

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 3038

To amend the Inspector General Act of 1978 to establish an Office of Inspector General in the Executive Office of the President, and to amend title 31, United States Code, to establish a Chief Financial Officer for the Executive Office of the President.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 9, 1993

Mr. CLINGER (for himself, Mr. MICHEL, Mr. GINGRICH, Mr. ARMEY, Mr. HUNTER, Mr. HYDE, Mr. PAXON, Mr. LIGHTFOOT, Mr. WOLF, Mr. ISTOOK, Mr. McCANDLESS, Mr. HASTERT, Mr. SHAYS, Mr. SCHIFF, Mr. COX, Mr. THOMAS of Wyoming, Ms. ROS-LEHTINEN, Mr. MACHTLEY, Mr. ZIMMER, Mr. ZELIFF, Mr. MCHUGH, Mr. HORN, Ms. PRYCE of Ohio, Mr. MICA, Mr. PORTMAN, Mr. RAMSTAD, Mr. GALLEGLY, Ms. SNOWE, Mr. McDADE, Mr. BOEHNER, Mrs. JOHNSON of Connecticut, Mr. SAXTON, Mr. KASICH, Mr. GREENWOOD, Mr. FAWELL, Mr. HOUGHTON, Mr. LIVINGSTON, Mr. BLILEY, Mr. KLUG, Mr. BONILLA, Mr. GILMOR, Mr. BARTLETT of Maryland, Mr. BAKER of California, Mr. BATEMAN and Mr. WALSH) introduced the following bill; which was referred to the Committee on Government Operations

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## A BILL

To amend the Inspector General Act of 1978 to establish an Office of Inspector General in the Executive Office of the President, and to amend title 31, United States Code, to establish a Chief Financial Officer for the Executive Office of the President.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Executive Office Ac-  
3 countability Act of 1993”.

4 **SEC. 2. ESTABLISHMENT OF INSPECTOR GENERAL FOR EX-**  
5 **ECUTIVE OFFICE OF THE PRESIDENT.**

6 (a) ESTABLISHMENT OF OFFICE.—Section 11 of the  
7 Inspector General Act of 1978 (5 U.S.C. App.) is amend-  
8 ed—

9 (1) in paragraph (1) by inserting “the Presi-  
10 dent (with respect only to the Executive Office of  
11 the President),” after “means”; and

12 (2) in paragraph (2) by inserting “the Execu-  
13 tive Office of the President,” after “means”.

14 (b) APPOINTMENT OF INSPECTOR GENERAL.—Not  
15 later than 120 days after the date of the enactment of  
16 this Act, the President shall nominate an individual as the  
17 Inspector General of the Executive Office of the President  
18 pursuant to the amendments made by subsection (a).

19 **SEC. 3. SPECIAL PROVISIONS CONCERNING INSPECTOR**  
20 **GENERAL OF THE EXECUTIVE OFFICE OF**  
21 **THE PRESIDENT.**

22 The Inspector General Act of 1978 (5 U.S.C. App.)  
23 is amended—

24 (1) by redesignating section 8F as section 8G;  
25 and

26 (2) by inserting after section 8E the following:

1 **“SEC. 8F. SPECIAL PROVISIONS CONCERNING INSPECTOR**  
2 **GENERAL OF THE EXECUTIVE OFFICE OF**  
3 **THE PRESIDENT.**

4 “(a) AUTHORITY, DIRECTION, AND CONTROL OF  
5 PRESIDENT.—Notwithstanding the last 2 sentences of  
6 section 3(a), the Inspector General of the Executive Office  
7 of the President shall be under the authority, direction,  
8 and control of the President with respect to audits or in-  
9 vestigations, or the issuance of subpoenas, which require  
10 access to information concerning—

11 “(1) ongoing criminal investigations or proceed-  
12 ings;

13 “(2) undercover operations;

14 “(3) the identity of confidential sources, includ-  
15 ing protected witnesses;

16 “(4) deliberations and decisions on policy mat-  
17 ters, including documented information used as a  
18 basis for making policy decisions;

19 “(5) intelligence or counterintelligence matters;  
20 or

21 “(6) other matters the disclosure of which  
22 would constitute a serious threat to the national se-  
23 curity, or would cause significant impairment to the  
24 national interests (including interests in foreign  
25 trade negotiations), of the United States.

1       “(b) PROHIBITING ACTIVITIES OF INSPECTOR GEN-  
2 ERAL.—With respect to information described in sub-  
3 section (a), the President may prohibit the Inspector Gen-  
4 eral of the Executive Office of the President from carrying  
5 out or completing any audit or investigation, or issuing  
6 any subpoena, after the Inspector General has decided to  
7 initiate, carry out, or complete such audit or investigation  
8 or to issue such subpoena, if the President determines  
9 that—

10           “(1) the disclosure of that information would  
11 interfere with the core functions of the constitutional  
12 responsibilities of the President; and

13           “(2) the prohibition is necessary to prevent the  
14 disclosure of that information.

15       “(c) NOTICE.—

16           “(1) NOTICE TO INSPECTOR GENERAL.—If the  
17 President makes a determination referred to in sub-  
18 section (b)(1) or (2), the President shall within 30  
19 days notify the Inspector General in writing stating  
20 the reasons for that determination.

21           “(2) NOTICE TO CONGRESS.—Within 30 days  
22 after receiving a notice under paragraph (1), the In-  
23 spector General shall transmit a copy of the notice  
24 to each of the Chairman and the ranking minority  
25 party member of the Committee on Government Op-

1 erations of the House of Representatives, the Com-  
2 mittee on Governmental Affairs of the Senate, and  
3 other appropriate committees or subcommittees of  
4 the Congress.

5 “(d) SEMIANNUAL REPORTS.—

6 “(1) INFORMATION TO BE INCLUDED.—The In-  
7 spector General of the Executive Office of the Presi-  
8 dent shall include in each semiannual report to the  
9 President under section 5, at a minimum—

10 “(A) a list of the title or subject of each  
11 inspection, investigation, or audit conducted  
12 during the reporting period;

13 “(B) a statement of whether corrective ac-  
14 tion has been completed on each significant rec-  
15 ommendation described in previous semiannual  
16 reports, and, in a case where corrective action  
17 has been completed, a description of such cor-  
18 rective action;

19 “(C) a certification that the Inspector Gen-  
20 eral has had full and direct access to all infor-  
21 mation relevant to the performance of functions  
22 of the Inspector General;

23 “(D) a description of all cases occurring  
24 during the reporting period in which the Inspec-  
25 tor General could not obtain documentary evi-

1           dence relevant to any inspection, audit, or in-  
2           vestigation due to a determination of the Presi-  
3           dent under subsection (b); and

4           “(E) such recommendations as the Inspec-  
5           tor General considers appropriate concerning  
6           legislation to promote economy and efficiency in  
7           the administration of programs and operations  
8           undertaken by the Executive Office of the  
9           President, and to detect and eliminate fraud,  
10          waste, and abuse in such programs and oper-  
11          ations.

12          “(2) TRANSMISSION TO CONGRESS.—Within 30  
13          days after receiving a semiannual report under sec-  
14          tion 5 from the Inspector General of the Executive  
15          Office of the President, the President shall transmit  
16          the report to each of the Chairman and the ranking  
17          minority party member of the Committee on Govern-  
18          ment Operations of the House of Representatives  
19          and the Committee on Governmental Affairs of the  
20          Senate with any comments the President considers  
21          appropriate.”.

1 **SEC. 4. ESTABLISHMENT AND APPOINTMENT OF CHIEF FI-**  
2 **NANCIAL OFFICER FOR EXECUTIVE OFFICE**  
3 **OF THE PRESIDENT.**

4 (a) ESTABLISHMENT.—Section 901(b)(2) of title 31,  
5 United States Code, is amended by adding at the end the  
6 following:

7 “(H) The Executive Office of the President.”.

8 (b) APPOINTMENT.—The President shall appoint an  
9 individual as the Chief Financial Officer of the Executive  
10 Office of the President, pursuant to the amendment made  
11 by subsection (a), by not later than 90 days after the date  
12 of the enactment of this Act.

13 **SEC. 5. FINANCIAL MANAGEMENT ACTIVITIES WITHIN EX-**  
14 **ECUTIVE OFFICE OF THE PRESIDENT.**

15 (a) REVIEW OF FINANCIAL MANAGEMENT ACTIVI-  
16 TIES WITHIN THE EXECUTIVE OFFICE OF THE PRESI-  
17 DENT.—Not later than 30 days after the appointment of  
18 a Chief Financial Officer of the Executive Office of the  
19 President (in this section referred to as the “Chief Finan-  
20 cial Officer”), the Director of the Office of Management  
21 and Budget shall direct the Chief Financial Officer to con-  
22 duct a review of the financial management activities within  
23 the Executive Office of the President for the purpose of  
24 consolidating its accounting, budgeting, and other finan-  
25 cial management activities under the Chief Financial  
26 Officer.

1 (b) REORGANIZATION PROPOSAL.—Not later than 60  
2 days after the date the Director directs the Chief Finan-  
3 cial Officer to conduct a review under subsection (a), and  
4 subject to all laws vesting functions in particular officers  
5 and employees of the United States, the Chief Financial  
6 Officer shall submit to the Director of the Office of Man-  
7 agement and Budget a proposal for reorganizing the Exec-  
8 utive Office of the President for the purpose stated in sub-  
9 section (a). The proposal shall include—

10 (1) a description of all functions, powers, du-  
11 ties, personnel, property, or records which the Chief  
12 Financial Officer is proposed to have authority over,  
13 including those relating to functions that are not re-  
14 lated to financial management activities; and

15 (2) a detailed outline of the administrative  
16 structure of the office of the Chief Financial Officer,  
17 including a description of the responsibility and au-  
18 thority of financial management personnel and re-  
19 sources in agencies or other subdivisions as appro-  
20 priate for the Executive Office of the President.

21 (c) REVIEW AND APPROVAL OF PROPOSAL.—Not  
22 later than 30 days after receiving a proposal from the  
23 Chief Financial Officer under subsection (c), the Director  
24 of the Office of Management and Budget shall approve  
25 or disapprove the proposal and notify the Chief Financial

1 Officer of that approval or disapproval. The Director shall  
2 approve the proposal if it establishes a financial manage-  
3 ment structure reasonably tailored to the functions of the  
4 Executive Office of the President. Upon approving or dis-  
5 approving the proposal, the Director shall transmit to the  
6 Chief Financial Officer a written notice of that approval  
7 or disapproval. The Director shall also provide to the  
8 Chairman and ranking minority party member of the  
9 Committee on Government Operations of the House of  
10 Representatives and the Committee on Governmental Af-  
11 fairs of the Senate a copy of the proposal and the Direc-  
12 tor's approval or disapproval.

13 (d) IMPLEMENTATION OF PROPOSAL.—Upon receiv-  
14 ing written notice of approval from the Director of the  
15 Office of Management and Budget, the Chief Financial  
16 Officer shall implement that proposal.

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