

# **SUMMARY OF LAWS RELEVANT TO OFFICES OF INSPECTORS GENERAL**

## **QUICK REFERENCE GUIDE**

**LAST UPDATED: FEBRUARY 05**

## TABLE OF CONTENTS

|  |    |
|--|----|
| CITATIONS - (Alphabetical Index) .....                           | 2  |
| A. OIG Enabling Statutes and Regulations .....                   | 6  |
| B. OIG Required Audits and Other Reporting Requirements .....    | 6  |
| C. Audit, Investigation, and Inspection Standards.....           | 7  |
| D. Financial .....   | 8  |
| E. Environmental.....  | 10 |
| F. Administrative .....  | 12 |
| G. Human Resources .....   | 13 |
| H. Ethics.....   | 15 |
| I. Information Technology .....                                  | 16 |
| J. Procurement, Contracts, Facilities, and Related Services..... | 17 |
| K. Attorney General Guidelines.....                              | 19 |
| L. Criminal Statutes.....  | 21 |
| M. Miscellaneous .....   | 22 |

| <b>CITATIONS - (Alphabetical Index)</b>   | <b>Page No.</b> |
|---|-----------------|
| Access Device Fraud, 18 U.S.C. § 1029   | 21              |
| Administrative Procedure Act (APA), 5 U.S.C. § 552  | 12              |
| Age Discrimination Act of 1975, 42 U.S.C. §§ 6101-6107, P.L. 94-135   | 13              |
| Age Discrimination in Employment Act (ADEA), 29 U.S.C. §§ 621-634   | 13              |
| American Institute of Certified Public Accountants "Fieldwork and Reporting Standards and Reporting Standards and Related Statements on Auditing Standards"               | 7               |
| Americans with Disabilities Act, 42 U.S.C. §§ 12101 et seq., P.L. 101-336   | 13              |
| Anti-Deficiency Act, 31 U.S.C. §§ 1341-42, 1349-51, 1511 et seq.  | 8               |
| Anti-Kickback Act of 1968, 41 U.S.C. §§ 51-53   | 21              |
| Appropriations FY 2002 for Treasury, USPS, the Executive Office of the President, and certain Independent Agencies, P.L. 107-67, § 647 (no U.S.C. citation; not codified) | 6               |
| Armed Service Procurement Act of 1947, 10 U.S.C. §§ 2302-2331   | 17              |
| Assignment of Claims Act of 1940, as amended, 31 U.S.C. § 3727, 41 U.S.C. § 15, P.L. 103-455  | 17              |
| Attorney General Guidelines – Miscellaneous Issues  | 19-21           |
| Bank Secrecy Act, 31 U.S.C. §§ 321, 5311-14, 5316-5322  | 8               |
| Bribery and Gratuity Statute, 18 U.S.C. § 201   | 21              |
| Brooks Act, 40 U.S.C. § 541-544, P.L. 92-582  | 17              |
| Budget and Accounting Act of 1921, 31 U.S.C. §§ 701 et seq., §§ 1101 et seq., P.L. 67-13  | 8               |
| Buy American Act, 41 U.S.C. §§ 10a-10d  | 17              |
| Chief Financial Officers Act of 1990 (CFO Act), 31 U.S.C. §§ 901-903, P.L. 101-576  | 8               |
| Children's Online Privacy Protection Act of 1998, 15 U.S.C. §§ 6501-6506, P.L. 105-277  | 16              |
| Civil Service Reform Act of 1978, 5 U.S.C. §§ 2301-2305, 7101-7135, 7511, 7701-7703, P.L. 95-454  | 13              |
| Civil Service Retirement Act (CSRA), 5 U.S.C. § 8331-8351, P.L. 77-411, § 7; 56 Stat. 13, 16  | 13              |
| Clean Air Act, 42 U.S.C. § 7401-7431  | 10              |
| Clean Water Act (Water Pollution Control Act), 33 U.S.C. § 1251-1274  | 10              |
| Clinger-Cohen Act of 1996, 40 U.S.C. § 1401 et seq., P.L. 104-106 (a.k.a. Information Technology and Management Reform Act of 1996)                                       | 16              |
| Competition in Contracting Act of 1984, 41 U.S.C. § 253, P.L. 98-369  | 17              |
| Comprehensive Environmental, Response, Compensation, and Liability Act (CERCLA, a.k.a. Superfund legislation), 42 U.S.C. § 9601 et seq.                                   | 10              |
| Computer Matching and Privacy Protection Act of 1988; 5 U.S.C. § 552a (o)-(v), P.L. 100-503   | 12              |
| Computer Security Act of 1987, 15 U.S.C. §§ 271 (note), 272, 278g-3, 278g-4, P.L. 100-235   | 16              |
| Conflict of Interests, 18 U.S.C. § 208  | 16              |
| Consolidated Omnibus Budget Reconciliation Act (COBRA), 29 U.S.C. §§ 1161-1168, P.L. 99-272   | 13              |
| Contract Disputes Act, 41 U.S.C. §§ 601-613   | 17              |
| Cost Accounting Standards Board, 41 U.S.C. § 422  | 7               |
| Credit Card Fraud, 15 U.S.C. § 1644   | 22              |
| Crimes Relating to the U.S. Mail, 18 U.S.C. § 1691-1738   | 21              |
| Criminal Code, 18 U.S.C. §§ 1 et seq.   | 21              |
| Davis-Bacon Act, 40 U.S.C. §§ 276(a)-276a-7, P.L. 74-403  | 17              |
| Debt Collection Act of 1982, 31 U.S.C. §§ 3302, 3701, 3711, 3716-3719, P.L. 97-365; 5 U.S.C. § 5514(a).   | 8               |
| Disclosure of Information by Government Employees, 18 U.S.C. § 1905 (a.k.a. "Trade Secrets Act")  | 12              |
| Drug-Free Workplace Act of 1988, 41 U.S.C. §§ 701-707, P.L. 100-690   | 17              |
| E.O. 11701, "Employment of veterans by Federal agencies and Government contractors and subcontractors" (1973)   | 13              |
| E.O. 12046, "Relating to the transfer of telecommunications functions" (3/27/78)  | 22              |
| E.O. 12072, "Federal Space Management" (8/16/1978)  | 18              |
| E.O. 12275, "Design Liaison Council" (1/21/81) [REVOKED]  | 12              |
| E.O. 12556, "Mailing Privileges of Members of Armed Forces of the United States and of Friendly Foreign Nations" (4/18/86)  | 12              |
| E.O. 12600, "Pre-disclosure Notification Procedures for Confidential Commercial Information" (6/23/1987)  | 18              |
| E.O. 12612, "Federalism" (10/26/1987)   | 22              |
| E.O. 12656, "Assignment of Emergency Preparedness Responsibilities" (11/16/88)  | 22              |
| E.O. 12672, "Interagency Committee on Handicapped Employees" (3/23/89)  | 15              |
| E.O. 12731, "Principles of Ethical Conduct for Government Officers and Employees" (10/19/90)  | 15              |
| E.O. 12805, "Integrity and Efficiency in Federal Programs" (5/11/92)  | 6               |
| E.O. 12856, "Federal Compliance With Right-To-Know Laws [i.e., EPCRA] and Pollution Prevention Requirements" (8/3/93)   | 10              |
| E.O. 12933, "Non-displacement of Qualified Workers Under Certain Contracts" (10/20/94) -- REVOKED by E.O. 13204 (2/17/2001).  | 18              |
| E.O. 12960, "Amendments to the Manual for Courts-Martial, United States, 1984" (5/12/95)  | 20              |
| E.O. 12968, "Access to Classified Information" (8/5/1995)   | 22              |
| E.O. 12993, "Administrative Allegations Against Inspectors General" (3/22/96)   | 6               |
| E.O. 13006, "Locating Federal facilities on historic properties in our Nation's central cities" (5/21/1996)   | 18              |
| E.O. 13033, "Adjustments of Certain Rates of Pay and Allowances" (12/27/96)   | 13              |

| <b>CITATIONS - (Alphabetical Index)</b>   | <b>Page No.</b> |
|---|-----------------|
| E.O. 13086, "Amendments to the Manual for Courts-Martial, United States, 1988" (5/27/1988)  | 22              |
| E.O. 13148, "Greening the Government Through Leadership in Environmental Management" (4/21/00)  | 10              |
| E.O. 13150, "Federal Workforce Transportation" (4/21/2000)  | 13              |
| Economic Espionage Act of 1996, 18 U.S.C. §§ 1831-39  | 21              |
| Economy Act of 1932, 31 U.S.C. § 1535   | 18              |
| Electric Vehicle Research, Development, and Demonstration Act, 15 U.S.C. § 2501-2514, P.L. 94-413   | 10              |
| Electronic Communications Privacy Act, 18 U.S.C. §§ 2701-2712   | 16              |
| Electronic Fund Transfer Act, 15 U.S.C. §§ 1693a-1693r, P.L. 90-321   | 9               |
| Emergency Planning and Community Right-to-Know Act (EPCRA), 42 U.S.C. §§ 11001-11050  | 11              |
| Employee Affidavit; Loyalty Oaths, 5 U.S.C. § 3333  | 14              |
| Employees' Right to Petition Congress, 5 U.S.C. § 7211. P.L. 95-454   | 14              |
| Employment of personal assistants for blind, deaf, or otherwise handicapped employees, 5 U.S.C. § 3102  | 14              |
| Employment of Relatives, 5 U.S.C. § 3110  | 14              |
| Energy Policy and Conservation Act of 1975, 42 U.S.C. § 6201  | 11              |
| Enforcement of Patent Rights, 28 U.S.C. § 1498  | 18              |
| Equal Access to Justice Act (EAJA), 5 U.S.C. § 504, P.L. 96-481, § 201  | 12              |
| Equal Credit Opportunity Act, 15 U.S.C. § 1691  | 22              |
| Equal Opportunity Employment and Civil Rights Act of 1991, 2 U.S.C. §§ 601, 1201-1207, 1214-1224; 42 U.S.C. §§ 1981, 1981a, 1988, 2000e-2 – 2000e-5, 2000e-16b; 5 U.S.C. §§ 7201-7204; and 29 U.S.C. § 626(e), P.L. 102-166 | 14              |
| Ethics in Government Act of 1978, P.L. 95-521, as modified by the Ethics Reform Act of 1989, P.L. 101-194, as amended.  | 16              |
| Executive orders, circulars, bulletins  | 5               |
| Fair Debt Collection Practices Act, 15 U.S.C. § 1692 <i>et seq.</i>   | 9               |
| Fair Labor Standards Act (FLSA), 29 U.S.C. §§ 201-219   | 14              |
| False Claims Act, 31 U.S.C. §§ 3729-3733  | 9               |
| False Statements, 18 U.S.C. § 1001  | 21              |
| Family and Medical Leave Act of 1993, 29 U.S.C §§ 2601, 2611-2619, P.L. 103-3.  | 14              |
| Federal Acquisition Regulation (FAR), 48 C.F.R. §§ 1 – 9999   | 18              |
| Federal Acquisition Streamlining Act of 1994, 10 U.S.C. §§ 2304, 2304a-d, 2305, 2306b, 2310, 41 U.S.C. §§ 253, 254, 303H-303L, 401, 416(c), 15 U.S.C. §§ 637(c), P.L. 103-355   | 18              |
| Federal Activities Inventory Reform Act (FAIR Act), 31 U.S.C. § 501 note, P.L. 105-270  | 18              |
| Federal Employees Compensation Act (FECA), 5 U.S.C. §§ 8101-8193  | 14              |
| Federal Employees Group Life Insurance Act, 5 U.S.C. §§ 8701-8716   | 14              |
| Federal Employees Health Benefits Act, 5 U.S.C. §§ 8901-8914  | 14              |
| Federal Employees Retirement System (FERS), 5 U.S.C. § 8402 (c)(1)  | 14              |
| Federal Energy Management Improvement Act (FEMIA) of 1988, 42 U.S.C. § 8201, 8251-8261, P.L. 100-615  | 11              |
| Federal Facilities Compliance Act of 1992, 42 U.S.C. § 6961-6965  | 11              |
| Federal Financial Management Act of 1994, 35 U.S.C. §§ 3511-3516 note   | 9               |
| Federal Financial Management Improvement Act of 1996 (part of the Omnibus Consolidated Appropriations Act of 1997), P.L. 104-208, Title VII   | 9               |
| Federal Information Security Management Act of 2002 (FISMA), 44 U.S.C. § 3541, P.L. 107-296   | 16              |
| Federal Managers Financial Integrity Act of 1982 (FMFIA), 31 U.S.C. § 3512, P.L. 97-255   | 9               |
| Federal Property and Administrative Services Act, 40 U.S.C. § 471 <i>et seq.</i>  | 18              |
| Federal Tort Claims Act, 28 U.S.C. § 2680   | 22              |
| Financial Accounting Standards Board Statements 1-150 (1973-2003)   | 7               |
| Financial Services Modernization Act (a.k.a. Gramm-Leach-Bliley Act), 15 U.S.C. §§ 6801-6809, P.L. 106-102  | 9               |
| Fraud by Mail, 18 U.S.C. § 1341   | 22              |
| Freedom of Information Act, 5 U.S.C. §§ 552-552b  | 12              |
| GAO/PCIE "Financial Audit Manual" (2001)  | 7               |
| Garnishment Restrictions, 15 U.S.C. §§ 1671 – 1677  | 14              |
| Government Auditing Standards, GAO-03-673G (June 2003)(Yellow Book Standards)   | 7               |
| Government in the Sunshine Act, 5 U.S.C. § 552b   | 12              |
| Government Information Security Reform Act (GISRA), 44 U.S.C. §§ 3531-3536, P.L. 106-398 – SUNSETTED -- SUPERCEDED by the Federal Information Security Management Act of 2002 (FISMA)(see above).                           | 16              |
| Government Losses in Shipment Act of 1937, as amended, 40 U.S.C. § 721, (no public law number; ch. 444, Sec. 1, 50 Stat. 479)   | 18              |
| Government Management Reform Act of 1994, 2 U.S.C. § 31(2), 5 U.S.C. § 6304, 31 U.S.C. §§ 331, 3332, 3515; P.L. 103-353   | 12              |
| Government Paperwork Elimination Act (GPEA), 44 U.S.C. § 3504   | 12              |
| Government Performance and Results Act of 1993, 31 U.S.C. § 1101, P.L. 103-62   | 12              |
| Hatch Act, 5 U.S.C. §§ 7321, 7323   | 16              |
| Hazardous Waste Management, 42 U.S.C. §§ 6921-6939e   | 11              |
| Health Insurance Portability and Accountability Act of 1996 (HIPAA), 42 U.S.C. §§ 300gg <i>et seq.</i> , P.L. 104-191   | 14              |
| Hyde Amendment, codified under statutory notes to 18 U.S.C. § 3006A, P.L. 105-119, Title VI, § 617, Nov. 26, 1997, 111 Stat. 2519.  | 22              |
| Information Technology and Management Reform Act of 1996 (see Clinger-Cohen Act of 1996, 40 U.S.C. § 1401 <i>et seq.</i> , P.L. 104-106)  | 16              |

| <b>CITATIONS - (Alphabetical Index)</b>   | <b>Page No.</b> |
|---|-----------------|
| Inspector General Act - IG Authority, 5 U.S.C. App 3, §§ 4, 6   | 6               |
| Inspector General Act - Requirements for OIGs for designated Federal entities, 5 U.S.C. App. 3 § 8G   | 6               |
| Inspector General Act - Semiannual Report to Congress, 5 U.S.C. App. 3, § 5   | 6               |
| Javits – Wagner – O’Day Act of 1971, 41 U.S.C. §§ 46-48   | 18              |
| Judicial Review, 5 U.S.C. §§ 701-706  | 12              |
| Lanham Act (see Trademark Act of 1946, 15 U.S.C. §§ 1051-1072)  | 17              |
| Law Enforcement Availability Pay Act (LEAP), 5 U.S.C. §§ 5541-5550, P.L. 103-329  | 15              |
| Lead Exposure Reduction, 15 U.S.C. §§ 2681-2692   | 11              |
| Magnuson-Moss Act, 15 U.S.C. §§ 2301-2312   | 15              |
| Mailing Controlled Substances, 21 U.S.C. § 863(a)(2)  | 22              |
| Mailing of Agricultural Products, 7 U.S.C. § 7760   | 22              |
| Marketing and Advertising Regulations, 16 C.F.R. §§ 233.1, 233.5, 251.1   | 18              |
| Methane Transportation Research, Development, and Demonstration Act of 1980, 15 U.S.C. § 3807(a)-(b), P.L. 96-512   | 11              |
| Miller Act, 40 U.S.C. §§ 270a-d   | 18              |
| Misuse of Government Vehicles, 31 U.S.C. § 1349   | 16              |
| National Defense Authorization Act for FY 2002, P.L. 107-107, 35 U.S.C. §§ 3561-3567  | 7               |
| National Energy Conservation Policy Act/Energy Policy Act, 42 U.S.C. §§ 8201 <u>et seq.</u> , P.L. 95-916, (specifically, 42 U.S.C. §§ 8251, 8254(a)), as amended by the Energy Policy Act of 1992, 42 U.S.C. § 13201 <u>et seq.</u> , P.L. 102-486 | 11              |
| National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. §§ 4331-4335  | 11              |
| National Information Infrastructure Protection Act of 1996, 18 U.S.C. § 1030, P.L. 104-294  | 17              |
| National Labor Relations Act, 29 U.S.C. §§ 151-169, 39 U.S.C. § 1202  | 15              |
| Notification & Federal Employee Anti-Discrimination & Retaliation Act of 2002 (No FEAR), 5 U.S.C. § 2301, P.L. 107-174 , HR 169   | 15              |
| Obstruction of a Federal Audit, 18 U.S.C. § 1516  | 22              |
| Occupational Safety and Health Act of 1970 (OSHA), 29 U.S.C. §§ 651-678   | 18              |
| Office of Federal Procurement Policy Act, 41 U.S.C. § 416, P.L. 98-191  | 19              |
| OMB Circular A-1, “System of Circulars and Bulletins to Executive Departments and Establishments” (8/7/1952)  | 12              |
| OMB Circular A-102, “Grants and Cooperative Agreements With State and Local Governments” (8/29/1997)  | 9               |
| OMB Circular A-109, “Major Acquisitions Systems” (4/5/1976)   | 17              |
| OMB Circular A-110 “Uniform Administrative Requirements for Grants and Other Agreements with Institutions of Higher Education, Hospitals and Other Non-Profit Organizations” (9/30/1999)  | 9               |
| OMB Circular A-119, “Transmittal Memorandum, Federal Participation in the Development and Use of No Standards” (2/10/1998)  | 7               |
| OMB Circular A-122, “Cost Principles for Non-Profit Organizations” (6/1/1998)   | 9               |
| OMB Circular A-123, “Management Accountability and Control” (6/21/1995)   | 9               |
| OMB Circular A-125, “Prompt Payment” (12/12/89) (see also Prompt Payment Act, 31 U.S.C. §§ 3901-3906)   | 19              |
| OMB Circular A-126, “Improving the Management and Use of Government Aircraft” (5/22/1992)   | 19              |
| OMB Circular A-127, “Financial Management Systems” (7/23/1993)  | 9               |
| OMB Circular A-129, “Policies for Federal Credit Programs and Non-Tax Receivables” (11/2000)  | 9               |
| OMB Circular A-130, “Management of Information Resources” (11/28/2000)  | 12              |
| OMB Circular A-131, “Value Engineering” (5/21/1993)   | 12              |
| OMB Circular A-133, “Audits of States, Local Governments, and Non-Profit Organizations” (6/24/1997)   | 7               |
| OMB Circular A-134, “Financial Accounting Principles and Standards” (5/20/1993)   | 7               |
| OMB Circular A-135, “Management of Federal Advisory Committees” (10/5/1994)   | 13              |
| OMB Circular A-16, “Coordination of Geographic Information, and Related Spatial Data Activities” (8/19/2002)  | 23              |
| OMB Circular A-19, “Legislative Coordination and Clearance” (9/20/1979)   | 13              |
| OMB Circular A-21, “Cost Principles for Educational Institutions” (8/8/2000)  | 9               |
| OMB Circular A-25, “Transmittal Memorandum #1, User Charges” (7/8/1993)   | 9               |
| OMB Circular A-45, “Rental and Construction of Government Quarters” (10/20/1993)  | 19              |
| OMB Circular A-50, “Audit Follow-up” (9/29/1982)  | 7               |
| OMB Circular A-76, “Performance of Commercial Activities” (5/29/2003)   | 19              |
| OMB Circular A-87, “Cost Principles for State, Local and Indian Tribal Governments” (8/29/1997)   | 10              |
| OMB Circular A-89, “Catalog of Federal Domestic Assistance” (8/17/1984)   | 23              |
| OMB Circular A-94, “Guidelines and Discount Rates for Benefit-Cost Analysis of Federal Programs” (1/22/2002)  | 10              |
| OMB Circular A-97, “Specialized or Technical Services for State and Local Governments” (3/27/1981)  | 23              |
| Paperwork Reduction Act of 1995, 44 U.S.C. §§ 3501-3520, P.L. 104-13  | 13              |
| Patent Act of 1952, 35 U.S.C. §§ 1-14, 21-26, 32-33, and 41-42  | 19              |
| PCIE “Guide for Conducting External Quality Control Reviews of the Audit Operations of the Offices of Inspector General” (2002)   | 7               |
| PCIE Quality Standards for Inspections (1993)   | 7               |
| PCIE Quality Standards for Investigations (Sep. 1997)   | 8               |
| PCIE/ECIE “Guide for Conducting Qualitative Assessment Reviews for the Investigative Operations of Inspectors General” 2002   | 8               |
| PCIE/ECIE “Quality Standards for Federal Offices of Inspectors General” (Oct. 2003)   | 8               |
| PCIE/ECIE Audit Committee “Best Practices Guide: Coordinating the Preparation and Audit of Federal Financial  | 8               |

| <b>CITATIONS - (Alphabetical Index)</b>  | <b>Page No.</b> |
|--|-----------------|
| Statements” (June 2001)  |                 |
| Pollution Prevention Act of 1990, 42 U.S.C. §§ 13101-13109   | 11              |
| Privacy Act, 5 U.S.C. § 552a   | 13              |
| Privacy Policies on Federal Web Sites, OMB Memorandum No. M-99-18 (June 2, 1999) and “Privacy Policies and Data Collection on Federal Web Sites,” OMB Memorandum No. MM-00-13 (June 22, 2000)  | 17              |
| Program Fraud Civil Remedies Act (PFCRA), 31 U.S.C. § 3801-3812  | 10              |
| Prompt Payment Act, 31 U.S.C. §§ 3901-3906 (see also OMB Circular A-125, “Prompt Payment” (12/12/89))  | 19              |
| Racketeer Influenced and Corrupt Organizations Act, 18 U.S.C. § 1961-1968  | 22              |
| Randolph-Sheppard Act, 20 U.S.C. §§ 107-107f, P.L. 74-732  | 19              |
| Rehabilitation Act of 1973, 29 U.S.C. §§ 701-796f, P.L. 93-112   | 15              |
| Reports Consolidation Act of 2000, 31 U.S.C. § 3516(d), P.L. 106-531   | 6               |
| Representing Private Interests and Conflicts of Interest, 18 U.S.C. §§ 203-209   | 16              |
| Resource Recovery and Conservation Act (RCRA), 42 U.S.C. §§ 6901 et seq.   | 11              |
| Retaliation Against Informants, 18 U.S.C. § 1513(e), Sarbanes-Oxley Act of 2002, P.L. 107-204  | 22              |
| Right to Financial Privacy Act, 12 U.S.C. §§ 3401-3422   | 13              |
| Sarbanes-Oxley Act of 2002, 15 U.S.C. §§ 77-80, 7201, 7211-18, 7232-34, 7241-46, 7262-66, , 18 U.S.C. §§ 1341, 1343, 1349-1350, 1501, 1512-14, 1519, 1520; 28 U.S.C. §§ 994, 1658; 29 U.S.C. §§ 1021, 1131-32, P.L. 107-204                                      | 8               |
| Service Contract Act of 1965 (McNamara-O’Hara Service Contract Act), 41 U.S.C. §§ 351-358  | 19              |
| Single Audit Act Amendments of 1996, 31 U.S.C. §§ 7501 et seq., P.L. 104-156   | 8               |
| Small Business Act, 15 U.S.C. §§ 631-657e  | 10              |
| Soldiers’ and Sailors’ Civil Relief Act of 1940, 50 U.S.C. app., §§ 501-593  | 15              |
| Standards of Ethical Conduct, 5 C.F.R. § 2635  | 16              |
| Statements of Federal Financial Accounting Standards Board, 1-25 (1992 - Present)  | 8               |
| Suitability, Security, and Conduct, 5 U.S.C. §§ 7301 et seq.   | 15              |
| Superfund Legislation (see Comprehensive Environmental, Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. § 9601 et seq.)  | 10              |
| Technology Accessibility, 29 U.S.C. § 794d, P.L. 100-630 (Rehabilitation Act Amendments of 1992)   | 17              |
| Theft, Embezzlement, or Destruction of Public Money, Property or Records, 18 U.S.C. § 641  | 22              |
| Toxic Substance Control Act (TSCA), 15 U.S.C. §§ 2601-2629.  | 11              |
| Trade Secrets Act (see Disclosure of Information by Government Employees, 18 U.S.C. § 1905)  | 12              |
| Trademark Act of 1946 (a.k.a. Lanham Act), 15 U.S.C. §§ 1051-1072  | 19              |
| Treasury and General Government Appropriations Act for FY 2001, P.L. 106-554, § 401, § 646 (a.k.a. “Cookies” Legislation) (no U.S.C. citation; not codified)   | 6               |
| Truth in Negotiations Act, 10 U.S.C. § 2304  | 19              |
| Uniformed Services Employment and Reemployment Rights Act (USERRA), 38 U.S.C. §§ 4301-4333   | 15              |
| Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT Act), codified throughout Titles 10, 15, 18, 22, 28, 31, 42, 47, 49, 50, and the Federal Rules of Criminal Procedure, P.L. 107-56 | 17              |
| Veterans Preference, 39 U.S.C. § 1005(a)(2), 5 U.S.C. § 2108   | 15              |
| Vietnam Era Veterans’ Readjustment Assistance Act of 1974, as amended (VEVRAA), 38 U.S.C. §§ 4211-4216, P.L. 93-508  | 15              |
| Walsh-Healey Public Contracts Act, 41 U.S.C. §§ 35-45  | 19              |
| Whistleblower Protection Act of 1989 (WPA), 5 U.S.C. §§ 1201-1206, 1212-1213, P.L. 101-12  | 15              |

## A. OIG Enabling Statutes and Regulations

| Citation  | Summary Requirements   |
|---|--|
| E.O. 12805, "Integrity and Efficiency in Federal Programs" (5/11/92)                                | Establishes the PCIE and ECIE and describes their functions and responsibilities.  |
| E.O. 12993, "Administrative Allegations Against Inspectors General" (3/22/96)                       | Establishes the PCIE and ECIE Integrity Committee, which receives, reviews, and refers for investigation, allegations of wrongdoing against IGs and certain high-level IG staff members. |
| Executive orders, circulars, bulletins  | Most executive orders and OMB circulars apply only to executive agencies.  |
| Inspector General Act – IG Authority, 5 U.S.C. App 3, §§ 4, 6                                       | General statutory authority of OIGs to conduct audits and investigations of fraud, waste, and abuse of agency programs and operations.   |
| Inspector General Act – Requirements for OIGs for designated Federal entities, 5 U.S.C. App. 3 § 8G | Requirements for Federal entities and designated Federal entities  |

## B. OIG Required Audits and Other Reporting Requirements

| Citation  | Summary Requirements  |
|---|---|
| Appropriations FY 2002 for Treasury, USPS, the Executive Office of the President, and certain Independent Agencies, P.L. 107-67, § 647 (no U.S.C. citation; not codified) | Rural Facilities Policy Report: Requires IGs "of each applicable agency or department" to report on policies and procedures of each department or agency, for giving first priority to locating new offices and other facilities in rural areas as directed by the Rural Development Act of 1972.   |
| Inspector General Act – Semiannual Report to Congress, 5 U.S.C. App. 3, § 5   | Requires Semi-Annual Reports to Congress for 6-month periods ending March 31 <sup>st</sup> and September 30 <sup>th</sup> , summarizing activities—dollar value of questioned costs, unsupported costs and recommendations for better use of funds.   |
| Reports Consolidation Act of 2000, 31 U.S.C. § 3516(d), P.L. 106-531  | <p>Authorizes heads of executive agencies to consolidate statutorily required financial and performance management reports. Encourages and authorizes report consolidation; makes report formats more useful and improves quality of information reported; enhances coordination and efficiency of reports.</p> <p>Section 3516 (d) requires OIGs to prepare a summary statement to include in each agency's report, addressing "the most serious management and performance challenges facing the agency and briefly assessing the agency's progress in addressing those challenges." These reports are due to the OIGs' "respective agencies at least 30 days before the report's due date. 31 U.S.C. § 3526(d).</p>  |
| Treasury and General Government Appropriations Act for FY 2001, P.L. 106-554, § 401, § 646 (a.k.a. "Cookies" Legislation)(no U.S.C. citation; not codified)               | <p>Section 646 requires OIGs to report to Congress on:</p> <ul style="list-style-type: none"> <li>(1) the collection or review of singular data, or the creation of aggregate lists that include personally identifiable information, about individuals who access any Internet site of the department or agency; and</li> <li>(2) entering into agreements with third parties, including other government agencies, to collect, review, or obtain aggregate lists or singular data containing personally identifiable information relating to any individual's access or viewing habits for governmental and nongovernmental Internet sites.</li> </ul> <p>Section 401 requires IGs to report on payment history for Washington, D.C. water and sewage services.</p> |

## C. Audit, Investigation, and Inspection Standards

| Citation  | Summary Requirements   |
|---|--|
| American Institute of Certified Public Accountants "Fieldwork and Reporting Standards and Reporting Standards and Related Statements on Auditing Standards" | Auditing standards for financial audits.   |
| Cost Accounting Standards Board, 41 U.S.C. § 422  | <p>Establishes the "Cost Accounting Standards Board," an independent board (of private individuals and federal agency representatives) within OMB's Office of Federal Procurement Policy. 41 U.S.C. § 422(a).</p> <p>The Board has exclusive statutory authority to make, promulgate, amend and rescind cost accounting standards designed to achieve uniformity and consistency among government contractors. 41 U.S.C. § 422(f).</p> <p>Authorizes OIGs and the Comptroller General to access contractor and subcontractor's records to determine whether contractors have complied with cost accounting standards. 41 U.S.C. § 422(k).</p>              |
| Financial Accounting Standards Board Statements 1-150 (1973-2003)   | Accounting principles issued by the Financial Accounting Standards Board (FASB).   |
| GAO/PCIE "Financial Audit Manual" (2001)  | Provides guidance on conducting financial statement audits.  |
| Government Auditing Standards, GAO-03-673G (June 2003)(Yellow Book Standards)   | Standards for government audits.   |
| National Defense Authorization Act for FY 2002, P.L. 107-107, 35 U.S.C. §§ 3561-3567  | Amends Title 35 to add new Chapter titled, "Recovery Audits," 35 U.S.C. §§ 3561-3567. Requires federal agencies to identify and recover errors made in payments to contractors.  |
| OMB Circular A-119, "Transmittal Memorandum, Federal Participation in the Development and Use of No Standards" (2/10/1998)                                  | Establishes policies to improve Executive agencies' internal management, directing agencies to use No consensus standards in lieu of government-unique standards except where inconsistent with law or otherwise impractical.  |
| OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations" (6/24/1997)   | Sets forth standards for obtaining consistency and uniformity among Federal agencies for audits of States, local governments, and non-profit organizations receiving Federal awards. Issued pursuant to the Single Audit Act Amendments of 1996, 31 U.S.C. §§ 7501 <i>et seq.</i> , <i>supra</i> .   |
| OMB Circular A-134, "Financial Accounting Principles and Standards" (5/20/1993)   | Policies on approving accounting principles and standards. Agencies subject to circular: "Executive agency ("agency") means any executive branch department, independent commission, board, bureau, office, agency, or other establishment of the Federal Government, including independent regulatory commissions and boards. It does not include federally-owned or controlled corporations that are preparing financial statements in accordance with generally accepted accounting principles promulgated by the Financial Accounting Standards Board, or the legislative or judicial branches of the Federal Government." OMB Circular A-134, § 4(a). |
| OMB Circular A-50, "Audit Follow-up" (9/29/1982)  | Provides policies and procedures for executive agencies when considering reports issued by OIGs, other executive branch audit organizations, GAO, and non-Federal auditors where follow-up is necessary.   |
| PCIE "Guide for Conducting External Quality Control Reviews of the Audit Operations of the Offices of Inspector General"                                    | Provides guidance on conducting external quality control reviews of OIG Offices of Audit.  |
| PCIE Quality Standards for Inspections (1993)   | Establishes standards for inspections and evaluations conducted by Federal OIGs.   |



| Citation  | Summary Requirements  |
|---|---|
| PCIE Quality Standards for Investigations (Sep. 1997)   | Establishes standards for investigations conducted by criminal investigators working for Federal OIGs.  |
| PCIE/ECIE "Guide for Conducting Qualitative Assessment Reviews for the Investigative Operations of Inspectors General" (2002)   | Provides guidance on conducting external qualitative assessment reviews of OIG investigative operations.  |
| PCIE/ECIE "Quality Standards for Federal Offices of Inspectors General" (Oct. 2003)   | Standards for the management, operation, and conduct of Federal OIGs.   |
| PCIE/ECIE Audit Committee "Best Practices Guide: Coordinating the Preparation and Audit of Federal Financial Statements" (June 2001)  | Fosters constructive and professional working relationships between agency Chief Financial Officers and IGs in the financial statement preparation and auditing process.  |
| Sarbanes-Oxley Act of 2002, 15 U.S.C. §§ 77-80, 7201, 7211-18, 7232-34, 7241-46, 7262-66, 18 U.S.C. §§ 1341, 1343, 1349-1350, 1501, 1512-14, 1519, 1520; 28 U.S.C. §§ 994, 1658; 29 U.S.C. §§ 1021, 1131-32, P.L. 107-204 | Creates new obligations and significant penalties for non-compliance with accounting independence, reporting, and record-keeping requirements by public companies and their executives, directors, auditors, attorneys and securities analysts. Creates a new "Public Company Accounting Oversight Board."<br><br>Provisions include, but are not limited to: provisions relating to independence of accountants; criminal penalties for altering documents and for retaliating against persons who disclose information relating to a felony violation; and increased maximum penalties for mail fraud under 18 U.S.C. 1341. |
| Single Audit Act Amendments of 1996, 31 U.S.C. § 7501 et seq., P.L. 104-156   | Requires the Generally Accepted Government Auditing Standards, i.e., "GAGAS," to be followed in audits of state and local governments and nonprofit entities that receive Federal financial assistance.   |
| Statements of Federal Financial Accounting Standards Board, 1-25 (1992 - Present)   | Accounting principles for federal government reporting entities, issued by the Federal Accounting Standards Advisory Board.   |

## D. Financial

| Citation  | Summary Requirements   |
|---|--|
| Anti-Deficiency Act, 31 U.S.C. §§ 1341-42, 1349-51, 1511 et seq.  | Prohibits federal employees from making or authorizing expenditures that exceed appropriations available to their respective federal agency. Provides criminal penalties for intentional violations.   |
| Bank Secrecy Act, 31 U.S.C. §§ 321, 5311-14, 5316-5322  | Requires currency reporting by financial institutions and services, to detect, prevent, and prosecute money laundering and financing of terrorism.   |
| Budget and Accounting Act of 1921, 31 U.S.C. §§ 701 et seq., §§ 1101 et seq., P.L. 67-13                | Requires the President to annually submit a single, consolidated budget proposal to Congress. Assigns responsibilities for government accounting, auditing, and financial reporting to improve evaluations of Federal Government programs and activities by better identifying sources of funding and how the funding was applied. |
| Chief Financial Officers Act of 1990 (CFO Act), 31 U.S.C. §§ 901-903, P.L. 101-576                      | Establishes Chief Financial Officers in federal agencies and requires 24 federal agencies to prepare annual, audited financial statements.<br><br>Names each agency IG as the responsible official for certifying all financial statement work.  |
| Debt Collection Act of 1982, 31 U.S.C. §§ 3302, 3701, 3711, 3716-3719, P.L. 97-365; 5 U.S.C. § 5514(a). | Various provisions on debt collection, including authorization for collection of payments through administrative offset.   |

| Citation  | Summary Requirements  |
|---|---|
| Electronic Fund Transfer Act, 15 U.S.C. §§ 1693a-1693r, P.L. 90-321   | Creates rights and liabilities for persons and entities involved in electronic fund transfers. Primary purpose is to protect consumers. Creates mandates for financial institutions; includes civil and criminal liability provisions.  |
| Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq.  | Prohibits abusive debt collection practices by commercial entities.   |
| False Claims Act, 31 U.S.C. §§ 3729-3733  | Imposes civil liability on persons or entities that submit false or fraudulent requests for payment to the United States.   |
| Federal Financial Management Act of 1994, 31 U.S.C. §§ 3511-3516 note   | Requires all agencies covered by the Chief Financial Officer's Act to prepare annual, agency wide financial statements.   |
| Federal Financial Management Improvement Act of 1996, 31 U.S.C. § 3512 (part of the Omnibus Consolidated Appropriations Act of 1997), P.L. 104-208, Title VIII                            | Provides for the establishment of uniform Federal Government accounting systems, accounting standards, and reporting systems.   |
| Federal Managers Financial Integrity Act of 1982 (FMFIA), 31 U.S.C. § 3512, P.L. 97-255   | Establishes and implements accounting and administrative controls for financial management. Amends the Accounting and Auditing Act of 1950.   |
| Financial Services Modernization Act (a.k.a. Gramm-Leach-Bliley Act), 15 U.S.C. §§ 6801-6809, P.L. 106-102  | Protects confidentiality of consumers' personal information held by financial institutions.   |
| OMB Circular A-102, "Grants and Cooperative Agreements With State and Local Governments" (8/29/1997)  | Establishes policies for consistency and uniformity among Federal agencies in the management of grants and cooperative agreements with state, local, and federally-recognized Indian tribal governments.  |
| OMB Circular A-110, "Uniform Administrative Requirements for Grants and Other Agreements with Institutions of Higher Education, Hospitals and Other Non-Profit Organizations" (9/30/1999) | Sets forth standards for obtaining consistency and uniformity among Federal agencies in administration of grants and agreements with institutions of higher education, hospitals, and other non-profit organizations.   |
| OMB Circular A-122, "Cost Principles for Non-Profit Organizations" (6/1/1998)   | Establishes principles for determining costs of grants, contracts and other agreements with non-profit organizations.   |
| OMB Circular A-123, "Management Accountability and Control" (6/21/1995)   | Provides guidance to Federal managers on improving accountability and effectiveness of Federal programs and operations by establishing, assessing, correcting, and reporting on management controls.  |
| OMB Circular A-127, "Financial Management Systems" (7/23/1993)  | Issued pursuant to the Chief Financial Officer's Act of 1990 and FMFIA ( <u>see</u> above re: FMFIA). Prescribes policies and standards for executive departments and agencies to follow in developing, operating, evaluating, and reporting on financial management systems. |
| OMB Circular A-129, "Policies for Federal Credit Programs and Non-Tax Receivables" (11/2000)  | Establishes policies and procedures for justifying, designing, and managing Federal credit programs and for collecting non-tax receivables, and sets principles for designing credit programs.  |
| OMB Circular A-21, "Cost Principles for Educational Institutions" (8/8/2000)  | Principles for determining costs applicable to grants, contracts, and other agreements with educational institutions.   |
| OMB Circular A-25 "Transmittal Memorandum #1, User Charges" (7/8/1993)  | Establishes Federal policy on fees for Government services and on sale or use of Government goods and resources.  |

| Citation   | Summary Requirements  |
|--|---|
| OMB Circular A-87, "Cost Principles for State, Local and Indian Tribal Governments" (8/29/1997)              | Establishes principles and standards for determining costs for Federal awards carried out through grants, cost reimbursement contracts, and other agreements with state and local governments and federally recognized Indian tribal governments. |
| OMB Circular A-94, "Guidelines and Discount Rates for Benefit-Cost Analysis of Federal Programs" (1/22/2002) | Provides general guidance for conducting benefit-cost and cost-effectiveness analyses.  |
| Program Fraud Civil Remedies Act (PFCRA), 31 U.S.C. § 3801-3812  | Establishes administrative procedures for Federal agencies to use against persons who make false claims or false statements to the U.S. Also known as the "mini-False Claims Act."  |
| Small Business Act, 15 U.S.C. §§ 631-657e  | Requires government set-asides in procurements for small businesses.  |

## E. Environmental

| Citation  | Summary Requirements  |
|---|---|
| Clean Air Act, 42 U.S.C. §§ 7401-7431   | Abatement of air pollution. State Inspection and Maintenance requirements. 42 U.S.C. § 7418l. Employee vehicles on Federal property must comply with vehicle inspection requirements. 42 U.S.C. § 7418(d).<br><br>Federal agencies must conform procurement regulations to the use of ozone depleting substances such as chlorofluorocarbons (CFCs). Federal agencies cannot contract with entities that do not meet certain environmental standards. 42 U.S.C. § 7606.   |
| Clean Water Act (Water Pollution Control Act), 33 U.S.C. §§ 1251-1274   | Requires that particular entities comply with federal, state, and local water pollution laws. Federal agencies are subject to "all Federal, State, interstate, and local requirements, administrative authority, and process and sanctions respecting the control and abatement of water pollution in the same manner, and to the same extent as any nongovernmental entity including the payment of reasonable service charges." 33 U.S.C. § 1323<br><br>Federal Government entities are prohibited from contracting with persons/facilities that have been convicted of a violation of 33 U.S.C. § 1319l or do not meet environmental standards. 33 U.S.C. § 1368(a). |
| Comprehensive Environmental, Response, Compensation, and Liability Act (CERCLA, a.k.a. Superfund legislation), 42 U.S.C. § 9601 et seq. | Imposes strict, joint and several liability for remediation of hazardous waste sites and contaminated properties. Federal agencies are treated similarly to private entities regarding clean up liability. 42 U.S.C. § 9620(a).<br><br>Duty to conduct annual audits regarding fund activity and ensure proper administration of the fund. 42 U.S.C. 9611(k). The government must investigate property it owns to determine whether the property is contaminated. Government must disclose the information and enter into a covenant in the deed accepting responsibility for the remediation of any hazardous substances on the property.                              |
| E.O. 12856, "Federal Compliance With Right-To-Know Laws [i.e., EPCRA] and Pollution Prevention Requirements" (8/3/93)                   | Requires recycling and pollution prevention programs by federal agencies. Requires federal agencies to comply with the Emergency Planning and Community Right To Know Act and provides extensive requirements for reporting to the EPA.   |
| E.O. 13148, "Greening the Government Through Leadership in Environmental Management" (4/21/00)  | Aims to integrate environmental accountability into agency day-to-day decision-making and long-term planning processes, across all agency missions, activities, and functions.  |
| Electric Vehicle Research, Development, and Demonstration Act, 15 U.S.C. § 2501-2514, P.L. 94-413                                       | 15 U.S.C. § 2510 requires federal agency heads study the practicability of using electric and hybrid vehicles and to add electric and hybrid vehicles to their fleets as soon as possible.<br><br>If the agency head determines that electric or hybrid vehicles are technologically practicable but not economically competitive with conventional vehicles, "the Secretary of Energy may, for purposes of the demonstration program described in section 2506 of this title, pay to such agency the incremental costs of the electric or hybrid vehicles, including differential operating costs." 15 U.S.C. § 2510.  |

| Citation  | Summary Requirements  |
|---|---|
| Emergency Planning and Community Right-to-Know Act (EPCRA), 42 U.S.C. §§ 11001-11050  | Established programs to inform the public on hazardous and toxic waste releases in their communities and establishes emergency notification and planning programs relating to chemical spills and toxic waste releases.<br><br>EPCRA does not apply to Federal agencies. However, E.O. 12856 ( <u>see</u> , below) requires Federal agencies to comply with the law.  |
| Energy Policy and Conservation Act of 1975, 42 U.S.C. § 6201  | Establishes a Federal energy conservation program and requires the development of a 10-year plan for energy conservation with respect to Federal buildings.   |
| Federal Energy Management Improvement Act (FEMIA) of 1988, 42 U.S.C. §§ 8201, 8251-8261, P.L. 100-615   | Mandates a 10% reduction in per-square-foot energy use by Federal buildings between 1985 and 1995, marking the first time that Congress specified the level of savings that had to be achieved.   |
| Federal Facilities Compliance Act of 1992, 42 U.S.C. §§ 6961-6965   | Subjects Federal agencies and instrumentalities to requirements relating to hazardous waste disposal (42 U.S.C. § 6961); to maximize use of recovered materials in contracting (42 U.S.C. §§ 6962)  |
| Hazardous Waste Management, 42 U.S.C. §§ 6921-6939e   | Addresses disposal, control, and management of hazardous waste. Federal agencies and instrumentalities are subject to civil fines and penalties for certain environmental violations. <u>See</u> 42 U.S.C. § 6928. Federal agencies are not subject to criminal provisions. <u>See</u> 42 U.S.C. § 6928(f)(5)   |
| Lead Exposure Reduction, 15 U.S.C. §§ 2681-2692   | Federal agencies are subject to requirements of this subsection, including civil penalties, and the United States waives its immunity from suit under these provisions. 15 U.S.C. § 2688.<br><br>However, “No agent, employee, or officer of the United States shall be personally liable for any civil penalty under any Federal, State, interstate, or local law relating to lead-based paint, lead-based paint activities, or lead-based paint hazards with respect to any act or omission within the scope of his official duties.” 15 U.S.C. § 2688. |
| Methane Transportation Research, Development, and Demonstration Act of 1980, 15 U.S.C. § 3807(a)-(b), P.L. 96-512   | Requires the Secretary of Energy to consult with federal agencies to determine the practicability of using methane vehicles and arrange for use of such vehicles “at the earliest practicable date.”  |
| National Energy Conservation Policy Act/Energy Policy Act, 42 U.S.C. §§ 8201 et seq., P.L. 95-916, (specifically, 42 U.S.C. §§ 8251, 8254(a)), as amended by the Energy Policy Act of 1992, 42 U.S.C. § 13201 et seq., P.L. 102-486 | Purpose is to reduce the growth in demand for energy and to conserve energy resources without inhibiting beneficial economic growth. 42 U.S.C. §§ 8253, 8262j, 8287.  |
| National Environmental Policy Act of 1969, 42 U.S.C. §§ 4331-4335   | Requirements for reports concerning proposed actions with potential environmental impact, including environmental impact statements, etc.   |
| Pollution Prevention Act of 1990, 42 U.S.C. §§ 13101-13109  | Promotes recycling as well as reduction of pollution at the source through various programs, including matching funds for state agency grants. Subjects EPA and other entities to reporting requirements.   |
| Resource Recovery and Conservation Act (RCRA), 42 U.S.C. §§ 6901 et seq.  | Requires inventories and reports to the EPA on federal hazardous waste (42 U.S.C. § 6937). Purchasing of recycling content materials. (42 U.S.C. § 6962)  |
| Toxic Substance Control Act (TSCA), 15 U.S.C. §§ 2601-2629  | Regulation of chemical substances and the control of toxic substances presenting unreasonable risk of injury to health or environment.  |

## F. Administrative

| Citation   | Summary Requirements  |
|--|---|
| Administrative Procedure Act (APA), 5 U.S.C. § 552   | The APA sets minimum standards for administrative procedure that federal agencies must follow.  |
| Computer Matching and Privacy Protection Act of 1988; 5 U.S.C. § 552a (o)-(v), P.L.100-503                                 | Ensures privacy, integrity, and verification of data disclosed for computer matching and establishes Data Integrity Boards within Federal agencies.   |
| Disclosure of Information by Government Employees, 18 U.S.C. § 1905 (a.k.a. "Trade Secrets Act")                           | Prohibits federal agencies from unauthorized disclosure of confidential proprietary data obtained during the course of conducting agency activities. Imposes misdemeanor penalties for violations.  |
| E.O. 12275, "Design Liaison Council" (1/21/81) [REVOKED]   | Established a council composed of the heads of various agencies and departments to better promote "good design" within the Federal government.  |
| E.O. 12556, "Mailing Privileges of Members of Armed Forces of the United States and of Friendly Foreign Nations" (4/18/86) | Authorizes the Secretary of Defense to dispense such privileges in consultation with, among others, USPS.   |
| Equal Access to Justice Act (EAJA), 5 U.S.C. § 504, P.L. 96-481, § 201   | Provides for the award of attorney fees and other fees and expenses to eligible individuals and entities that are parties to certain administrative procedures before an agency.  |
| Freedom of Information Act, 5 U.S.C. §§ 552-552b   | Stipulates that the public shall have access to all government documents unless the documents fall within a specific statutory exemption.   |
| Government in the Sunshine Act, 5 U.S.C. § 552b  | All agencies are required to make public announcements in order to inform the public of upcoming meetings.  |
| Government Management Reform Act of 1994, 2 U.S.C. 31(2), 5 U.S.C. § 6304, 31 U.S.C. §§ 331, 3332, 3515; P.L. 103-353      | Improves the efficiency of executive branch performance by enhancing reporting to Congress through elimination and consolidation of duplicative or obsolete reporting requirements. Provisions relating to annual leave accumulation by SES employees. 5 U.S.C. § 6304.<br><br>Requires federal agencies to annually submit audited financial statements. 31 U.S.C. § 3515.<br>Requires direct deposit of Federal employee paychecks. 31 U.S.C. § 3332.                           |
| Government Paperwork Elimination Act (GPEA), 44 U.S.C. § 3504  | Persons required to submit or maintain information for the federal government must be given the option to do so electronically when practicable. Different from the Paperwork Reduction Act.  |
| Government Performance and Results Act of 1993, 31 U.S.C. § 1101, P.L. 103-62  | Provides for strategic planning and performance measurement in the Federal Government. Requires agencies to submit to the President and Congress, a mission statement reflecting general performance goals and objectives, identifying external key factors that could significantly affect achievement and describe program evaluations with a schedule for future programs.<br><br>Agencies must solicit reviews of affected persons/entities in developing its strategic plan. |
| Judicial Review, 5 U.S.C. §§ 701-706   | Establishes a person's right to judicial review where not specifically provided for by statute or regulation.   |
| OMB Circular A-1, "System of Circulars and Bulletins to Executive Departments and Establishments" (8/7/1952)               | Sets up OMB's "Circulars" system, including numbering.  |
| OMB Circular A-130, "Management of Information Resources" (11/28/2000)   | Creates government-wide information resource management policies. Includes provisions relating to the Paperwork Reduction Act, Privacy Act, Chief Financial Officers Act, Federal Property and Administrative Services Act, Computer Security Act, Budget and Accounting Act and E.O. 12046 (3/27/78) and E.O. 12472 (4/3/1984).  |
| OMB Circular A-131, "Value Engineering" (5/21/1993).   | Requires Federal agencies to use value engineering as a management tool, where appropriate, to reduce program and buying costs.   |

| Citation   | Summary Requirements  |
|--|---|
| OMB Circular A-135, "Management of Federal Advisory Committees" (10/5/1994). | Guidance and instructions on Federal advisory committees.   |
| OMB Circular A-19, "Legislative Coordination and Clearance" (9/20/1979)      | Outlines procedures for OMB clearance of agency comments on legislation.  |
| Paperwork Reduction Act of 1995, 44 U.S.C. §§ 3501-3520, P.L. 104-13         | Minimizes paperwork burden for individual, small business, education, and nonprofit institutions, federal, state, and tribal government resulting from collection of information by or for federal government.  |
| Privacy Act, 5 U.S.C. § 552a   | Places limits on how federal agencies collect, use, and disclose information about individuals (U.S. citizens and resident aliens). Gives individuals the right to access records maintained on them by agencies and the right to seek corrections to those records, subject to various exemptions. |
| Right to Financial Privacy Act, 12 U.S.C. §§ 3401-3422                       | Procedures for access to certain financial records by government authorities.   |

## G. Human Resources

| Citation  | Summary Requirements  |
|---|---|
| Age Discrimination Act of 1975, 42 U.S.C. §§ 6101-6107, P.L. 94-135   | Prohibits age discrimination in programs or activities receiving Federal financial assistance.  |
| Age Discrimination in Employment Act (ADEA), 29 U.S.C. §§ 621-634   | Prohibits age discrimination by private and public employers.   |
| Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq., P.L. 101-336                             | Prohibits discrimination against persons with disabilities in employment and public accommodations. Expands the definition of disability to include any condition that significantly impedes a major life activity. Requires employers and agencies with public facilities to make such facilities accessible to persons with disabilities. |
| Civil Service Reform Act of 1978, 5 U.S.C. §§ 2301-2305, 7101-7135, 7511, 7701-7703, P.L. 95-454              | Established civil service reform through merit system principles; lists prohibited personnel practices; establishes procedures for administrative processing of complaints of prohibited personnel practices.   |
| Civil Service Retirement Act (CSRA), 5 U.S.C. § 8331-8351, P.L. 77-411, § 7, 56 Stat. 13, 16                  | Provisions relating to retirement for some employees and law enforcement officials.   |
| Consolidated Omnibus Budget Reconciliation Act (COBRA), 29 U.S.C. §§ 1161-1169                                | COBRA is landmark legislation that provides continuation of health benefits to private sector employees. It does not apply to Federal employees. <u>See supra</u> , Health Insurance Portability and Accountability Act of 1996, 42 U.S.C. §§ 300gg et seq., P.L. 104-191 (providing continuation of health benefits to Federal employees). |
| E.O. 11701, "Employment of veterans by Federal agencies and Government contractors and subcontractors" (1973) | Facilitate employment of returning veterans by requiring Federal agencies and Federal contractors and their subcontractors to list employment openings with the employment service systems.   |
| E.O. 13033, "Adjustments of Certain Rates of Pay and Allowances" (12/27/96)                                   | Lists pay schedules for Federal employees, including Senior Executive Service employees.  |
| E.O. 13150, "Federal Workforce Transportation" (4/21/2000)  | Requires agencies to implement a transportation fringe benefit program.   |

| Citation  | Summary Requirements   |
|---|--|
| Employee Affidavit; Loyalty Oaths, 5 U.S.C. § 3333  | Federal employees are required to sign an oath within 60 days of accepting employment, stating that the employee does not advocate and is not a member of a group that advocates the overthrow of the U.S. constitutional form of government and does not participate in a strike or assert the right to strike, and is not a member of an organization that advocates, striking against the U.S. government or the District of Columbia government.   |
| Employees' Right to Petition Congress, 5 U.S.C. § 7211, P.L. 95-454   | Prohibits interfering with or denying an employee's right, individually or collectively, to petition Congress or a Member of Congress, or to furnish information to the House or Senate.   |
| Employment of personal assistants for blind, deaf, or otherwise handicapped employees, 5 U.S.C. § 3102  | <p>Authorizes federal agencies to employ personal assistants for employees with disabilities.</p> <p>Authorizes travel and per diem reimbursement for an individual who accompanies a disabled employee on official travel, and states that the accompanying individual is considered an employee only for purposes of the Federal Employees' Compensation Act and the Federal Tort Claims Act.</p>  |
| Employment of Relatives, 5 U.S.C. § 3110  | Prohibits government employees from employing or promoting relatives in a civilian position in the agency in which he is serving or over which he exercises jurisdiction or control  |
| Equal Opportunity Employment and Civil Rights Act of 1991, 2 U.S.C. §§ 601, 1201-1207, 1214-1224; 42 U.S.C. §§ 1981, 1981a, 1988, 2000e-2 – 2000e-5, 2000e-16b; 5 U.S.C. §§ 7201-7204; and 29 U.S.C. § 626(e), P.L. 102-166 | <p>Prohibits Federal agencies from discriminating against persons with respect to an employment action solely on the basis of his or her disability, race, sex, national origin, color, or religion. Federal agencies must submit affirmation plan for hiring, placement and advancement of individuals with disabilities.</p> <p>Subjects the U.S. Senate, House of Representatives and other Congressional instrumentalities such as the Library of Congress, to the Civil Rights Act of 1991 and Title VII of the Civil Rights Act of 1964.</p> |
| Fair Labor Standards Act (FLSA), 29 U.S.C. §§ 201-219   | <p>Provides a national minimum wage, overtime compensation, and restrictions on employment of minors. Includes criminal misdemeanor penalty for willful violations. Exempts from its provisions any employee in an executive, administrative, or professional position who is paid on a salary basis.</p> <p>Includes the Equal Pay Act, 29 U.S.C. § 206(d)(1), which prohibits employers from discriminating on the basis of sex "for equal work on jobs the performance of which requires equal skill, effort and responsibility . . . ."</p>    |
| Family and Medical Leave Act of 1993, 29 U.S.C §§ 2601, 2611-2619, P.L. 103-3   | The Act is designed to provide employees with the ability to take leave from work for family-related reasons. The Act requires federal agencies, as well as private employers, to provide eligible employees with up to twelve work weeks of unpaid leave within a leave year, for certain family and medical reasons. Entitles employees to the same or an equivalent position upon returning to work.  |
| Federal Employees Compensation Act (FECA), 5 U.S.C. §§ 8101-8193  | Comprehensive compensation system for federal employees who sustain injuries in performance of their official duties. Benefits include reimbursement for medical expenses and wages compensation.  |
| Federal Employees Group Life Insurance Act, 5 U.S.C. §§ 8701-8716.  | Laws establishing and administering the Federal Employees Group Life Insurance program.  |
| Federal Employees Health Benefits Act, 5 U.S.C. §§ 8901-8914  | Administration of the U.S. Employees Health Benefits program.  |
| Federal Employees Retirement System (FERS), 5 U.S.C. §§ 8401-8479   | Laws establishing and administering the Federal Employees Retirement System  |
| Garnishment Restrictions, 15 U.S.C. §§ 1671 – 1677  | Restrictions on garnishment of wages of private and public employees include limits on amounts that can be withheld and priority of garnishment payments.  |
| Health Insurance Portability and Accountability Act of 1996 (HIPAA), 29 U.S.C. §§ 1003, 1021-24, 1132, 1136, 1144, 1161, 42 U.S.C. §§ 233, 242k(k), 300e, 300bb et seq., 1301 et seq. (P.L. 104-191)                        | Provides Federal employees with continuation of health benefits. Also combats waste, fraud, and abuse in health insurance and health care delivery; promotes use of medical savings accounts; improves access to long-term care services; simplifies administration of health insurance. Establishes requirements for issuing administrative subpoenas for health care information. 42 U.S.C. § 1301; P.L. 104-191   |

| Citation  | Summary Requirements  |
|---|---|
| Law Enforcement Availability Pay Act (LEAP), 5 U.S.C. §§ 5541-5550, P.L. 103-329  | Provides premium pay to Federal agency law enforcement officials who are required to be "available" in excess of their regularly scheduled 40-hour workweek.  |
| Magnuson-Moss Act, 15 U.S.C. §§ 2301-2312   | Establishes standards and requirements for warranties.  |
| National Labor Relations Act, 29 U.S.C. §§ 151-169, 39 U.S.C. § 1202  | Creates the National Labor Relations Board (NLRB), which enforces rights of employees to unionize and prohibits employers from committing unfair labor practices.   |
| Notification & Federal Employee Anti-Discrimination & Retaliation Act of 2002 (No FEAR), 5 U.S.C. § 2301, P.L. 107-174 , HR 169 | Federal agencies are accountable for violations of anti-discrimination and whistleblower protection laws.   |
| Rehabilitation Act of 1973, 29 U.S.C. §§ 701-796l, P.L. 93-112  | Prohibits discrimination against disabled persons in programs receiving federal funds. 29 U.S.C. § 793 requires Federal contracts for \$2,500 or more to use affirmative action to employ qualified disabled persons.   |
| Soldiers' and Sailors' Civil Relief Act of 1940, 50 U.S.C. app., §§ 501-593   | Provides for temporary suspension of enforcement of civil liabilities against military persons in active military service, under certain circumstances.   |
| Suitability, Security, and Conduct, 5 U.S.C. §§ 7301 et seq.  | Various provisions relating to employee conduct, suitability, and security, including prohibitions against unauthorized political activity (Hatch Act violations); etc.   |
| Uniformed Services Employment and Reemployment Rights Act (USERRA), 38 U.S.C. §§ 4301-4333                                      | Provides for certain rights for uniformed services personnel (including regular and reserve Army, Navy, Marine Corps, Air Force, Coast Guard, Army National Guard, Air National Guard, and Public Health Service commissioned corp.) upon their return to employment after a period of uniformed service.   |
| Veterans Preference, 39 U.S.C. § 1005(a)(2), 5 U.S.C. § 2108  | Veterans whose service is considered to have been during wartime are given preference in hiring; those who are compensably disabled are given absolute preference; and certain positions (primarily custodial) are reserved for them. They also have retention preference and appeal rights in a reduction-in-force.  |
| Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended (VEVRAA), 38 U.S.C. §§ 4211-4216, P.L. 93-508             | Requires covered contractors and subcontractors to take affirmative steps to employ qualified Vietnam era, special disabled, recently separated, and other protected veterans. Covers recruitment, hiring, rates of pay, upgrading, and selection for training.<br><br>Requires contractors to list most job openings with the local office of the State Employment Service or with the Department of Labor's "America's Job Bank." See also E.O. 11701, below. |
| Whistleblower Protection Act of 1989 (WPA), 5 U.S.C. §§ 1201-1206, 1212-1213, P.L. 101-12                                       | Protects federal employees who disclose illegality, waste, and corruption. Established the Office of Special Counsel.   |

## H. Ethics

| Citation   | Summary Requirements   |
|--|--|
| E.O. 12672, "Interagency Committee on Handicapped Employees" (3/23/89)                       | Establishes membership for the Interagency Committee on Handicapped Employees. |
| E.O. 12731, "Principles of Ethical Conduct for Government Officers and Employees" (10/19/90) | Establishes ethical standards for Federal employees. Modifies E.O. 12674.      |



| Citation  | Summary Requirements  |
|---|---|
| Ethics in Government Act of 1978, P.L. 95-521, as modified by the Ethics Reform Act of 1989, P.L. 101-194<br>See also 5 C.F.R. §§ 2634 – 2640 | Created the Office of Government Ethics (OGE) and tasked it with issuing rules and regulations pertaining to financial disclosure, conflicts of interest, and ethics for federal employees and agencies. Executives and certain other employees must file annual financial disclosure forms concerning financial interest, outside employment and other potential conflicts of interests. Imposes criminal penalties for failure to file and related fraud.<br><br>Established criminal penalties for post-employment violations such as representing a third party before the government on certain matters.                 |
| Hatch Act, 5 U.S.C. § 7321, 7323  | Prohibits government employees from engaging in certain political activities such as campaigning, and attending political meetings.   |
| Misuse of Government Vehicles, 31 U.S.C. § 1349   | Any officer or employee who willfully uses or authorizes the use of an official vehicle for other than official purposes must be suspended from duty without pay for at least 30 consecutive days, or up to and including removal.  |
| Representing Private Interests and Conflicts of Interest, 18 U.S.C. §§ 203-209  | Federal employees are subject to several criminal laws concerning outside economic activity of government-wide applicability, such as a nearly complete ban on representing private interests in matters involving any agency of the government and a ban on receiving from an outside source a “supplementation” of the employee’s salary.<br><br>Employees must avoid participation on behalf of the government in any “particular matter” in which they have, certain family and household members have, or any outside entity that employs them (or has agreed to employ them) has a financial interest. 18 U.S.C. § 208. |
| Standards of Ethical Conduct, 5 C.F.R. § 2635   | Establishes general principles for ethical conduct by Executive Branch employees. Covers receipt of gifts from outside sources and between employees, conflicting financial interests, impartiality in official duties, seeking other employment, misuse of position, and conflict of interest created by certain outside activities.   |

## I. Information Technology

| Citation  | Summary Requirements   |
|---|--|
| Children’s Online Privacy Protection Act of 1998, 15 U.S.C. §§ 6501-6506, P.L. 105-277  | Prohibits deceptive practices relating to collection and use of personal information relating to children, on the Internet.  |
| Clinger-Cohen Act of 1996, 40 U.S.C. § 1401 <u>et seq.</u> , P.L. 104-106 (a.k.a. Information Technology and Management Reform Act of 1996)   | Provides for OMB oversight of information technology development and acquisition, agency management of IT investments, and establishment of standards by the National Institute of Standards and Technology.   |
| Computer Security Act of 1987, 15 U.S.C. §§ 271 (note), 272, 278g-3, 278g-4, P.L. 100-235   | Establishes a computer standards program within the National Bureau of Standards; provides for Government-wide computer security; and provides for training in security matters of persons involved in the management and operation of Federal computer systems. |
| Electronic Communications Privacy Act, 18 U.S.C. §§ 2701-2712   | Prohibits unlawful access to stored electronic communications. Prohibits Internet service providers and computer storage entities from disclosing certain information to a government agency without a subpoena or search warrant.                               |
| Federal Information Security Management Act of 2002 (FISMA), 44 U.S.C. § 3541, P.L. 107-296   | Provides a framework for ensuring the effectiveness of information security controls over information resources that support Federal operations and assets.  |
| Government Information Security Reform Act (GISRA), 44 U.S.C. §§ 3531-3536, P.L. 106-398 – SUNSETTED -- SUPERCEDED by the Federal Information Security Management Act of 2002 (FISMA)( <u>see</u> above). | Requires federal agencies to conduct internal risk assessments of electronic systems and security.   |

| Citation   | Summary Requirements   |
|--|--|
| National Information Infrastructure Protection Act of 1996, 18 U.S.C. § 1030, P.L. 104-294   | Prohibits fraud and unauthorized access relating to computers.   |
| OMB Circular A-109, "Major Acquisitions Systems" (4/5/1976)  | Guidelines for federal agencies in purchasing major IT systems.  |
| Privacy Policies on Federal Web Sites, OMB Memorandum No. M-99-18 (June 2, 1999) and "Privacy Policies and Data Collection on Federal Web Sites," OMB Memorandum No. MM-00-13 (June 22, 2000)  | Requires federal agencies to disclose privacy policies on web sites and creates a presumption against use of "cookies."  |
| Technology Accessibility, 29 U.S.C. § 794d, P.L. 100-630 (Rehabilitation Act Amendments of 1992)   | Requires federal agencies to provide disabled persons with comparable access to electronic information.  |
| Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT Act), codified throughout Titles 10, 15, 18, 22, 28, 31, 42, 47, 49, 50, and the Federal Rules of Criminal Procedure, P.L. 107-56 | Amends Federal criminal law to provide for authority to intercept wire, oral, and electronic communications relating to computer fraud and abuse offenses. Permits disclosure to specified Federal personnel of Federal grand jury matters pertaining to intelligence or counterintelligence. Allows sharing of electronic, wire, and oral interception information by Federal law enforcement and other specified Federal officials. Permits the similar sharing of foreign intelligence information. |

## J. Procurement, Contracts, Facilities, and Related Services

| Citation   | Summary Requirements   |
|--|--|
| Armed Service Procurement Act of 1947, 10 U.S.C. §§ 2302-2331                                | Advertising requirements for contracts.  |
| Assignment of Claims Act of 1940, as amended, 31 U.S.C. § 3727, 41 U.S.C. § 15, P.L. 103-455 | Restricts government contractors' rights to assign contracts to third parties.   |
| Brooks Act, 40 U.S.C. § 541-544, P.L. 92-582   | In order to assure that federal agencies are able to contract with the most highly qualified architects and engineers, the Brooks Act established a detailed process for evaluating architects and engineers and selecting those to perform government contracts based on their competence and experience rather than on price.                    |
| Buy American Act, 41 U.S.C. §§ 10a-10d   | Requires government agencies to purchase for public use, articles, materials, and supplies that have been U.S. mined or produced.  |
| Competition in Contracting Act of 1984, 41 U.S.C. § 253, P.L. 98-369                         | Requires full and open competition in government contracting.  |
| Contract Disputes Act, 41 U.S.C. §§ 601-613  | Establishes procedures for the resolution of claims and disputes relating to Government contracts awarded by executive agencies. Under the Act, contractors may appeal a contracting officer's decision to an agency board of Contract appeals or the Court of Federal Claims, both having nearly equivalent jurisdiction as to contract disputes. |
| Davis-Bacon Act, 40 U.S.C. §§ 276(a)-276a-7, P.L. 74-403                                     | Wages of workers on construction contracts over \$2,000 and on leases for more than 6500 square feet of space must be at least equal to local prevailing wages as determined by the Secretary of Labor for the various trades.   |
| Drug-Free Workplace Act of 1988, 41 U.S.C. §§ 701-707, P.L. 100-690                          | Requires Federal contractors and grant recipients and all Federal grantees to agree that they will provide Drug-Free Workplaces as a condition of receiving a contract or grant from a Federal agency.   |

| Citation  | Summary Requirements   |
|---|--|
| E.O. 12072, "Federal Space Management" (8/16/1978)  | Prescribes policies and directives designed to use and strengthen existing urban centers by locating federal facilities in areas so as to improve the social, economic, environmental and cultural conditions of the communities in the urban area.  |
| E.O. 12600, "Pre-disclosure Notification Procedures for Confidential Commercial Information" (6/23/1987)  | Prohibitions relating to trade secrets.  |
| E.O. 12933, "Non-displacement of Qualified Workers Under Certain Contracts" (10/20/94) – <b>REVOKED</b> by E.O. 13204 (2/17/2001)   | Government building service contracts must require contractors under a contract that succeeds another for performance of similar services at the same public building, to offer non-managerial/supervisory employees under the predecessor contract whose employment will be end under the new contract, a right of first refusal on jobs under the new contract.<br><br><b>REVOKED by E.O. 13204 (2/17/2001).</b> |
| E.O. 13006, "Locating Federal facilities on historic properties in our Nation's central cities" (5/21/1996)   | Reaffirms the commitment set forth in E.O. 12072 to encourage location of Federal facilities in central cities, and provide leadership in the preservation of historic resources, and in acquiring and using space in buildings with historic, architectural, or cultural significance.  |
| Economy Act of 1932, 31 U.S.C. § 1535   | Authorizes federal agencies to contract with "major organizational units" within the same agency for goods or services.  |
| Enforcement of Patent Rights, 28 U.S.C. § 1498  | Procedures for jurisdiction in the U.S. Court of Federal Claims for patent right enforcement actions.  |
| Federal Acquisition Regulation (FAR), 48 C.F.R. §§ 1 – 9999   | Procurement regulations for federal agencies.  |
| Federal Acquisition Streamlining Act of 1994, 10 U.S.C. §§ 2304, 2304a-d, 2305, 2306b, 2310, 41 U.S.C. §§ 253, 254, 303H-303L, 401, 416(c), 15 U.S.C. §§ 637(c), P.L. 103-355 | Amends several acts administered by the Department of Labor, including the Contract Work Hours and Safety Standards Act, Davis-Bacon Act, and the Walsh-Healey Public Contracts Act.   |
| Federal Activities Inventory Reform Act (FAIR Act), 31 U.S.C. § 501 note, P.L. 105-270  | Requires Federal agencies to submit to Congress and make available to the public, an annual inventory of their commercial activities performed by Federal employees. Goal is to identify federal agency functions that are not "inherently governmental."  |
| Federal Property and Administrative Services Act, 40 U.S.C. § 471 et seq.   | To provide an economical and efficient system for procurement and supply of personal and non-personal property and services; transportation services; management of public utility services; use of property; property disposal; and records management.   |
| Government Losses in Shipment Act of 1937, as amended, 40 U.S.C. § 721, (no public law number; ch. 444, Sec. 1, 50 Stat. 479)   | Requires USPS and Treasury to jointly issue regulations governing shipment of valuables by federal agencies and others to minimize losses.   |
| Javits-Wagner-O'Day Act of 1971, 41 U.S.C. §§ 46-48   | Requires federal agencies to procure certain services through qualified agencies for the blind.  |
| Marketing and Advertising Regulations, 16 C.F.R. §§ 233.1, 233.5 and 251.1  | Federal Trade Commission regulations relating to advertising and marketing.  |
| Miller Act, 40 U.S.C. §§ 270a-d   | Requires contractors to obtain performance and payment bonds in all construction contracts over \$25,000 and, at the contracting officer's discretion, in lower priced contracts, unless the contracting officer waives the requirements under statutory standards.  |
| Occupational Safety and Health Act of 1970 (OSHA), 29 U.S.C. §§ 651-678   | Authorizes the U.S. Labor Department to create standards for and enforce safe and healthy workplace conditions and to assist states in their efforts to assure the same.   |

| Citation  | Summary Requirements  |
|---|---|
| Office of Federal Procurement Policy Act, 41 U.S.C. § 416, P.L. 98-191                                | Creates an Office of Federal Procurement Policy that directs procurement policies for Federal agencies.   |
| OMB Circular A-125, "Prompt Payment" (12/12/89) (see also Prompt Payment Act, 31 U.S.C. §§ 3901-3906) | Policies for agencies regarding paying for contract property and services. This circular was rescinded and replaced by the "Prompt Payment" regulations, 5 C.F.R. § 1315.   |
| OMB Circular A-126, "Improving the Management and Use of Government Aircraft" (5/22/1992)             | Designed to minimize costs and improve management and use of government aviation resources. The circular establishes policies for acquiring, managing, using, accounting for the costs of, and disposing of aircraft.   |
| OMB Circular A-45, "Rental and Construction of Government Quarters" (10/20/1993)                      | Establishes policies and administrative guidance for executive agencies in establishing and administering rental rates and other charges for Government rental quarters and related facilities.   |
| OMB Circular A-76, "Performance of Commercial Activities" (5/29/2003)                                 | This Circular addresses requirements of the Federal Activities Inventory Reform Act. See FAIR Act, above.   |
| Patent Act of 1952, 35 U.S.C. §§ 1-14, 21-26, 32-33, and 41-42  | Establishes the U.S. Patent and Trademark Office and procedures regarding application for and enforcement of patents and trademarks.  |
| Prompt Payment Act, 31 U.S.C. §§ 3901-3906 (see also OMB Circular A-125, "Prompt Payment" (12/12/89)) | Requires Federal agencies to pay its bills on time or pay interest penalties.   |
| Randolph-Sheppard Act, 20 U.S.C. §§ 107-107f, P.L. 74-732   | State-licensed visually handicapped persons must be afforded priority over commercial vendors in contracts for vending and cafeteria services. Income received from commercial vending machines must be shared with state licensing agencies.<br><br>Newly acquired or constructed buildings of sufficient size must include a satisfactory site for a vending facility to be operated by a state-licensed visually handicapped person. |
| Service Contract Act of 1965 (McNamara-O'Hara Service Contract Act), 41 U.S.C. §§ 351-358             | Places certain minimum wage requirements and restrictions on service contractors with respect to their employees.   |
| Trademark Act of 1946 (a.k.a. Lanham Act), 15 U.S.C. §§ 1051-1072                                     | Establishes procedures for registering and protecting trademarks with the Patent and Trademark Office.  |
| Truth in Negotiations Act, 10 U.S.C. § 2304   | Requires contractors to provide certified cost or pricing data that is current, accurate, and complete.   |
| Walsh-Healey Public Contracts Act, 41 U.S.C. §§ 35-45   | Applies to supply contracts. Requires contractors to comply with certain minimum wage and hour requirements and work safety provisions. Executive, administrative, professional, outside salesmen, and office and custodial employees are exempted.   |

## K. Attorney General Guidelines

| Citation  | Summary Requirements  |
|---|---|
| An Antitrust Primer for Federal Law Enforcement Personnel (Aug. 2003) | DOJ Monograph on felony violations of Federal antitrust laws. |

| Citation   | Summary Requirements  |
|--|---|
| Attorney General Guidelines for Victim and Witness Assistance (1/31/2000)  | Sets forth guidelines for DOJ personnel to follow in the treatment of victims of and witnesses to crimes. Includes requirements established by law and by DOJ policy.<br><br><u>See also</u> "Release of the Attorney General Guidelines for Victim and Witness Assistance," DOJ Memo issued 2/28/2002, listing major revisions to Jan. 2002 version of the Guidelines. <u>See <a href="http://www.usdoj.gov/ag/readingroom/2000victim2.htm">www.usdoj.gov/ag/readingroom/2000victim2.htm</a></u> |
| Attorney General's Guidelines on Federal Bureau of Investigation Undercover Operations (5/30/2002)                           | Guidelines concerning the FBI undercover operations regarding general crimes, racketeering enterprise and terrorism enterprise investigations.  |
| Attorney General's Guidelines on General Crimes, Racketeering Enterprise and Terrorism Enterprise Investigations (5/30/2002) | Provides guidelines for general crimes, racketeering enterprise, and terrorism enterprise investigations by the Federal Bureau of Investigation. Establishes standards and requirements under which such investigations may be initiated, and the permissible scope, subject matter, duration, and objectives of such investigations.   |
| Attorney General's Guidelines Regarding the Use of Confidential Informants (5/30/2002)                                       | Sets forth requirements for use of confidential informants in federal criminal prosecutions and investigations by DOJ agencies.   |
| Attorney General's Guidelines on Seized and Forfeited Property (7/31/1990)   | Provide asset forfeiture procedures and guidelines, designed to: deter criminal activity by stripping criminals of property gained from illegal activities; strengthen cooperation among foreign, federal, state and local law enforcement agencies through the equitable sharing of assets recovered through this program; and, produce revenues to enhance forfeitures and strengthen law enforcement.  |
| Bringing Criminal Charges Against Corporations (5/30/2002)   | Provides guidance to Federal prosecutors on whether to bring criminal charges against corporations. Has as an attachment detailed guidelines titled, " <i>Federal Prosecution of Corporations</i> " (6/16/1999).  |
| Commentary Regarding the Use of Deadly Force in Custodial Situations (not dated)   | Department of Justice's uniform policy regarding the use of deadly force in custodial situations. Also addresses the use of deadly force in custodial situations involving conditions of prison unrest and when a subject is escaping custody.  |
| Commentary Regarding the Use of Deadly Force in Non-Custodial Situations (not dated)   | Department of Justice's uniform policy regarding the use of deadly force in non-custodial situations. Does not address the use of deadly force upon subjects relinquished to persons or facilities responsible for detention or incarceration.  |
| Coordination of Parallel Criminal, Civil and Administrative Proceedings (7/28/1997)  | Policies and procedures on coordinating parallel proceedings, including clarification of the Department of Justice's priorities and responsibilities.   |
| Department Fine Collection Efforts (10/25/1993)  | Urges U.S. Attorneys to aggressively collect fines from defendants convicted of Federal Crimes in order to increase victim fund deposit levels and enhance services to crime victims.   |
| Department of Justice Financial Guide (2002)   | Guidelines for recipients of Department of Justice grants regarding management of grant funds.  |
| Department Policy Concerning Charging Criminal Offenses, Disposition of Charges, and Sentencing (not dated)                  | Establishes policies to ensure that federal prosecutors adhere to the requirements of the Sentencing Guidelines and relating legislation in charging, case disposition, and sentencing, in order to ensure greater fairness and eliminate unwarranted disparities in sentencing.  |
| Electronic Surveillance Manual Procedure and Case Law Forms (Dec. 2001)  | Department of Justice Monograph on preparation of electronic surveillance applications. Includes analysis of related case law.  |
| Environmental Crimes (Bluesheet replacing the U.S. Attorney's Manual, chapter 5-11.00) (8/23/94)                             | Procedure designed to strengthen the partnership between the Environment and Natural Resources Division and U.S. Attorney's Offices in the investigation and prosecution of environmental crimes.   |

| Citation  | Summary Requirements  |
|---|---|
| Field Guidance on New Criminal Authorities Enacted in the Sarbanes-Oxley Act of 2002 (H.R. 3763) Concerning Corporate Fraud and Accountability" (not dated) | Provides guidance on miscellaneous provisions relating to independence of accountants; criminal penalties for altering documents and for retaliating against persons who disclose information relating to a felony violation; and increased maximum penalties for mail fraud under 18 U.S.C. 1341.  |
| Guidelines For Offices of Inspector General with Statutory Law Enforcement Authority (12/8/2003)  | Guidelines that govern the exercise of law enforcement authorities by OIGs which have been granted law enforcement authority under the IG Act.  |
| Interviews Regarding International Terrorism (11/9/2001)  | Guidelines for coordinating interviews of persons identified by the Department of Justice as entering the United States on non-immigrant visas and who fit a set of generic parameters.   |
| Policy Regarding the Disclosure to Prosecutors of Potential Impeachment Information Concerning Law Enforcement Agency Witnesses ("Giglio Policy") (12/9/96) | Describes policies and procedures for DOJ in responding to requests by defendants for information from law enforcement officers' personnel and other files, relating to veracity of the officer. The policy is designed to ensure that prosecutors receive sufficient information to meet their obligations under <i>Giglio v. United States</i> , 405 U.S. 150 (1972), while protecting the legitimate privacy rights of Government employees. |
| Policy Statement – Use of Deadly Force (not dated)  | Law enforcement officers and correctional officers of the Department of Justice may use deadly force when an officer has reasonable belief that the subject poses an imminent danger of death or serious injury to the officer or another person.   |
| Principles of Federal Prosecution of Business Organizations (1/20/2003)   | Guidance issued by the Department of Justice Corporate Fraud Task Force on "principles to guide Department prosecutors as they make the decision whether to seek charges against a business organization."  |
| Procedures for Lawful, Warrantless Monitoring of Verbal Communications (5/30/2002)  | Sets forth DOJ policies and procedures regarding authorization for surveillance, including limitations and modifications to previously-issued memoranda on the same.  |
| Searching and Seizing Computers and Obtaining Electronic Evidence In Criminal Investigations (Jul. 2002)  | DOJ Monograph on search and seizure issues relating to computer-related crimes and electronic evidence.   |

## L. Criminal Statutes

| Citation  | Summary Requirements   |
|---|--|
| Access Device Fraud, 18 U.S.C. § 1029                   | Prohibits fraud relating to electronic access devices.   |
| Anti-Kickback Act of 1968, 41 U.S.C. §§ 51-53           | Enacts criminal penalties for requiring/accepting kickbacks in government contracts.   |
| Bribery and Gratuity Statute, 18 U.S.C. § 201           | Prohibits bribery of government officials and witnesses.   |
| Crimes Relating to the U.S. Mail, 18 U.S.C. § 1691-1737 | Criminal violations, including but not limited to: Desertion Of Mails (§ 1700); Obstruction Of Mails (§ 1701); Obstruction Of Correspondence (§ 1702); Delay Or Destruction Of Mail Or Newspapers (§ 1703); Destruction Of Letter Boxes Or Mail (§ 1705); Injury To Mail Bags (§ 1706); etc. |
| Criminal Code, 18 U.S.C. §§ 1 <u>et seq.</u>            | Sets forth elements, procedures, and penalties for federal crimes.   |
| Economic Espionage Act of 1996, 18 U.S.C. §§ 1831-39    | Prohibits theft of trade secrets.  |
| False Statements, 18 U.S.C. § 1001                      | Criminalizes knowing and willful false statements made to the federal government relating to any matter "within the jurisdiction of the executive, legislative, or judicial branch."   |

| Citation   | Summary Requirements   |
|--|--|
| Fraud by Mail, 18 U.S.C. § 1341  | Prohibits fraud by use of the mails, USPS or private or commercial carrier.  |
| Hyde Amendment, codified under statutory notes to 18 U.S.C. § 3006A, P.L. 105-119, Title VI, § 617, Nov. 26, 1997, 111 Stat. 2519. | Allows criminal defendants to seek reimbursement of attorneys' fees and costs if he/she is a "prevailing party" in a criminal case and the U.S. government's prosecution was "vexatious, frivolous, or [conducted] in bad faith."  |
| Obstruction of a Federal Audit, 18 U.S.C. § 1516   | Creates criminal penalties for a person who "with intent to deceive or defraud the United States, endeavors to influence, obstruct, or impede a Federal auditor in the performance of official duties relating to a person receiving in excess of \$100,000." 18 U.S.C. § 1516(a).   |
| Racketeer Influenced and Corrupt Organizations Act, 18 U.S.C. §§ 1961-1968   | Designed to combat organized crime: "It shall be unlawful for any person through a pattern of racketeering activity or through collection of an unlawful debt to acquire or maintain, directly or indirectly, any interest in or control of any enterprise which is engaged in, or the activities of which affect, interstate or foreign commerce." 18 U.S.C. § 1962(b). |
| Retaliation Against Informants, 18 U.S.C. § 1513(e), Sarbanes-Oxley Act of 2002, P.L. 107-204                                      | Creates a felony offense for any person to knowingly take any action, with intent to retaliate, harmful to a person who provides information concerning a federal offense.   |
| Theft, Embezzlement, or Destruction of Public Money, Property or Records, 18 U.S.C. § 641  | Prohibits theft and embezzlement of public funds, property, and records.   |

## M. Miscellaneous

| Citation   | Summary Requirements   |
|--|--|
| Credit Card Fraud, 15 U.S.C. § 1644  | Prohibits fraudulent use of credit cards in interstate or foreign commerce.  |
| E.O. 12046, "Relating to the transfer of telecommunications functions" (3/27/78)           | Transferred certain telecommunication functions to various officials, including the President and the Secretary of Commerce.   |
| E.O. 12612, "Federalism" (10/26/1987)  | Establishes "fundamental federalism principles" for federal agencies to follow, including requirements for "Federal Assessment" reports by Federal agencies.   |
| E.O. 12656, "Assignment of Emergency Preparedness Responsibilities" (11/16/88)             | Emergency preparedness mandates for Federal agencies.  |
| E.O. 12968, "Access to Classified Information" (8/5/1995)                                  | "Establishes a uniform Federal personnel security program for employees who will be considered for initial or continued access to classified information."   |
| E.O. 13086, "Amendments to the Manual for Courts-Martial, United States, 1988" (5/27/1988) | Amended the Manual for Courts-Martial, United States. The amendments address military criminal law issues, the authority of The Judge Advocate General, and demands for new trial. The 1998 amendments also incorporate significant changes to the Military Rules of Evidence. |
| Equal Credit Opportunity Act, 15 U.S.C. § 1691   | Prohibits discrimination based on race, age, color, religion, national origin, sex, or marital status, in issuing credit.  |
| Federal Tort Claims Act, 28 U.S.C. § 2680  | Waives the U.S. government's immunity from tort claims, thereby allowing the public to file claims against the U.S. government for tort damages caused by a government employee's negligence. Suits are based on state tort law, but are filed in federal courts.              |
| Mailing Controlled Substances, 21 U.S.C. § 863(a)(2)                                       | Prohibits using mail to transport drug paraphernalia.  |
| Mailing of Agricultural Products, 7 U.S.C. § 7760  | Imposes civil liability for mailing agricultural products without satisfying certain labeling requirements.  |

| Citation   | Summary Requirements   |
|--|--|
| OMB Circular A-16, "Coordination of Geographic Information, and Related Spatial Data Activities" (8/19/2002) | Federal surveying, mapping, and spatial data activities.   |
| OMB Circular A-89, "Catalog of Federal Domestic Assistance" (8/17/1984)                                      | Basis for systematic collection and submission of information on domestic assistance programs  |
| OMB Circular A-97, "Specialized or Technical Services for State and Local Governments" (3/27/1981)           | Permits Federal agencies to provide specialized or technical services to State and local units of Government under Title III of the Intergovernmental Cooperation Act of 1968. |