to use or accept electronic records or electronic signatures, other than a governmental agency with respect to a record other than a contract to which it is a party.

(c) **CONSUMER DISCLOSURES.**—

(1) **CONSENT TO ELECTRONIC RECORDS.**—Notwithstanding subsection (a), if a statute, regulation, or other rule of law requires that information relating to a transaction or transactions in or affecting interstate or foreign commerce be provided or made available to a consumer in writing, the use of an electronic record to provide or make available (whichever is required) such information satisfies the requirement that such information be in writing if—

(A) the consumer has affirmatively consented to such use and has not withdrawn such consent;

(B) the consumer, prior to consenting, is provided with a clear and conspicuous statement—

(i) informing the consumer of (I) any right or option of the consumer to have the record provided or made available on paper or in nonelectronic form, and (II) the right of the consumer to withdraw the consent to have the record provided

or made available in an electronic form and of any conditions, consequences (which may include termination of the parties' relationship), or fees in the event of such withdrawal;

(ii) informing the consumer of whether the consent applies (I) only to the particular transaction which gave rise to the obligation to provide the record, or (II) to identified categories of records that may be provided or made available during the course of the parties' relationship;

(iii) describing the procedures the consumer must use to withdraw consent as provided in clause (i) and to update information needed to contact the consumer electronically; and

(iv) informing the consumer (I) how, after the consent, the consumer may, upon request, obtain a paper copy of an electronic record, and (II) whether any fee will be charged for such copy;

(C) the consumer—

(i) prior to consenting, is provided with a statement of the hardware and software requirements for access to and retention of the electronic records; and

(ii) consents electronically, or confirms his or her consent electronically, in a manner that reasonably demonstrates that the consumer can access information in the electronic form that will be used to provide the information that is the subject of the consent; and

(D) after the consent of a consumer in accordance with subparagraph (A), if a change in the hardware or software requirements needed to access or retain electronic records creates a material risk that the consumer will not be able to access or retain a subsequent electronic record that was the subject of the consent, the person providing the electronic record—

(i) provides the consumer with a statement of (I) the revised hardware and software requirements for access to and retention of the electronic records, and (II) the right to withdraw consent without the imposition of any fees for such withdrawal and without the imposition of any condition or consequence that was not disclosed under subparagraph (B)(i); and (ii) again complies with subparagraph (C).

(2) OTHER RIGHTS.—

(A) PRESERVATION OF CONSUMER PROTECTIONS.—Nothing in this title affects the content or timing of any disclosure or other record required to be provided or made available to any consumer under any statute, regulation, or other rule of law.

(B) VERIFICATION OR ACKNOWLEDGMENT.—If a law that was enacted prior to this Act expressly requires a record to be provided or made available by a specified method that requires verification or acknowledgment of receipt, the record may be provided or made available electronically only if the method used provides verification or acknowledgment of receipt (whichever is required).

(3) EFFECT OF FAILURE TO OBTAIN ELECTRONIC CONSENT OR CONFIRMATION OF CONSENT.—The legal effectiveness, validity, or enforceability of any contract executed by a

consumer shall not be denied solely because of the failure to obtain electronic consent or confirmation of consent by that consumer in accordance with paragraph (1)(C)(ii).

(4) PROSPECTIVE EFFECT.—Withdrawal of consent by a consumer shall not affect the legal effectiveness, validity, or enforceability of electronic records provided or made available to that consumer in accordance with paragraph (1) prior to implementation of the consumer's withdrawal of consent. A consumer's withdrawal of consent shall be effective within a reasonable period of time after receipt of the withdrawal by the provider of the record. Failure to comply with paragraph (1)(D) may, at the election of the consumer, be treated as a withdrawal of consent for purposes of this paragraph.

(5) PRIOR CONSENT.—This subsection does not apply to any records that are provided or made available to a consumer who has consented prior to the effective date of this title to receive such records in electronic form as permitted by any statute, regulation, or other rule of law.

(6) ORAL COMMUNICATIONS.—An oral communication or a recording of an oral communication shall not qualify as an electronic record for purposes of this subsection except as otherwise provided under applicable law.

(d) RETENTION OF CONTRACTS AND RECORDS.—

(1) ACCURACY AND ACCESSIBILITY.—If a statute, regulation, or other rule of law requires that a contract or other record relating to a transaction in or affecting interstate or foreign commerce be retained, that requirement is met by retaining an electronic record of the information in the contract or other record that—

(A) accurately reflects the information set forth in the contract or other record; and

(B) remains accessible to all persons who are entitled to access by statute, regulation, or rule of law, for the period required by such statute, regulation, or rule of law, in a form that is capable of being accurately reproduced for later reference, whether by transmission, printing, or otherwise.

(2) EXCEPTION.—A requirement to retain a contract or other record in accordance with paragraph (1) does not apply to any information whose sole purpose is to enable the contract or other record to be sent, communicated, or received.

(3) ORIGINALS.—If a statute, regulation, or other rule of law requires a contract or other record relating to a transaction in or affecting interstate or foreign commerce to be provided, available, or retained in its original form, or provides consequences if the contract or other record is not provided, available, or retained in its original form, that statute, regulation, or rule of law is satisfied by an electronic record that complies with paragraph (1).

(4) CHECKS.—If a statute, regulation, or other rule of law requires the retention of a check, that requirement is satisfied by retention of an electronic record of the information on the front and back of the check in accordance with paragraph (1).

(e) ACCURACY AND ABILITY TO RETAIN CONTRACTS AND OTHER RECORDS.—Notwithstanding subsection (a), if a statute, regulation, or other rule of law requires that a contract or other record

relating to a transaction in or affecting interstate or foreign commerce be in writing, the legal effect, validity, or enforceability of an electronic record of such contract or other record may be denied if such electronic record is not in a form that is capable of being retained and accurately reproduced for later reference by all parties or persons who are entitled to retain the contract or other record.

(f) **PROXIMITY.**—Nothing in this title affects the proximity required by any statute, regulation, or other rule of law with respect to any warning, notice, disclosure, or other record required to be posted, displayed, or publicly affixed.

(g) **NOTARIZATION AND ACKNOWLEDGMENT.**—If a statute, regulation, or other rule of law requires a signature or record relating to a transaction in or affecting interstate or foreign commerce to be notarized, acknowledged, verified, or made under oath, that requirement is satisfied if the electronic signature of the person authorized to perform those acts, together with all other information required to be included by other applicable statute, regulation, or rule of law, is attached to or logically associated with the signature or record.

(h) **ELECTRONIC AGENTS.**—A contract or other record relating to a transaction in or affecting interstate or foreign commerce may not be denied legal effect, validity, or enforceability solely because its formation, creation, or delivery involved the action of one or more electronic agents so long as the action of any such electronic agent is legally attributable to the person to be bound.

Applicability.

(i) **INSURANCE.**—It is the specific intent of the Congress that this title and title II apply to the business of insurance.

(j) **INSURANCE AGENTS AND BROKERS.**—An insurance agent or broker acting under the direction of a party that enters into a contract by means of an electronic record or electronic signature may not be held liable for any deficiency in the electronic procedures agreed to by the parties under that contract if—

(1) the agent or broker has not engaged in negligent, reckless, or intentional tortious conduct; —

(2) the agent or broker was not involved in the development or establishment of such electronic procedures; and

(3) the agent or broker did not deviate from such procedures.

15 USC 7002.

**Sec. 102. Exemption to Preemption.**

(a) **IN GENERAL.**—A State statute, regulation, or other rule of law may modify, limit, or supersede the provisions of section 101 with respect to State law only if such statute, regulation, or rule of law—

(1) constitutes an enactment or adoption of the Uniform Electronic Transactions Act as approved and recommended for enactment in all the States by the National Conference of Commissioners on Uniform State Laws in 1999, except that any exception to the scope of such Act enacted by a State under section 3(b)(4) of such Act shall be preempted to the extent such exception is inconsistent with this title or title II, or would not be permitted under paragraph (2)(A)(ii) of this subsection; or

(2)(A) specifies the alternative procedures or requirements for the use or acceptance (or both) of electronic records or electronic signatures to establish the legal effect, validity, or enforceability of contracts or other records, if—

(i) such alternative procedures or requirements are consistent with this title and title II; and

(ii) such alternative procedures or requirements do not require, or accord greater legal status or effect to, the implementation or application of a specific technology or technical specification for performing the functions of creating, storing, generating, receiving, communicating, or authenticating electronic records or electronic signatures; and

(B) if enacted or adopted after the date of the enactment of this Act, makes specific reference to this Act.

(b) **EXCEPTIONS FOR ACTIONS BY STATES AS MARKET PARTICIPANTS.**—Subsection (a)(2)(A)(ii) shall not apply to the statutes, regulations, or other rules of law governing procurement by any State, or any agency or instrumentality thereof.

(c) **PREVENTION OF CIRCUMVENTION.**—Subsection (a) does not permit a State to circumvent this title or title II through the imposition of nonelectronic delivery methods under section 8(b)(2) of the Uniform Electronic Transactions Act.

15 USC 7003.

**Sec. 103. Specific Exceptions.**

(a) **EXCEPTED REQUIREMENTS.**—The provisions of section 101 shall not apply to a contract or other record to the extent it is governed by—

(1) a statute, regulation, or other rule of law governing the creation and execution of wills, codicils, or testamentary trusts;

(2) a State statute, regulation, or other rule of law governing adoption, divorce, or other matters of family law; or

(3) the Uniform Commercial Code, as in effect in any State, other than sections 1-107 and 1-206 and Articles 2 and 2A.

(b) **ADDITIONAL EXCEPTIONS.**—The provisions of section 101 shall not apply to—

(1) court orders or notices, or official court documents (including briefs, pleadings, and other writings) required to be executed in connection with court proceedings;

(2) any notice of—

(A) the cancellation or termination of utility services (including water, heat, and power);

(B) default, acceleration, repossession, foreclosure, or eviction, or the right to cure, under a credit agreement secured by, or a rental agreement for, a primary residence of an individual;

(C) the cancellation or termination of health insurance or benefits or life insurance benefits (excluding annuities); or

(D) recall of a product, or material failure of a product, that risks endangering health or safety; or

(3) any document required to accompany any transportation or handling of hazardous materials, pesticides, or other toxic or dangerous materials.

(c) **REVIEW OF EXCEPTIONS.**—

(1) **EVALUATION REQUIRED.**—The Secretary of Commerce, acting through the Assistant Secretary for Communications and Information, shall review the operation of the exceptions in subsections (a) and (b) to evaluate, over a period of 3 years, whether



Deadline. Reports.

such exceptions continue to be necessary for the protection of consumers. Within 3 years after the date of enactment of this Act, the Assistant Secretary shall submit a report to the Congress on the results of such evaluation.

(2) DETERMINATIONS.—If a Federal regulatory agency, with respect to matter within its jurisdiction, determines after notice and an opportunity for public comment, and publishes a finding, that one or more such exceptions are no longer necessary for the protection of consumers and eliminating such exceptions will not increase the material risk of harm to consumers, such agency may extend the application of section 101 to the exceptions identified in such finding.

15 USC 7004.

**Sec. 104: Applicability to Federal and State.**

(a) FILING AND ACCESS REQUIREMENTS.—Subject to subsection (c)(2), nothing in this title limits or supersedes any requirement by a Federal regulatory agency, self-regulatory organization, or State regulatory agency that records be filed with such agency or organization in accordance with specified standards or formats.

**(b) PRESERVATION OF EXISTING RULEMAKING AUTHORITY.—**

(1) Use of authority to interpret.—Subject to paragraph (2) and subsection (c), a Federal regulatory agency or State regulatory agency that is responsible for rulemaking under any other statute may interpret section 101 with respect to such statute through—

(A) the issuance of regulations pursuant to a statute; or

(B) to the extent such agency is authorized by statute to issue orders or guidance, the issuance of orders or guidance of general applicability that are publicly available and published (in the Federal Register in the case of an order or guidance issued by a Federal regulatory agency).

This paragraph does not grant any Federal regulatory agency or State regulatory agency authority to issue regulations, orders, or guidance pursuant to any statute that does not authorize such issuance.

(2) Limitations on interpretation authority.—Notwithstanding paragraph (1), a Federal regulatory agency shall not adopt any regulation, order, or guidance described in paragraph (1), and a State regulatory agency is preempted by section 101 from adopting any regulation, order, or guidance described in paragraph (1), unless—

(A) such regulation, order, or guidance is consistent with section 101;

(B) such regulation, order, or guidance does not add to the requirements of such section; and

(C) such agency finds, in connection with the issuance of such regulation, order, or guidance, that—

(i) there is a substantial justification for the regulation, order, or guidance;

(ii) the methods selected to carry out that purpose—

(I) are substantially equivalent to the requirements imposed on records that are not electronic records; and

(II) will not impose unreasonable costs on the acceptance and use of electronic records; and

(iii) the methods selected to carry out that purpose do not require, or accord greater legal status or effect to, the

implementation or application of a specific technology or technical specification for performing the functions of creating, storing, generating, receiving, communicating, or authenticating electronic records or electronic signatures.

**(3) PERFORMANCE STANDARDS.—**

**(A) ACCURACY, RECORD INTEGRITY, ACCESSIBILITY.—**Notwithstanding paragraph (2)(C)(iii), a Federal regulatory agency or State regulatory agency may interpret section 101(d) to specify performance standards to assure accuracy, record integrity, and accessibility of records that are required to be retained. Such performance standards may be specified in a manner that imposes a requirement in violation of paragraph (2)(C)(iii) if the requirement (i) serves an important governmental objective; and (ii) is substantially related to the achievement of that objective. Nothing in this paragraph shall be construed to grant any Federal regulatory agency or State regulatory agency authority to require use of a particular type of software or hardware in order to comply with section 101(d).

**(B) PAPER OR PRINTED FORM.—**Notwithstanding subsection (c)(1), a Federal regulatory agency or State regulatory agency may interpret section 101(d) to require retention of a record in a tangible printed or paper form if—

(i) there is a compelling governmental interest relating to law enforcement or national security for imposing such requirement; and (ii) imposing such requirement is essential to attaining such interest.

**(4) Exceptions for actions by government as market participant.—**Paragraph (2)(C)(iii) shall not apply to the statutes, regulations, or other rules of law governing procurement by the Federal or any State government, or any agency or instrumentality thereof.

**(c) ADDITIONAL LIMITATIONS.—**

**(1) REIMPOSING PAPER PROHIBITED.—**Nothing in subsection (b) (other than paragraph (3)(B) thereof) shall be construed to grant any Federal regulatory agency or State regulatory agency authority to impose or reimpose any requirement that a record be in a tangible printed or paper form.

**(2) CONTINUING OBLIGATION UNDER GOVERNMENT PAPERWORK ELIMINATION ACT.—**Nothing in subsection (a) or (b) relieves any Federal regulatory agency of its obligations under the Government Paperwork Elimination Act (title XVII of Public Law 105-277).

**(d) AUTHORITY TO EXEMPT FROM CONSENT PROVISION.—**

**(1) IN GENERAL.—**A Federal regulatory agency may, with respect to matter within its jurisdiction, by regulation or order issued after notice and an opportunity for public comment, exempt without condition a specified category or type of record from the requirements relating to consent in section 101(c) if such exemption is necessary to eliminate a substantial burden on electronic commerce and will not increase the material risk of harm to consumers.

Deadline. Regulations. (2) PROSPECTUSES.—Within 30 days after the date of enactment of this Act, the Securities and Exchange Commission shall issue a regulation or order pursuant to paragraph (1) exempting from section 101(c) any records that are required to be provided in order to allow advertising, sales literature, or other information concerning a security issued by an investment company that is registered under the Investment Company Act of 1940, or concerning the issuer thereof, to be excluded from the definition of a prospectus under section 2(a)(10)(A) of the Securities Act of 1933.

(e) ELECTRONIC LETTERS OF AGENCY.—The Federal Communications Commission shall not hold any contract for telecommunications service or letter of agency for a preferred carrier change, that otherwise complies with the Commission's rules, to be legally ineffective, invalid, or unenforceable solely because an electronic record or electronic signature was used in its formation or authorization.

Sec. 105. Studies.

Deadlines. 15 USC 7005. Mail. (a) DELIVERY.—Within 12 months after the date of the enactment of this Act, the Secretary of Commerce shall conduct an inquiry regarding the effectiveness of the delivery of electronic records to consumers using electronic mail as compared with delivery of written records via the United States Postal Service and private express mail services. The Secretary shall submit a report to the Congress regarding the results of such inquiry by the conclusion of such 12-month period.

Reports. (b) STUDY OF ELECTRONIC CONSENT.—Within 12 months after the date of the enactment of this Act, the Secretary of Commerce and the Federal Trade Commission shall submit a report to the Congress evaluating any benefits provided to consumers by the procedure required by section 101(c)(1)(C)(ii); any burdens imposed on electronic commerce by that provision; whether the benefits outweigh the burdens; whether the absence of the procedure required by section 101(c)(1)(C)(ii) would increase the incidence of fraud directed against consumers; and suggesting any revisions to the provision deemed appropriate by the Secretary and the Commission. In conducting this evaluation, the Secretary and the Commission shall solicit comment from the general public, consumer representatives, and electronic commerce businesses.

Public information. Sec. 106. Definitions.

15 USC 7006. For purposes of this title:

(1) CONSUMER.—The term “consumer” means an individual who obtains, through a transaction, products or services which are used primarily for personal, family, or household purposes, and also means the legal representative of such an individual.

(2) ELECTRONIC.—The term “electronic” means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

(3) ELECTRONIC AGENT.—The term “electronic agent” means a computer program or an electronic or other automated means used independently to initiate an action or respond to electronic records or performances in whole or in part without review or action by an individual at the time of the action or response.

(4) ELECTRONIC RECORD.—The term “electronic record” means a contract or other record created, generated, sent, communicated, received, or stored by electronic means.

(5) **ELECTRONIC SIGNATURE.**—The term “electronic signature” means an electronic sound, symbol, or process, attached to or logically associated with a contract or other record and executed or adopted by a person with the intent to sign the record.

(6) **FEDERAL REGULATORY AGENCY.**—The term “Federal regulatory agency” means an agency, as that term is defined in section 552(f) of title 5, United States Code.

(7) **INFORMATION.**—The term “information” means data, text, images, sounds, codes, computer programs, software, databases, or the like.

(8) **PERSON.**—The term “person” means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, governmental agency, public corporation, or any other legal or commercial entity.

(9) **RECORD.**—The term “record” means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(10) **REQUIREMENT.**—The term “requirement” includes a prohibition.

(11) **SELF-REGULATORY ORGANIZATION.**—The term “self-regulatory organization” means an organization or entity that is not a Federal regulatory agency or a State, but that is under the supervision of a Federal regulatory agency and is authorized under Federal law to adopt and administer rules applicable to its members that are enforced by such organization or entity, by a Federal regulatory agency, or by another self-regulatory organization.

(12) **STATE.**—The term “State” includes the District of Columbia and the territories and possessions of the United States.

(13) **TRANSACTION.**—The term “transaction” means an action or set of actions relating to the conduct of business, consumer, or commercial affairs between two or more persons, including any of the following types of conduct—

(A) the sale, lease, exchange, licensing, or other disposition of

(i) personal property, including goods and intangibles, (ii) services, and (iii) any combination thereof; and

(B) the sale, lease, exchange, or other disposition of any interest in real property, or any combination thereof.

**Sec. 107. Effective Date.**

15 USC 7001 note.

(a) **IN GENERAL.**—Except as provided in subsection (b), this title shall be effective on October 1, 2000.

(b) **EXCEPTIONS.**—

(1) **RECORD RETENTION.**—

(A) **IN GENERAL.**—Subject to subparagraph (B), this title shall be effective on March 1, 2001, with respect to a requirement that a record be retained imposed by—

(i) a Federal statute, regulation, or other rule of law, or

(ii) a State statute, regulation, or other rule of law administered or promulgated by a State regulatory agency.

(B) **DELAYED EFFECT FOR PENDING RULEMAKINGS.**—

If on March 1, 2001, a Federal regulatory agency or State regulatory agency has announced, proposed, or initiated, but not completed, a rulemaking proceeding to prescribe a regulation

under section 104(b)(3) with respect to a requirement described in subparagraph (A), this title shall be effective on June 1, 2001, with respect to such requirement.

(2) **CERTAIN GUARANTEED AND INSURED LOANS.**—With regard to any transaction involving a loan guarantee or loan guarantee commitment (as those terms are defined in section 502 of the Federal Credit Reform Act of 1990), or involving a program listed in the Federal Credit Supplement, Budget of the United States, FY 2001, this title applies only to such transactions entered into, and to any loan or mortgage made, insured, or guaranteed by the United States Government thereunder, on and after one year after the date of enactment of this Act.

(3) **Student loans.**—With respect to any records that are provided or made available to a consumer pursuant to an application for a loan, or a loan made, pursuant to title IV of the Higher Education Act of 1965, section 101(c) of this Act shall not apply until the earlier of—

(A) such time as the Secretary of Education publishes revised promissory notes under section 432(m) of the Higher Education Act of 1965; or

(B) one year after the date of enactment of this Act.

## TITLE II—TRANSFERABLE RECORDS

### Sec. 201. Transferable Records.

(a) **DEFINITIONS.**—For purposes of this section:

(1) **TRANSFERABLE RECORD.**—The term “transferable record” means an electronic record that—

(A) would be a note under Article 3 of the Uniform Commercial Code if the electronic record were in writing;

(B) the issuer of the electronic record expressly has agreed is a transferable record; and

(C) relates to a loan secured by real property.

A transferable record may be executed using an electronic signature.

(2) **OTHER DEFINITIONS.**—The terms “electronic record”, “electronic signature”, and “person” have the same meanings provided in section 106 of this Act.

(b) **CONTROL.**—A person has control of a transferable record if a system employed for evidencing the transfer of interests in the transferable record reliably establishes that person as the person to which the transferable record was issued or transferred.

(c) **CONDITIONS.**—A system satisfies subsection (b), and a person is deemed to have control of a transferable record, if the transferable record is created, stored, and assigned in such a manner that—

(1) a single authoritative copy of the transferable record exists which is unique, identifiable, and, except as otherwise provided in paragraphs (4), (5), and (6), unalterable;

(2) the authoritative copy identifies the person asserting control as—

(A) the person to which the transferable record was issued; or

(B) if the authoritative copy indicates that the transferable record has been transferred, the person to which the transferable record was most recently transferred;

15 USC 7021.

(3) the authoritative copy is communicated to and maintained by the person asserting control or its designated custodian;

(4) copies or revisions that add or change an identified assignee of the authoritative copy can be made only with the consent of the person asserting control;

(5) each copy of the authoritative copy and any copy of a copy is readily identifiable as a copy that is not the authoritative copy; and

(6) any revision of the authoritative copy is readily identifiable as authorized or unauthorized.

(d) Status as Holder.—Except as otherwise agreed, a person having control of a transferable record is the holder, as defined in section 1-201(20) of the Uniform Commercial Code, of the transferable record and has the same rights and defenses as a holder of an equivalent record or writing under the Uniform Commercial Code, including, if the applicable statutory requirements under section 3-302(a), 9-308, or revised section 9-330 of the Uniform Commercial Code are satisfied, the rights and defenses of a holder in due course or a purchaser, respectively. Delivery, possession, and endorsement are not required to obtain or exercise any of the rights under this subsection.

(e) Obligor Rights.—Except as otherwise agreed, an obligor under a transferable record has the same rights and defenses as an equivalent obligor under equivalent records or writings under the Uniform Commercial Code.

(f) Proof of Control.—If requested by a person against which enforcement is sought, the person seeking to enforce the transferable record shall provide reasonable proof that the person is in control of the transferable record. Proof may include access to the authoritative copy of the transferable record and related business records sufficient to review the terms of the transferable record and to establish the identity of the person having control of the transferable record.

(g) UCC References.—For purposes of this subsection, all references to the Uniform Commercial Code are to the Uniform Commercial Code as in effect in the jurisdiction the law of which governs the transferable record.

**Sec. 202. Effective Date.**

15 USC 7021 note.

This title shall be effective 90 days after the date of enactment of this Act.

**TITLE III—PROMOTION OF INTERNATIONAL ELECTRONIC COMMERCE**

**Sec. 301. Principles Governing the Use of Electronic Signatures in International Transactions.**

**(a) PROMOTION OF ELECTRONIC SIGNATURES.—**

(1) REQUIRED ACTIONS.—The Secretary of Commerce shall promote the acceptance and use, on an international basis, of electronic signatures in accordance with the principles specified in paragraph (2) and in a manner consistent with section 101 of this Act. The Secretary of Commerce shall take all actions necessary in a manner consistent with such principles to eliminate or reduce, to the maximum extent possible, the impediments to commerce in electronic

signatures, for the purpose of facilitating the development of interstate and foreign commerce.

(2) PRINCIPLES.—The principles specified in this paragraph are the following:

(A) Remove paper-based obstacles to electronic transactions by adopting relevant principles from the Model Law on Electronic Commerce adopted in 1996 by the United Nations Commission on International Trade Law.

(B) Permit parties to a transaction to determine the appropriate authentication technologies and implementation models for their transactions, with assurance that those technologies and implementation models will be recognized and enforced.

(C) Permit parties to a transaction to have the opportunity to prove in court or other proceedings that their authentication approaches and their transactions are valid.

(D) Take a nondiscriminatory approach to electronic signatures and authentication methods from other jurisdictions.

(b) CONSULTATION.—In conducting the activities required by this section, the Secretary shall consult with users and providers of electronic signature products and services and other interested persons.

(c) DEFINITIONS.—As used in this section, the terms “electronic record” and “electronic signature” have the same meanings provided in section 106 of this Act.

7

#### TITLE IV—COMMISSION ON ONLINE CHILD PROTECTION

##### Sec. 401. Authority to Accept Gifts.

Section 1405 of the Child Online Protection Act (47 USC 231 note) is amended by inserting after subsection (g) the following new subsection:

“(h) GIFTS, BEQUESTS, AND DEVICES.—The Commission may accept, use, and dispose of gifts, bequests, or devises of services or property, both real (including the use of office space) and personal, for the purpose of aiding or facilitating the work of the Commission. Gifts or grants not used at the termination of the Commission shall be returned to the donor or grantee.”.

Approved June 30, 2000.