



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

May 16, 2019

The Honorable Michael R. Pence
President of the Senate
Washington, D.C. 20510

Dear Mr. President:

The Federal Government has operated for too long under outdated technology, organizational constructs, and processes, leaving the American people and Federal workforce frustrated. There is broad recognition that maintaining the status quo at the Office of Personnel Management (OPM) is unsustainable. The Fiscal Year 2020 President's Budget and the Administration's June 2018 plan for "Delivering Government Solutions in the 21st Century" proposes to fully reorganize and reform OPM.

On behalf of the Administration, the Office of Management and Budget (OMB) is pleased to submit to the Congress the enclosed legislative proposal to merge the functions and responsibilities of OPM within the General Services Administration (GSA).

The primary purpose of the legislative proposal is to authorize the transfer of the vast majority of the current functions and resources of OPM to GSA, including Human Resources Solutions, Information Technology, Retirement, Health and Insurance Services. GSA will create a new Personnel Service to house the human resources and employee lifecycle management shared service offerings. Agencies will benefit from GSA helping them to obtain more strategic and comprehensive support for their needs.

Reorganization is a critical tool for transforming how the Federal government serves the American people, and in this particular instance, the 2.1 million members of the civilian workforce. Implementation of this legislative proposal will help the Administration deliver on its promise to better serve the Nation's mission, service, and stewardship needs.

It is for this reason, that I urge the prompt and favorable consideration of this legislative proposal. If you have any questions, please do not hesitate to contact our Office of Legislative Affairs at LegislativeAffairs@omb.eop.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Vought".

Russell T. Vought
Acting Director

Enclosures

Identical Letter Sent to: The Honorable Nancy Pelosi

cc: The Honorable Mitch McConnell, Majority Leader, United States Senate
The Honorable Charles Schumer, Minority Leader, United States Senate
The Honorable Steny Hoyer, Majority Leader, United States House of Representatives
The Honorable Kevin McCarthy, Minority Leader, United States House of Representatives
The Honorable Richard Shelby, Chairman, Committee on Appropriations, United States Senate
The Honorable Patrick Leahy, Ranking Member, Committee on Appropriations, United States Senate
The Honorable Nita M. Lowey, Chairwoman, Committee on Appropriations, United States House of Representatives
The Honorable Kay Granger, Ranking Member, Committee on Appropriations, United States House of Representatives
The Honorable Michael B. Enzi, Chairman, Committee on the Budget, United States Senate
The Honorable Bernie Sanders, Ranking Member, Committee on the Budget, United States Senate
The Honorable John Yarmuth, Chairman, Committee on the Budget, United States House of Representatives
The Honorable Steve Womack, Ranking Member, Committee on the Budget, United States House of Representatives
The Honorable Ron Johnson, Chairman, Committee on Homeland Security and Governmental Affairs, United States Senate
The Honorable Gary C. Peters, Ranking Member, Committee on Homeland Security and Governmental Affairs, United States Senate
The Honorable Elijah E. Cummings, Chairman, Committee on Oversight and Government Reform, United States House of Representatives
The Honorable Jim Jordan, Ranking Member, Committee on Oversight and Government Reform, United States House of Representatives

**Legislative Proposal to Establish the Office of Personnel Management within the U.S.
General Services Administration**

SECTION 1. SHORT TITLE.

This Act may be cited as the “Administrative Services Merger Act of 2019”.

**SECTION 2. ESTABLISHMENT OF OFFICE OF PERSONNEL MANAGEMENT IN
THE GENERAL SERVICES ADMINISTRATION.**

(a) Establishment.—Section 1101 of title 5, United States Code, is amended by striking the text in its entirety and inserting the following:

“(a) There is established in the General Services Administration the Office of Personnel Management.

“(b) As used in this chapter, the term “Administrator” means the Administrator of General Services.”.

(b) Leadership.—Section 1102 of title 5, United States Code, is amended—

(1) in subsection (a), by adding at the end the following new sentence: “The Director shall perform personnel management functions designated by the Administrator of General Services.”;

(2) in subsection (b), by striking “, by and with the advice and consent of the Senate”; and

(3) in subsection (c)—

(A) by striking “and Deputy Director”; and

(B) by striking “(other than Deputy Director of the Office)”.

(c) Delegation of authority.—Subsection 1104(a) of title 5, United States Code, is amended—

(1) in paragraph (1), by striking “Director of the Office of Personnel Management” and inserting “Administrator”; and

(2) in paragraph (2)—

(A) by striking “Director” both places such term appears and inserting “Administrator”; and

(B) by striking “including authority for competitive examinations (except competitive examinations for administrative law judges appointed under section 3105 of this title, the cost of which examinations shall be reimbursed by payments from the agencies employing such judges to the revolving fund established under section 1304(e)), to the heads of agencies in the executive branch and” and inserting “to the Director of the Office of Personnel Management, heads of agencies in the executive branch, or to heads of”.

SECTION 3. TRANSFER OF FUNCTIONS AND RESOURCES.

(a) Transfer of functions and resources.—

(1) In General.—

(A) Except as otherwise specified in this Act, all functions and authorities vested by statute, Presidential delegation or assignment, or other law in the Office of Personnel Management or in the Director of the Office of Personnel Management, as well as all resources of the Office of Personnel Management, are hereby transferred to the Administrator of General Services.

(B) Effective upon enactment—

(i) all functions, powers, or authorities vested by statute, Presidential delegation or assignment, or other law in the Office of Personnel Management, or in the Director of the Office of Personnel Management, shall be considered functions, powers, or authorities of the Administrator of General Services; and

(ii) in the exercise of the functions transferred by this Act, the Administrator shall have the same authority as had the Director prior to the transfer of such functions, and the actions of the Administrator shall have the same force and effect as when exercised by such Director.

(C) The President retains the authority to alter or rescind any previous delegation or assignment transferred to the Administrator of General Services under this Act.

(D) the functions, authorities, and resources transferred pursuant to paragraph (A) shall include, but not be limited to, the personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to, or to be made available in

connection, with the functions of the Office of Personnel Management transferred by this Act.

(2) Rulemaking.—

(A) The rulemaking authority of the Director of the Office of Personnel Management is hereby transferred to the Director of the Office of Management and Budget in the same manner and to the same extent as the general transfer of functions and resources described in paragraph (1) with respect to the Administrator of General Services.

(B) The Administrator of General Services may exercise the rulemaking authority described in paragraph (A) upon delegation from the Director of the Office of Management and Budget.

(3) Technical Note.— A transfer under paragraph (1) shall be considered a transfer of function and activity for the purposes of section 3503 of title 5, United States Code, and section 1531 of title 31, United States Code.

(b) Savings Provision.—The transfer of functions under this section shall not affect any pending or completed administrative actions, including orders, determinations, delegations to other executive agencies, rules, regulations, personnel actions, permits, agreements, grants, contracts, certificates, licenses, or registrations, in effect on the date immediately prior to the date of such transfer, or any proceeding, unless and until amended, modified, superseded, terminated, set aside, or revoked. Pending civil actions shall not be affected by such transfer of functions.

SECTION 4. ESTABLISHMENT OF OFFICE OF FEDERAL WORKFORCE POLICY

Part II of title 5, United States Code, is amended by adding at the end the following new chapter:

“CHAPTER 16 – OFFICE OF FEDERAL WORKFORCE POLICY

“Sec. 1601. Establishment of Office of Federal Workforce Policy.

“Sec. 1602. Administrator.

“Sec. 1603. General authority.

“Sec. 1604. Functions.

“Sec. 1601. Establishment of Office of Federal Workforce Policy.—

“(a) Establishment and Organization.—There is established in the Office of Management and Budget an Office of Federal Workforce Policy.

“(b) Purposes.—The purposes of the Office of Federal Workforce Policy are to—

“(1) provide overall strategic direction and coordination of workforce policy and regulations for all Executive agencies, other than the Government Accountability Office;

“(2) promote economy, efficiency, and effectiveness in the overall administration and application of workforce policies by the Executive Branch of the Federal Government;

“(3) ensure alignment of Federal workforce planning and policies with other Government-wide management activities; and

“(4) aid the President, as the President may request, in preparing Federal workforce policies and otherwise advise the President on actions that may be taken to promote an efficient and effective Federal workforce consistent with merit system principles.

“(c) Authorization of Appropriations.—Necessary amounts may be appropriated each fiscal year for the Office of Federal Workforce Policy to carry out the responsibilities of the Office for that fiscal year.

“Sec. 1602. Administrator.—

“(a) Head of Office.—The head of the Office of Federal Workforce Policy is the Administrator for Federal Workforce Policy.

“(b) Appointment.—The Administrator is appointed by the President.

“Sec. 1603. General authority.—

“(a) Overall Direction and Leadership.—The Administrator shall provide overall direction for and leadership of workforce policy of the Executive agencies described in section 1601(b)(1). The Administrator shall report to the Deputy Director for Management of the Office of Management and Budget.

“(b) Rulemaking.—The Administrator may prescribe Government-wide regulations consistent with the transfer of functions outlined in section 3(a)(2) of the Administrative Services Merger Act of 2019. In doing so—

(1) The Administrator shall be subject to the requirements of subsections (b), (c), and (d) of section 553 of this title for any rule or regulation which does not apply solely to the Office of Federal Workforce Policy or its employees. Any such notice shall include the matter required under section 553(b)(1), (2), and (3) of title 5 United States Code.

(2) Consistent with Executive Order 12866, as amended, or any successor order, the Administrator shall consult as appropriate with Federal agencies regarding any proposed rule or regulation to which paragraph (1) of this subsection applies, as well as, as he or she deems appropriate, the exclusive representatives of employees

affected by such proposed rule or regulation and interested members of the public, as he or she deems appropriate.

- (3) Paragraphs (1) and (2) of this subsection shall not apply to any proposed rule or regulation which is temporary in nature and which is necessary to be implemented expeditiously as a result of an emergency.

“Sec. 1604. Functions.—

“(a) In General.—The functions of the Administrator include—

“(1) leading Government-wide efforts to build and sustain a Federal workforce that consistently excels at achieving agency missions;

“(2) ensuring that the Executive Branch considers an enterprise-wide view of the Federal workforce when undertaking major workforce policy initiatives;

“(3) providing leadership that identifies and responds to the evolving and future workforce needs of the Federal Government;

“(4) aligning and integrating, where possible, workforce policy for the executive branch agencies with Government-wide management policy, including information technology, procurement, financial management, and agency and cross-agency goals and objectives, as well as with budget policy; and

“(5) establishing standards for effectiveness and efficiency for Federal workforce and human resources functions.

“(b) Consultation and Assistance.—In carrying out the functions in subsection (a), the Administrator—

“(1) shall consult with the applicable Executive agencies, including agency Chief Human Capital Officers, in the development of policies and regulations for the Executive agencies;

“(2) may designate, with the concurrence of the heads of applicable Executive agencies, one or more Executive agencies to assist in performing those functions;

“(3) may establish advisory committees or other interagency groups to assist in providing advice or recommendations related to the establishment, development, and maintenance of policies and regulations for the Federal workforce and to assist in performing any other function the Administrator considers appropriate; and

“(4) shall coordinate with the Director, Office of Personnel Management, General Services Administration, in administering Federal workforce policy.

“(c) Assignment, Delegation, or Transfer.—

“(1) To Administrator.—Except as otherwise provided by law, only duties, functions, or responsibilities expressly assigned by this chapter shall be assigned, delegated, or transferred to the Administrator.

“(2) By Administrator.—The Administrator may delegate, and authorize successive re-delegations of, an authority, function, or power of the Administrator under this chapter (other than the authority to provide overall direction of significant workforce policy) to another Executive agency with the consent of the head of the Executive agency or at the direction of the President.”.

SECTION 5. CONFORMING AMENDMENTS

(a) Compensation.—Chapter 53 of title 5, United States Code, is amended—

(1) in section 5313, by striking “Director of the Office of Personnel Management” and inserting “Administrator of General Services”;

(2) in section 5314, by striking “Administrator of General Services” and “Deputy Director of the Office of Personnel Management” and inserting “Deputy Administrator of General Services” and “Director of the Office of Personnel Management” in their respective places; and

(3) in section 5315, by striking “Deputy Administrator of General Services.”.

(b) Appointment.—Section 302(b) of title 40, United States Code, is amended by striking the first sentence and inserting at the beginning, “The Deputy Administrator of General Services is appointed by the President with the advice and consent of the Senate.”.

(c) Chief Financial Officers.—Section 901(b)(2) of title 31, United States Code, is amended by striking subparagraph (E) and redesignating subparagraphs (F) and (G) as subparagraphs (E) and (F), respectively.

(d) Office of Federal Workforce Policy.—

(1) Section 503(b)(2) of title 31, United States Code, is amended as follows—

(A) in subparagraph (G) by striking “and”;

(B) by redesignating subparagraph (H) as subparagraph (I); and

(C) by inserting after subparagraph (G) the following new subparagraph “; (H) Federal workforce policy; and”;

- (2) Subchapter I of chapter 5, of title 31, United States Code, is amended by adding at the end the following new section—

“Sec. 508. The Office of Federal Workforce Policy. The Office of Federal Workforce Policy, established under section 1601 of title 5, United States Code, is an office in the Office of Management and Budget.”; and

- (3) Clerical Amendment.—The table of sections at the beginning of chapter 5 of title 31 is amended by inserting the following new section title:

“§508. Office of Federal Workforce Policy”.

- (e) Chief Human Capital Officers Council.—Section 1303(a) of the Chief Human Capital Officers Act of 2002 (5 U.S.C. 1401 note) is amended as follows—

(1) in paragraph (1), by replacing “Director of the Office of Personnel Management” with “Deputy Director for Management of the Office of Management and Budget”; and

(2) in paragraph (2), by replacing “Deputy Director for Management of the Office of Management and Budget” with “Administrator for General Services”.

- (f) Inspectors general.—The Inspector General Act of 1978, 5 U.S.C. App., is amended as follows—

(1) in section 6(f)(3) by striking “Office of Personnel Management,”;

(2) in section 9(a)(1), subparagraph (O), relating to the General Services Administration, by inserting after the first comma, “(i)”, and inserting immediately before the semicolon, “and (ii) as of the date of enactment of the Administrative Services Merger Act, all functions, powers, and duties of the Office of Inspector General of the Office of Personnel Management relating to functions of the Office of Personnel Management transferred to the General Services Administration by that Act”;

(3) in section 9(a)(1), by striking subparagraph (R) and redesignating the subsequent subparagraphs accordingly;

(4) in section 11(b)(1), by striking subparagraph (G) and redesignating subparagraphs (H) and (I) as subparagraphs (G) and (H), respectively; and

(5) in section 12, by striking in subsection (1) “, or the Office of Personnel Management” and in subsection (2) “, the Office of Personnel Management”.

BACKGROUND AND SECTIONAL ANALYSIS

This proposal would amend title 5, United States Code, to transfer the functions and resources of the U.S. Office of Personnel Management (OPM) to the U.S. General Services Administration (GSA).

The OPM is responsible for a critical mission that supports 2.1 million Federal employees, covers 8 million lives through Federal Employee Health Benefits and more than 5 million retired Federal employees and beneficiaries through retirement services. To carry out this mission, OPM is responsible for managing one of the largest trust funds in Government, a \$2.9 trillion fund with a balance of \$1 trillion and liabilities of \$1.9 trillion.

Despite the criticality of its mission, OPM is not structured or funded to manage the current activities on behalf of Federal employees and retirees in a secure, financially stable or sustainable way. The status quo structural model and financial risks resulting from the transfer of background investigations to the Department of Defense (DoD) spell disaster for the information technology (IT) and operational viability of the agency. Lack of effective IT infrastructure investments was at the heart of the disastrous data breach of 2015. These structural issues have continued to plague attempts to modernize and remediate service quality, security, and mission responsiveness.

The structural instability is exacerbated by the mandate in the National Defense Authorization Act for Fiscal Year 2018 (Pub .L. 115-91) to transfer the National Background Investigations Bureau (NBIB), which accounts for more than 80 percent of OPM's revolving fund resources, from OPM to DoD. This transfer increases the risks that OPM will not be able to operate and maintain the systems that support the Federal civilian workforce.

In June 2018, the Administration announced a bold call to action with the release of the President's Government-wide reorganization plan, "Delivering Government Solutions in the 21st Century: Reform Plan and Reorganization Recommendations." This blueprint to reorganize and reshape the Federal Government "outlines the Administration's analysis and recommendations for structural realignment of the Executive Branch to better serve the mission, service, and stewardship needs of the American people."

As called for in the President's Plan, GSA and OPM began planning for the transfer of OPM's Human Resources Solutions (HRS) organization to GSA during fiscal year (FY) 2018. This transfer will make it easier for Federal agencies to locate and access the human capital management solutions and contracts they need. This transfer also enables agencies to obtain more strategic and comprehensive support for their needs. Agencies that today rely on GSA to help them procure human capital management solutions will tomorrow have access to a much more comprehensive solution set, including consulting support to help them think through human capital strategies before making a purchase. GSA is creating a new national service, on par with the Federal Acquisition Service and Public Buildings Service, to house HRS, Retirement, Health and Insurance Services, and additional human resources and employee lifecycle management shared service offerings.

And in a larger sense, consolidating basic services aimed at serving the needs of Federal employees makes sense. As one of four payroll providers, GSA already provides payroll services to the Federal community and manages the Federal Government's relationship with the travel industry. With end-to-end services around the Federal employee lifecycle maintained in one place, our goal is to offer Federal employees a higher-quality, better-integrated suite of services while finding opportunities to attain operational efficiencies along the way.

To achieve the end-state vision of operational excellence, both legislative and administrative actions are necessary and dependent on each other.

The reorganization proposal seeks to drive long-term financial stability for the human capital mission. By aligning OPM and GSA, we can benefit from synergies around people, facilities, and contracts. This vision is not designed to reduce the size of the workforce, but more importantly, the reorganization will better support human capital delivery across the Federal Government by centralizing the services both agencies currently provide, reducing duplication, and empowering our workforce to shift to higher value work.

It is envisioned that the transfer of these functions from OPM to GSA will lead to higher-impact services that respond to the policies and direction expressed in the President's Management Agenda and the 2018 Reform Plan and Reorganization Recommendations. Both OPM and GSA currently provide a wide range of human capital operational services. Centralizing those services in GSA will provide economies of scale with significant cost avoidance as a result of reductions in contract and IT duplication.

A strong nexus would be retained between the operational activities presented above and the personnel management policy office to be housed in the Executive Office of the President (EOP) at the Office of Management and Budget (OMB). Centralizing human resources operational functions in a single entity would integrate the transactional and employee-centered, service-based functions that are currently stove-piped and forcing burdensome processes on all parties.

Working together, we can ensure that the mandate for reform to better serve the needs of the American taxpayer is realized.

The President's goal is to prioritize people and minimize the effect of this transition on the Federal workforce. This plan aims to begin transitioning OPM offices to GSA out of necessity, but the Administration's request is for the Congress to enact the needed technical fixes to provide full authority up front to allow for a more seamless transition, not only for the operations, but also for our dedicated Federal workforce.

Section-by-Section:

Section 1 of the bill would state that the title of the Act as the "Administrative Services Merger Act of 2019".

Section 2 of the bill would establish OPM in the GSA. The Director of the Office of Personnel Management (Director) would continue to be a Presidentially appointed, Senate confirmed position. The Deputy Director of OPM would no longer be. The section clarifies that the President may delegate personnel management functions to the Administrator of General Services (Administrator), who, in turn, may delegate such functions to the Director and other Executive branch agency heads.

Section 3 of the bill would transfer all of OPM's functions, authorities, and resources to GSA, unless otherwise specified in the bill. GSA will carry out the roles previously carried out by OPM. Pending actions by OPM will not be affected. This section also transfers OPM's rulemaking authority to the Office of Management and Budget, to allow the new Office of Federal Workforce Policy to assume a policy leadership role. By delegation and in practice, GSA will conduct the significant majority of this rulemaking.

Section 4 of the bill would establish a new Office of Federal Workforce Policy within OMB. Modeled after OMB's Office of Federal Procurement Policy, this office would provide overall strategic direction and coordination of workforce policies and regulations for the executive agencies. A Presidentially appointed Administrator who reports to OMB's Deputy Director for Management would lead the office.

Section 5 of the bill would make a series of conforming amendments to titles 5, 31, and 40, United States Code. The section would restructure the pay scale for the Administrator, the Director, the Deputy Director of OPM, and the Deputy Administrator of GSA. It would establish the Deputy Administrator of GSA as a Presidentially appointed, Senate-confirmed position. It would remove the requirement that OPM have a Chief Financial Officer. It would replace the Chair of the Chief Human Capital Officers Council with OMB's Deputy Director for Management and the Vice Chair with the Administrator for General Services. It also would merge OPM's current Office of Inspector General (OIG) with GSA's OIG.

Budget Implications:

Consistent with the President's FY 2020 Budget, all discretionary budget authority for OPM (to include the OIG) would be appropriated to GSA. Additionally, the resources provided to OPM or the Director would be transferred to the Administrator of GSA, to include OPM's revolving and trust funds (which are not appropriated).

The FY 2020 discretionary budget implication for this Act is \$50 million, as reflected in the President's FY 2020 Budget.

[NOTE: The section below sets out in redline format how the legislative text would amend existing law.]

Changes to Existing Law:

TITLE 5--GOVERNMENT ORGANIZATION AND EMPLOYEES

PART II - CIVIL SERVICE FUNCTIONS AND RESPONSIBILITIES

CHAPTER 11--OFFICE OF PERSONNEL MANAGEMENT

§1101. Office of Personnel Management

~~(a) The Office of Personnel Management is an independent establishment in the executive branch. There is established in the General Services Administration the Office of Personnel Management. The Office shall have an official seal, which shall be judicially noticed, and shall have its principal office in the District of Columbia, and may have field offices in other appropriate locations.~~

(b) As used in this chapter, the term "Administrator" means the Administrator of General Services.

§1102. Director; Deputy Director; Associate Directors

~~(a) There is at the head of the Office of Personnel Management a Director of the Office of Personnel Management appointed by the President, by and with the advice and consent of the Senate. The term of office of any individual appointed as Director shall be 4 years.~~ (a) There is at the head of the Office of Personnel Management a Director of the Office of Personnel Management appointed by the President, by and with the advice and consent of the Senate. The Director shall perform personnel management functions designated by the Administrator.

(b) There is in the Office a Deputy Director of the Office of Personnel Management appointed by the President, ~~by and with the advice and consent of the Senate.~~ The Deputy Director shall perform such functions as the Director may from time to time prescribe and shall act as Director during the absence or disability of the Director or when the office of Director is vacant.

(c) No individual shall, while serving as Director or Deputy Director, serve in any other office or position in the Government of the United States except as otherwise provided by law or at the direction of the President. ~~The Director and Deputy Director shall not recommend any individual for appointment to any position (other than Deputy Director of the Office) which requires the advice and consent of the Senate.~~

(d) There may be within the Office of Personnel Management not more than 5 Associate Directors, as determined from time to time by the Director. Each Associate Director shall be appointed by the Director.

§1104. Delegation of authority for personnel management

(a) Subject to subsection (b)(3) of this section—

(1) the President may delegate, in whole or in part, authority for personnel management functions, including authority for competitive examinations, to the ~~Director of the Office of Personnel Management~~ Administrator; and

(2) the ~~Director Administrator~~ may delegate, in whole or in part, any function vested in or delegated to the ~~Director Administrator~~, ~~including authority for competitive examinations (except competitive examinations for administrative law judges appointed under section 3105 of this title, the cost of which examinations shall be reimbursed by payments from the agencies employing such judges to the revolving fund established under section 1304(e)), to the heads of agencies in the executive branch and to the Director of the Office of Personnel Management,~~ heads of agencies in the executive branch, or to heads of other agencies employing persons in the competitive service.

(b)(1) The Office shall establish standards which shall apply to the activities of the Office or any other agency under authority delegated under subsection (a) of this section.

(2) The Office shall establish and maintain an oversight program to ensure that activities under any authority delegated under subsection (a) of this section are in accordance with the merit system principles and the standards established under paragraph (1) of this subsection.

(3) Nothing in subsection (a) of this section shall be construed as affecting the responsibility of the Director to prescribe regulations and to ensure compliance with the civil service laws, rules, and regulations.

(4) At the request of the head of an agency to whom a function has been delegated under subsection (a)(2), the Office may provide assistance to the agency in performing such function. Such assistance shall, to the extent determined appropriate by the Director of the Office, be performed on a reimbursable basis through the revolving fund established under section 1304(e).

(c) If the Office makes a written finding, on the basis of information obtained under the program established under subsection (b)(2) of this section or otherwise, that any action taken by an agency pursuant to authority delegated under subsection (a)(2) of this section is contrary to any law, rule, or regulation, or is contrary to any standard established under subsection (b)(1) of this section, the agency involved shall take any corrective action the Office may require.

INSPECTOR GENERAL ACT (5 U.S.C. APP.)

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

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

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

(B) make an arrest without a warrant while engaged in official duties as authorized under this Act or other statute, or as expressly authorized by the Attorney General, for any offense against

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

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

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

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

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

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

(3) The Inspector General offices of the Department of Commerce, Department of Education, Department of Energy, Department of Health and Human Services, Department of Homeland Security, Department of Housing and Urban Development, Department of the Interior, Department of Justice, Department of Labor, Department of State, Department of Transportation, Department of the Treasury, Department of Veterans Affairs, Agency for International Development, Environmental Protection Agency, Federal Deposit Insurance Corporation, Federal Emergency Management Agency, General Services Administration, National Aeronautics and Space Administration, Nuclear Regulatory Commission, ~~Office of Personnel Management~~, Railroad Retirement Board, Small Business Administration, Social Security Administration, and the Tennessee Valley Authority are exempt from the requirement of paragraph (2) of an initial determination of eligibility by the Attorney General.

§ 9. Transfer of Functions

(a) There shall be transferred—

(1) To the Office of Inspector General—

(O) of the General Services Administration, (i) the offices of that agency referred to as the “Office of Audits” and the “Office of Investigations” and (ii) as of the date of enactment of the Administrative Services Merger Act, all functions, powers, and duties of the Office of Inspector General of the Office of Personnel Management relating to functions of the Office of Personnel Management transferred to the General Services Administration by that Act;

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

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

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

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

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

(T) of the Veterans' Administration, the offices of that agency referred to as the "Office of Audits" and the "Office of Investigations"; and

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

(V) 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

....

§11. Establishment of the Council of the Inspectors General on Integrity and Efficiency

...

(b) Membership.—

(1) In general.—The Council shall consist of the following members:

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

(i) section 2; or

(ii) section 8G.

....

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

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

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

§12. Definitions

As used in this Act—

(1) the term "head of the establishment" means the Secretary of Agriculture, Commerce, Defense, Education, Energy, Health and Human Services, Housing and Urban Development, the Interior, Labor, State, Transportation, Homeland Security, or the Treasury; the Attorney General; the Administrator of the Agency for International Development, Environmental Protection, General Services, National Aeronautics and Space, Small Business, or Veterans' Affairs; the Administrator of the Federal Emergency Management Agency, ~~or the Office of Personnel Management~~; the Chairman of the Nuclear Regulatory Commission, the Federal Communications Commission, or the Railroad Retirement Board; the Chairperson of the Thrift Depositor Protection Oversight Board; the Chief Executive Officer of the Corporation for National and Community Service; the Administrator of the Community Development Financial Institutions Fund; the chief executive officer of the Resolution Trust Corporation; the Chairperson of the Federal Deposit Insurance Corporation; the Commissioner of Social Security, Social Security Administration; the Director of the Federal Housing Finance Agency; the Board of Directors of the Tennessee Valley Authority; the President of the Export-Import Bank; the Federal Cochairpersons of the Commissions established under section 15301 of title 40, United States Code; the Director of the National Security Agency; or the Director of the National Reconnaissance Office; as the case may be;

(2) the term "establishment" means the Department of Agriculture, Commerce, Defense, Education, Energy, Health and Human Services, Housing and Urban Development, the Interior, Justice, Labor, State, Transportation, Homeland Security, or the Treasury; the Agency for International Development, the Community Development Financial Institutions Fund, the Environmental Protection Agency, the Federal Communications Commission, the Federal Emergency Management Agency, the General Services Administration, the National Aeronautics and Space Administration, the Nuclear Regulatory Commission, ~~the Office of Personnel Management~~, the Railroad Retirement Board, the Resolution Trust Corporation, the Federal Deposit Insurance Corporation, the Small Business Administration, the Corporation for National and Community Service, the Veterans' Administration, the Social Security Administration, the Federal Housing Finance Agency, the Tennessee Valley Authority, the Export-Import Bank, the Commissions established under section 15301 of title 40, United States Code, the National Security Agency, or the National Reconnaissance Office, as the case may be;

5 U.S. Code PART II— CIVIL SERVICE FUNCTIONS AND RESPONSIBILITIES

- CHAPTER 11—OFFICE OF PERSONNEL MANAGEMENT (§§ 1101 – 1105)
- CHAPTER 12—MERIT SYSTEMS PROTECTION BOARD, OFFICE OF SPECIAL COUNSEL, AND EMPLOYEE RIGHT OF ACTION (§§ 1201 – 1222)
- CHAPTER 13—SPECIAL AUTHORITY (§§ 1301 – 1308)
- CHAPTER 14—AGENCY CHIEF HUMAN CAPITAL OFFICERS (§§ 1401 – 1402)
- CHAPTER 15—POLITICAL ACTIVITY OF CERTAIN STATE AND LOCAL EMPLOYEES (§§ 1501 – 1508)
- CHAPTER 16—OFFICE OF FEDERAL WORKFORCE POLICY (§§ 1601 – 1604)

“CHAPTER 16 – OFFICE OF FEDERAL WORKFORCE POLICY

“Sec. 1601. Establishment of Office of Federal Workforce Policy.

“Sec. 1602. Administrator.

“Sec. 1603. General authority.

“Sec. 1604. Functions.

“Sec. 1601. Establishment of Office of Federal Workforce Policy.—

“(a) Establishment and Organization.—There is established in the Office of Management and Budget an Office of Federal Workforce Policy.

“(b) Purposes.—The purposes of the Office of Federal Workforce Policy are to—

“(1) provide overall strategic direction and coordination of workforce policy and regulations for all Executive agencies, other than the Government Accountability Office;

“(2) promote economy, efficiency, and effectiveness in the overall administration and application of workforce policies by the Executive Branch of the Federal Government;

“(3) ensure alignment of Federal workforce planning and policies with other Government-wide management activities; and

“(4) aid the President, as the President may request, in preparing Federal workforce policies and otherwise advise the President on actions that may be taken to promote an efficient and effective Federal workforce consistent with merit system principles.

“(c) Authorization of Appropriations.—Necessary amounts may be appropriated each fiscal year for the Office of Federal Workforce Policy to carry out the responsibilities of the Office for that fiscal year.

“Sec. 1602. Administrator.—

“(a) Head of Office.—The head of the Office of Federal Workforce Policy is the Administrator for Federal Workforce Policy.

“(b) Appointment.—The Administrator is appointed by the President.

“Sec. 1603. General authority.—

“(a) Overall Direction and Leadership.—The Administrator shall provide overall direction for and leadership of workforce policy of the Executive agencies described in section 1601(b)(1). The Administrator shall report to the Deputy Director for Management of the Office of Management and Budget.

“(b) Rulemaking.—The Administrator may prescribe Government-wide regulations consistent with the transfer of functions outlined in section 3(a)(2) of the Administrative Services Merger Act of 2019. In doing so—

(1) The Administrator shall be subject to the requirements of subsections (b), (c), and (d) of section 553 of this title for any rule or regulation which does not apply solely to the Office of Federal Workforce Policy or its employees. Any such notice shall include the matter required under section 553(b)(1), (2), and (3) of title 5 United States Code.

(2) Consistent with Executive Order 12866, as amended, or any successor order, the Administrator shall consult as appropriate with Federal agencies regarding any proposed rule or regulation to which paragraph (1) of this subsection applies, as well as, as he or she deems appropriate, the exclusive representatives of employees affected by such proposed rule or regulation and interested members of the public, as he or she deems appropriate

(3) Paragraphs (1) and (2) of this subsection shall not apply to any proposed rule or regulation which is temporary in nature and which is necessary to be implemented expeditiously as a result of an emergency.

“Sec. 1604. Functions.—

“(a) In General.—The functions of the Administrator include—

“(1) leading Government-wide efforts to build and sustain a Federal workforce that consistently excels at achieving agency missions;

“(2) ensuring that the Executive Branch considers an enterprise-wide view of the Federal workforce when undertaking major workforce policy initiatives;

“(3) providing leadership that identifies and responds to the evolving and future workforce needs of the Federal Government;

“(4) aligning and integrating, where possible, workforce policy for the executive branch agencies with Government-wide management policy, including information technology, procurement, financial management, and agency and cross-agency goals and objectives, as well as with budget policy; and

“(5) establishing standards for effectiveness and efficiency for Federal workforce and human resources functions.

“(b) Consultation and Assistance.—In carrying out the functions in subsection (a), the Administrator—

“(1) shall consult with the applicable Executive agencies, including agency Chief Human Capital Officers, in the development of policies and regulations for the Executive agencies;

“(2) may designate, with the concurrence of the heads of applicable Executive agencies, one or more Executive agencies to assist in performing those functions;

“(3) may establish advisory committees or other interagency groups to assist in providing advice or recommendations related to the establishment, development, and maintenance of policies and regulations for the Federal workforce and to assist in performing any other function the Administrator considers appropriate; and

“(4) shall coordinate with the Director, Office of Personnel Management, General Services Administration, in administering Federal workforce policy.

“(c) Assignment, Delegation, or Transfer.—

“(1) To Administrator.—Except as otherwise provided by law, only duties, functions, or responsibilities expressly assigned by this chapter shall be assigned, delegated, or transferred to the Administrator.

“(2) By Administrator.—The Administrator may delegate, and authorize successive re-delegations of, an authority, function, or power of the Administrator under this chapter

(other than the authority to provide overall direction of significant workforce policy) to another Executive agency with the consent of the head of the Executive agency or at the direction of the President.”

PART III - EMPLOYEES
SUBPART D - PAY AND ALLOWANCES
CHAPTER 53 - PAY RATES AND SYSTEMS
SUBCHAPTER II - EXECUTIVE SCHEDULE PAY RATES

§5313. Positions at level II

Level II of the Executive Schedule applies to the following positions, for which the annual rate of basic pay shall be the rate determined with respect to such level under chapter 11 of title 2, as adjusted by section 5318 of this title:

- Deputy Secretary of Defense.
- Deputy Secretary of State.
- Deputy Secretary of State for Management and Resources.
- Administrator, Agency for International Development.
- Administrator of the National Aeronautics and Space Administration.
- Deputy Secretary of Veterans Affairs.
- Deputy Secretary of Homeland Security.
- Under Secretary of Homeland Security for Management.
- Administrator of the Transportation Security Administration.
- Deputy Secretary of the Treasury.
- Deputy Secretary of Transportation.
- Chairman, Nuclear Regulatory Commission.
- Chairman, Council of Economic Advisers.
- Director of the Office of Science and Technology.
- Director of the Central Intelligence Agency.
- Secretary of the Air Force.
- Secretary of the Army.
- Secretary of the Navy.
- Administrator, Federal Aviation Administration.
- Director of the National Science Foundation.
- Deputy Attorney General.
- Deputy Secretary of Energy.
- Deputy Secretary of Agriculture.
- ~~Director of the Office of Personnel Management~~ Administrator of General Services.
- Administrator, Federal Highway Administration.
- Administrator of the Environmental Protection Agency.
- Chief Management Officer of the Department of Defense.
- Under Secretary of Defense for Research and Engineering.

Deputy Secretary of Labor.
Deputy Director of the Office of Management and Budget.
Independent Members, Thrift Depositor Protection Oversight Board.
Deputy Secretary of Health and Human Services.
Deputy Secretary of the Interior.
Deputy Secretary of Education.
Deputy Secretary of Housing and Urban Development.
Deputy Director for Management, Office of Management and Budget.
Director of the Federal Housing Finance Agency.
Deputy Commissioner of Social Security, Social Security Administration.
Administrator of the Community Development Financial Institutions Fund.
Deputy Director of National Drug Control Policy.
Members, Board of Governors of the Federal Reserve System.
Under Secretary of Transportation for Policy.
Chief Executive Officer, Millennium Challenge Corporation.
Principal Deputy Director of National Intelligence.
Director of the National Counterterrorism Center.
Administrator of the Federal Emergency Management Agency.
Federal Transit Administrator.
Chief Executive Officer, United States International Development Finance Corporation.

§5314. Positions at level III

Level III of the Executive Schedule applies to the following positions, for which the annual rate of basic pay shall be the rate determined with respect to such level under chapter 11 of title 2, as adjusted by section 5318 of this title:

Solicitor General of the United States.

Under Secretary of Commerce, Under Secretary of Commerce for Economic Affairs, Under Secretary of Commerce for Industry and Security, and Under Secretary of Commerce for Travel and Tourism.

Under Secretaries of State (6).

Under Secretaries of the Treasury (3).

~~Administrator of General Services~~ Deputy Administrator of General Services.

Administrator of the Small Business Administration.

Deputy Administrator, Agency for International Development.

Chairman of the Merit Systems Protection Board.

Chairman, Federal Communications Commission.

Chairman, Board of Directors, Federal Deposit Insurance Corporation.

Chairman, Federal Energy Regulatory Commission.

Chairman, Federal Trade Commission.

Chairman, Surface Transportation Board.

Chairman, National Labor Relations Board.

Chairman, Securities and Exchange Commission.

Chairman, National Mediation Board.

Chairman, Railroad Retirement Board.

Chairman, Federal Maritime Commission.

Comptroller of the Currency.

Commissioner of Internal Revenue.
Under Secretary of Defense for Acquisition and Sustainment.
Under Secretary of Defense for Policy.
Under Secretary of Defense (Comptroller).
Under Secretary of Defense for Personnel and Readiness.
Under Secretary of Defense for Intelligence.
Under Secretary of the Air Force.
Under Secretary of the Army.
Under Secretary of the Navy.
Deputy Administrator of the National Aeronautics and Space Administration.
Deputy Director of the Central Intelligence Agency.
Director of the Office of Emergency Planning.
Director of the Peace Corps.
Deputy Director, National Science Foundation.
President of the Export-Import Bank of Washington.
Members, Nuclear Regulatory Commission.
Members, Defense Nuclear Facilities Safety Board.
Director of the Federal Bureau of Investigation, Department of Justice.
Administrator of the National Highway Traffic Safety Administration.
Administrator of the Federal Motor Carrier Safety Administration.
Administrator, Federal Railroad Administration.
Chairman, National Transportation Safety Board.
Chairman of the National Endowment for the Arts the incumbent of which also serves as
Chairman of the National Council on the Arts.
Chairman of the National Endowment for the Humanities.
Director of the Federal Mediation and Conciliation Service.
President, Overseas Private Investment Corporation.
Chairman, Postal Regulatory Commission.
Chairman, Occupational Safety and Health Review Commission.
Governor of the Farm Credit Administration.
Chairman, Equal Employment Opportunity Commission.
Chairman, Consumer Product Safety Commission.
Under Secretaries of Energy (3).
Chairman, Commodity Futures Trading Commission.
Deputy United States Trade Representatives (3).
Chief Agricultural Negotiator, Office of the United States Trade Representative.
Chief Innovation and Intellectual Property Negotiator, Office of the United States Trade
Representative.
Chairman, United States International Trade Commission.
Under Secretary of Commerce for Oceans and Atmosphere, the incumbent of which also
serves as Administrator of the National Oceanic and Atmospheric Administration.
Under Secretary of Commerce for Standards and Technology, who also serves as Director
of the National Institute of Standards and Technology.
Associate Attorney General.
Chairman, Federal Mine Safety and Health Review Commission.
Chairman, National Credit Union Administration Board.

~~Deputy Director of the Office of Personnel Management~~ Director of the Office of Personnel Management.

Under Secretary of Agriculture for Farm Production and Conservation.
Under Secretary of Agriculture for Trade and Foreign Agricultural Affairs.
Under Secretary of Agriculture for Food, Nutrition, and Consumer Services.
Under Secretary of Agriculture for Natural Resources and Environment.
Under Secretary of Agriculture for Research, Education, and Economics.
Under Secretary of Agriculture for Food Safety.
Under Secretary of Agriculture for Marketing and Regulatory Programs.
Director, Institute for Scientific and Technological Cooperation.
Under Secretary of Agriculture for Rural Development.
Administrator, Maritime Administration.
Executive Director Property Review Board.
Deputy Administrator of the Environmental Protection Agency.
Archivist of the United States.
Executive Director, Federal Retirement Thrift Investment Board.
Principal Deputy Under Secretary of Defense for Acquisition, Technology, and Logistics.
Director, Trade and Development Agency.
Under Secretary for Health, Department of Veterans Affairs.
Under Secretary for Benefits, Department of Veterans Affairs.
Under Secretary for Memorial Affairs, Department of Veterans Affairs.
Under Secretaries, Department of Homeland Security.
Director, Cybersecurity and Infrastructure Security Agency.
Director of the Bureau of Citizenship and Immigration Services.
Director of the Office of Government Ethics.
Administrator for Federal Procurement Policy.
Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget.
Director of the Office of Thrift Supervision.
Chairperson of the Federal Housing Finance Board.
Executive Secretary, National Space Council.
Controller, Office of Federal Financial Management, Office of Management and Budget.
Administrator, Office of the Assistant Secretary for Research and Technology of the Department of Transportation.
Deputy Director for Demand Reduction, Office of National Drug Control Policy.
Deputy Director for Supply Reduction, Office of National Drug Control Policy.
Deputy Director for State and Local Affairs, Office of National Drug Control Policy.
Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.
Register of Copyrights.
Commissioner of U.S. Customs and Border Protection, Department of Homeland Security.
Under Secretary of Education
Administrator of the Centers for Medicare & Medicaid Services.
Administrator of the Office of Electronic Government.
Administrator, Pipeline and Hazardous Materials Safety Administration.
Director, Pension Benefit Guaranty Corporation.

Deputy Administrators, Federal Emergency Management Agency.
Deputy Administrator, Transportation Security Administration.
Chief Executive Officer, International Clean Energy Foundation.
Independent Member of the Financial Stability Oversight Council (1).
Director of the Office of Financial Research.

§5315. Positions at level IV

Level IV of the Executive Schedule applies to the following positions, for which the annual rate of basic pay shall be the rate determined with respect to such level under chapter 11 of title 2, as adjusted by section 5318 of this title:

~~Deputy Administrator of General Services.~~
Associate Administrator of the National Aeronautics and Space Administration.
Assistant Administrators, Agency for International Development (6).
Regional Assistant Administrators, Agency for International Development (4).
Assistant Secretaries of Agriculture (3).
Assistant Secretaries of Commerce (11).
Assistant Secretaries of Defense (14).
Assistant Secretaries of the Air Force (4).
Assistant Secretaries of the Army (5).
Assistant Secretaries of the Navy (4).
Assistant Secretaries of Health and Human Services (6).
Assistant Secretaries of the Interior (6).
Assistant Attorneys General (11).
Assistant Secretaries of Labor (10), one of whom shall be the Assistant Secretary of Labor for Veterans' Employment and Training.
Administrator, Wage and Hour Division, Department of Labor.
Assistant Secretaries of State (24) and 4 other State Department officials to be appointed by the President, by and with the advice and consent of the Senate.
Assistant Secretaries of the Treasury (10).
Members, United States International Trade Commission (5).
Assistant Secretaries of Education (10).
General Counsel, Department of Education.
Director of Civil Defense, Department of the Army.
Deputy Director of the Office of Emergency Planning.
Deputy Director of the Office of Science and Technology.
Deputy Director of the Peace Corps.
Assistant Directors of the Office of Management and Budget (3).
General Counsel of the Department of Agriculture.
General Counsel of the Department of Commerce.
General Counsel of the Department of Defense.
General Counsel of the Department of Health and Human Services.
Solicitor of the Department of the Interior.
Solicitor of the Department of Labor.
General Counsel of the National Labor Relations Board.
General Counsel of the Department of the Treasury.
First Vice President of the Export-Import Bank of Washington.

Members, Council of Economic Advisers.
Members, Board of Directors of the Export-Import Bank of Washington.
Members, Federal Communications Commission.
Member, Board of Directors of the Federal Deposit Insurance Corporation.
Directors, Federal Housing Finance Board.
Members, Federal Energy Regulatory Commission.
Members, Federal Trade Commission.
Members, Surface Transportation Board.
Members, National Labor Relations Board.
Members, Securities and Exchange Commission.
Members, Merit Systems Protection Board.
Members, Federal Maritime Commission.
Members, National Mediation Board.
Members, Railroad Retirement Board.
Director of Selective Service.
Associate Director of the Federal Bureau of Investigation, Department of Justice.
Members, Equal Employment Opportunity Commission (4).
Director, Community Relations Service.
Members, National Transportation Safety Board.
General Counsel, Department of Transportation.
Deputy Administrator, Federal Aviation Administration.
Assistant Secretaries of Transportation (5).
Deputy Federal Highway Administrator.
Administrator of the Saint Lawrence Seaway Development Corporation.
Assistant Secretary for Science, Smithsonian Institution.
Assistant Secretary for History and Art, Smithsonian Institution.
Deputy Administrator of the Small Business Administration.
Assistant Secretaries of Housing and Urban Development (8).
General Counsel of the Department of Housing and Urban Development.
Commissioner of Interama.
Federal Insurance Administrator, Federal Emergency Management Agency.
Executive Vice President, Overseas Private Investment Corporation.
Members, National Credit Union Administration Board (2).
Members, Postal Regulatory Commission (4).
Members, Occupational Safety and Health Review Commission.
Deputy Under Secretaries of the Treasury (or Assistant Secretaries of the Treasury) (2).
Members, Consumer Product Safety Commission (4).
Members, Commodity Futures Trading Commission.
Director of Nuclear Reactor Regulation, Nuclear Regulatory Commission.
Director of Nuclear Material Safety and Safeguards, Nuclear Regulatory Commission.
Director of Nuclear Regulatory Research, Nuclear Regulatory Commission.
Executive Director for Operations, Nuclear Regulatory Commission.
President, Government National Mortgage Association, Department of Housing and Urban Development.
Assistant Secretary of Commerce for Oceans and Atmosphere, the incumbent of which also serves as Deputy Administrator of the National Oceanic and Atmospheric Administration.

Director, Bureau of Prisons, Department of Justice.
Assistant Secretaries of Energy (8).
General Counsel of the Department of Energy.
Administrator, Economic Regulatory Administration, Department of Energy.
Administrator, Energy Information Administration, Department of Energy.
Director, Office of Indian Energy Policy and Programs, Department of Energy.
Director, Office of Science, Department of Energy.
Assistant Secretary of Labor for Mine Safety and Health.
Members, Federal Mine Safety and Health Review Commission.
President, National Consumer Cooperative Bank.
Special Counsel of the Merit Systems Protection Board.
Chairman, Federal Labor Relations Authority.
Assistant Secretaries, Department of Homeland Security.
Assistant Director for Cybersecurity, Cybersecurity and Infrastructure Security Agency.
Assistant Director for Infrastructure Security, Cybersecurity and Infrastructure Security Agency.
General Counsel, Department of Homeland Security.
Officer for Civil Rights and Civil Liberties, Department of Homeland Security.
Chief Financial Officer, Department of Homeland Security.
Chief Information Officer, Department of Homeland Security.
Deputy Director, Institute for Scientific and Technological Cooperation.
Director of the National Institute of Justice.
Director of the Bureau of Justice Statistics.
Chief Counsel for Advocacy, Small Business Administration.
Assistant Administrator for Toxic Substances, Environmental Protection Agency.
Assistant Administrator, Office of Solid Waste, Environmental Protection Agency.
Assistant Administrators, Environmental Protection Agency (8).
Director of Operational Test and Evaluation, Department of Defense.
Director of Cost Assessment and Program Evaluation, Department of Defense.
Special Representatives of the President for arms control, nonproliferation, and disarmament matters, Department of State.
Ambassadors at Large.
Assistant Secretary of Commerce and Director General of the United States and Foreign Commercial Service.
Assistant Secretaries, Department of Veterans Affairs (7).
General Counsel, Department of Veterans Affairs.
Commissioner of Food and Drugs, Department of Health and Human Services
Chairman, Board of Veterans' Appeals.
Administrator, Office of Juvenile Justice and Delinquency Prevention.
Director, United States Marshals Service.
Chairman, United States Parole Commission.
Director, Bureau of the Census, Department of Commerce.
Director of the Institute of Museum and Library Services.
Chief Financial Officer, Department of Agriculture.
Chief Financial Officer, Department of Commerce.
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.
 Commissioner, Office of Navajo and Hopi Indian Relocation.
 Deputy Under Secretary of Defense for Research and Engineering.
 Deputy Under Secretary of Defense for Acquisition and Sustainment.
 Deputy Under Secretary of Defense for Policy.
 Deputy Under Secretary of Defense for Personnel and Readiness.
 Deputy Under Secretary of Defense (Comptroller).
 Deputy Under Secretary of Defense for Intelligence.
 General Counsel of the Department of the Army.
 General Counsel of the Department of the Navy.
 General Counsel of the Department of the Air Force.
 Liaison for Community and Junior Colleges, Department of Education.
 Director of the Office of Educational Technology.
 Director of the International Broadcasting Bureau.
 The Commissioner of Labor Statistics, Department of Labor.
 Administrator, Rural Utilities Service, Department of Agriculture.
 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 the 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 the 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.
Chief Information Officer of the Intelligence Community.
General Counsel of the Central Intelligence Agency.
Principal Deputy Administrator, National Nuclear Security Administration.
Additional Deputy Administrators of the National Nuclear Security Administration (3), but if the Deputy Administrator for Naval Reactors is an officer of the Navy on active duty, (2).
Deputy Under Secretary of Commerce for Intellectual Property and Deputy Director of the United States Patent and Trademark Office.
General Counsel of the Office of the Director of National Intelligence.
Chief Medical Officer, Department of Homeland Security.

TITLE 31- MONEY AND FINANCE

SUBTITLE I - GENERAL

CHAPTER 5 – OFFICE OF MANAGEMENT AND BUDGET

§503. Functions of Deputy Director for Management

(a) Subject to the direction and approval of the Director, the Deputy Director for Management shall establish governmentwide 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 (excluding any officer designated or appointed under section 901(c)).

(8) Provide advice to agency heads with respect to the selection of agency Chief Financial Officers and Deputy Chief Financial Officers (excluding any officer designated or appointed under section 901(c)).

(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) Federal workforce policy; and

~~(H)~~(I) 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) Chair the Chief Information Officers Council established under section 3603 of title 44.
- (6) Provide leadership in management innovation, through—
 - (A) experimentation, testing, and demonstration programs; and
 - (B) the adoption of modern management concepts and technologies.

(7) 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.

(8) 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.

(9) Provide advice to agencies on the qualification, recruitment, performance, and retention of managerial personnel.

(10) Perform any other functions prescribed by the Director.

(c) Program and Project Management.—

(1) Requirement.—Subject to the direction and approval of the Director, the Deputy Director for Management or a designee shall—

(A) adopt governmentwide standards, policies, and guidelines for program and project management for executive agencies;

(B) oversee implementation of program and project management for the standards, policies, and guidelines established under subparagraph (A);

(C) chair the Program Management Policy Council established under section 1126(b);

(D) establish standards and policies for executive agencies, consistent with widely accepted standards for program and project management planning and delivery;

(E) engage with the private sector to identify best practices in program and project management that would improve Federal program and project management;

(F) conduct portfolio reviews to address programs identified as high risk by the Government Accountability Office;

(G) not less than annually, conduct portfolio reviews of agency programs in coordination with Project Management Improvement Officers designated under section 1126(a)(1) to assess the quality and effectiveness of program management; and

(H) establish a 5-year strategic plan for program and project management.

(2) Application to department of defense.—Paragraph (1) shall not apply to the Department of Defense to the extent that the provisions of that paragraph are substantially similar to or duplicative of—

(A) the provisions of chapter 87 of title 10; or

(B) policy, guidance, or instruction of the Department related to program management.

TITLE 31- MONEY AND FINANCE

SUBTITLE I – ORGANIZATION

CHAPTER 5 – OFFICE OF MANAGEMENT AND BUDGET

SUBCHAPTER I. ORGANIZATION

- § 501. Office of Management and Budget
- § 502. Officers
- § 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
- § 507. Office of Electronic Government
- § 508. Office of Federal Workforce Policy

§508. Office of Federal Workforce Policy. The Office of Federal Workforce Policy, established under section 1601 of title 5, United States Code, is an office in the Office of Management and Budget.

TITLE 31- MONEY AND FINANCE

SUBTITLE I - GENERAL

CHAPTER 9 - AGENCY CHIEF FINANCIAL OFFICERS

§901. Establishment of agency Chief Financial Officers

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

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

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

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

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

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

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

(C) be career appointees; and

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

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

(A) The Department of Agriculture.

(B) The Department of Commerce.

(C) The Department of Defense.

- (D) The Department of Education.
- (E) The Department of Energy.
- (F) The Department of Health and Human Services.
- (G) The Department of Homeland Security.
- (H) The Department of Housing and Urban Development.
- (I) The Department of the Interior.
- (J) The Department of Justice.
- (K) The Department of Labor.
- (L) The Department of State.
- (M) The Department of Transportation.
- (N) The Department of the Treasury.
- (O) The Department of Veterans Affairs.
- (P) The Environmental Protection Agency.
- (Q) 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 General Services Administration.
- (C) The National Science Foundation.
- (D) The Nuclear Regulatory Commission.
- ~~(E) The Office of Personnel Management.~~
- (FE) The Small Business Administration.
- (GF) 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.

TITLE 40 - PUBLIC BUILDINGS, PROPERTY, AND WORKS

SUBTITLE I - FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES

CHAPTER 3 - ORGANIZATION OF GENERAL SERVICES ADMINISTRATION

SUBCHAPTER I - GENERAL

§301. Establishment

The General Services Administration is an agency in the executive branch of the Federal Government.

§302. Administrator and Deputy Administrator

(a) Administrator.—The Administrator of General Services is the head of the General Services Administration. The Administrator is appointed by the President with the advice and consent of the Senate. The Administrator shall perform functions subject to the direction and control of the President.

(b) Deputy Administrator.—~~The Administrator shall appoint a Deputy Administrator of General Services.~~ The Deputy Administrator of General Services is appointed by the President with the advice and consent of the Senate. The Deputy Administrator shall perform functions designated by the Administrator. The Deputy Administrator is Acting Administrator of General Services during the absence or disability of the Administrator and, unless the President designates another officer of the Federal Government, when the office of Administrator is vacant.

CHIEF HUMAN CAPITAL OFFICERS ACT OF 2002 (TITLE XIII OF PUB. L. 107-296)

SEC. 1303. CHIEF HUMAN CAPITAL OFFICERS COUNCIL

“(a) Establishment.—There is established a Chief Human Capital Officers Council, consisting of—

“(1) the Deputy Director of the Office of Personnel Management for Management of the Office of Management and Budget, who shall act as chairperson of the Council;

“(2) the Deputy Director for Management of the Office of Management and Budget Administrator of General Services, who shall act as vice chairperson of the Council; and

“(3) the Chief Human Capital Officers of Executive departments and any other members who are designated by the Director of the Office of Personnel Management.

“(b) Functions.—The Chief Human Capital Officers Council shall meet periodically to advise and coordinate the activities of the agencies of its members on such matters as modernization of human resources systems, improved quality of human resources information, and legislation affecting human resources operations and organizations.

“(c) Employee Labor Organizations at Meetings.—The Chief Human Capital Officers Council shall ensure that representatives of Federal employee labor organizations are present at a minimum of 1 meeting of the Council each year. Such representatives shall not be members of the Council.

“(d) Annual Report.—Each year the Chief Human Capital Officers Council shall submit a report to Congress on the activities of the Council.”