

# U.S. International Trade Commission

## *Descriptive Evaluation of USITC Affirmative Requirements*



**OIG-ER-15-02**

**October 7, 2014**



Office of Inspector General

*The U.S. International Trade Commission is an independent, nonpartisan, quasi-judicial federal agency that provides trade expertise to both the legislative and executive branches of government, determines the impact of imports on U.S. industries, and directs actions against certain unfair trade practices, such as patent, trademark, and copyright infringement. USITC analysts and economists investigate and publish reports on U.S. industries and the global trends that affect them. The agency also maintains and publishes the Harmonized Tariff Schedule of the United States.*

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## UNITED STATES INTERNATIONAL TRADE COMMISSION

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WASHINGTON, DC 20436

October 7, 2014

OIG-MM-016

Chairman Broadbent:

This memorandum transmits the Office of Inspector General's final report, *Descriptive Evaluation of USITC's Affirmative Requirements*, OIG-ER-15-02. This report focused on describing many of the legal and regulatory requirements the Commission is required to follow.

The report is not being printed. It was designed to be posted on the Internet and hyper-linked to the source records.

The comments provided by members of the Commission's senior staff have been incorporated into the report. Thank you for the courtesies extended to my staff during this review.

Philip M. Heneghan  
Inspector General





**U.S. International Trade Commission**  
Evaluation Report

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# U.S. International Trade Commission

## Evaluation Report

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### How to Use This Descriptive Report

- This descriptive report provides a list of the requirements that apply to the USITC.
  - The requirements are divided into area sections that can be found in the initial table of contents.
  - The initial table of contents is hyperlinked to each section of the report.
  - Each section of the report has its own table of contents that lists the names of all the Acts that apply to that specific area of the Commission.
  - The table of contents for each section is also hyperlinked to the various Acts that apply to those sections.
  - Under each Act are the provisions of the US Code (USC), Code of Federal Regulations (CFR), or other legal authority that pertains to such Act.
  - Each of the legal authorities is hyperlinked to an outside web page that provides the full text of the legal authority.
  - Under each of the legal authorities there is a brief description of the requirements or regulations that apply to that specific authority.
  - Anything that is blue and underlined is a hyperlink to an external web source.
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**Operations**

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## 1. Administrative Procedure Act

- [5 USC 305: Systematic Agency Review of Operations](#)
  - Requirements:
    - (b) Under regulations prescribed and administered by the Director of the Office of Management and Budget, each agency shall review systematically the operations of each of its activities, functions, or organization units, on a continuing basis.
    - (c) The purpose of the reviews includes—
      - (1) determining the degree of efficiency and economy in the operation of the agency’s activities, functions, or organization units;
      - (2) identifying the units that are outstanding in those respects; and
      - (3) identifying the employees whose personal efforts have caused their units to be outstanding in efficiency and economy of operations.
  - Note:
    - The authority of the President under 5 USC 305(b) was delegated to the Director of the Office of Management and Budget under [E.O. No. 12152](#).

## 2. African Growth and Opportunity Act

- [19 USC 3721: Treatment of Certain Textiles and Apparel](#)
  - Requirements:
    - (b)(5)(B)(ii): At the request of any interested party and subject to the following requirements, the President is authorized to proclaim the treatment provided under subparagraph (a) for yarns or fabrics not described in subparagraph (A) if the President has obtained advice regarding the proposed action from the appropriate advisory committee established under section 2155 of this title and the USITC.

## 3. Andean Trade Preference Act

- [19 USC 3204: ITC Reports on Impact of the Andean Trade Preference Act](#)
  - Requirements:
    - (a)(1) The United States International Trade Commission (in this section referred to as the “Commission”) shall submit to Congress and the President biennial reports regarding the economic impact of this chapter on United States industries and consumers, and, in conjunction with other agencies, the effectiveness of this chapter in promoting drug-related crop eradication and crop substitution efforts of the beneficiary countries.
    - Time of Report Submission:
      - December 31 of each year in which the report required by 19 USC 2704 is not submitted.

#### 4. Caribbean Basin Economic Recovery Act

- [19 USC 2704: ITC Reports on impact of Caribbean Basin Economic Recovery Program](#)
  - Requirements:
    - (a)(1) The United States International Trade Commission (in this section referred to as the “Commission”) shall submit to Congress and the President biennial reports regarding the economic impact of this chapter on United States industries and consumers and on the economy of the beneficiary countries...
    - Time of Report Submission:
      - Each report required under subsection (a) of this section shall be submitted to the Congress and to the President before the close of the nine-month period beginning on the day after the last day of the period covered by the report.

#### 5. Dominican Republic-Central American-United States Free Trade Agreement Implementation Act

- [19 USC 4061: Commencing Action for Relief](#)
  - Requirements:
    - (b) Upon the filing of a petition under subsection (a), the Commission, unless subsection (d) applies, shall promptly initiate an investigation to determine whether, as a result of the reduction or elimination of a duty provided for under the Agreement, a CAFTA–DR article is being imported into the United States in such increased quantities, in absolute terms or relative to domestic production, and under such conditions that imports of the CAFTA–DR article constitute a substantial cause of serious injury or threat thereof to the domestic industry producing an article that is like, or directly competitive with, the imported article
- [19 USC 4062: Commission Action on Petition](#)
  - Requirements:
    - (a) Not later than 120 days after the date on which an investigation is initiated under section 4061 (b) of this title with respect to a petition, the Commission shall make the determination required under that section. At that time, the Commission shall also determine whether any CAFTA–DR country is a de minimis supplying country.
    - (d) Not later than the date that is 30 days after the date on which a determination is made under subsection (a) with respect to an investigation, the Commission shall submit to the President a report that includes...
    - (e) Upon submitting a report to the President under subsection (d), the Commission shall promptly make public such report (with the exception of information which the Commission determines to be confidential) and shall cause a summary thereof to be published in the Federal Register.
  - Regulations:
    - [19 CFR part 206, Subpart A: General](#)
    - [19 CFR part 206, Subpart D: Investigations relating to bilateral safeguard actions](#)
- [19 USC 4063: Provision for Relief](#)

- Requirements:
  - (B)(i) Upon a petition on behalf of the industry concerned that is filed with the Commission not earlier than the date which is 9 months, and not later than the date which is 6 months, before the date on which any action taken under subsection (a) is to terminate, the Commission shall conduct an investigation to determine whether action under this section continues to be necessary to remedy or prevent serious injury and whether there is evidence that the industry is making a positive adjustment to import competition.
  - (ii) The Commission shall publish notice of the commencement of any proceeding under this subparagraph in the Federal Register and shall, within a reasonable time thereafter, hold a public hearing at which the Commission shall afford interested parties and consumers an opportunity to be present, to present evidence, and to respond to the presentations of other parties and consumers, and otherwise to be heard.
  - (iii) The Commission shall transmit to the President a report on its investigation and determination under this subparagraph not later than 60 days before the action under subsection (a) is to terminate, unless the President specifies a different date.
- [19 USC 4101: Findings and Action on Goods of CAFTA-DR Countries](#)
  - Requirements:
    - If, in any investigation initiated under chapter 1 of title II of the Trade Act of 1974 [19 U.S.C. 2251 et seq.], the Commission makes an affirmative determination (or a determination which the President may treat as an affirmative determination under such chapter by reason of section 1330 (d) of this title), the Commission shall also find (and report to the President at the time such injury determination is submitted to the President) whether imports of the article of each CAFTA–DR country that qualify as originating goods under section 4033 (b) of this title are a substantial cause of serious injury or threat thereof.
- [19 USC 4112: Earned Import Allowance Program](#)
  - Requirements:
    - (d)(1) The United States International Trade Commission shall carry out a review of the program under this section annually for the purpose of evaluating the effectiveness of, and making recommendations for improvements in, the program.
    - (d)(2) The United States International Trade Commission shall submit to the appropriate congressional committees annually a report on the results of the review carried out under paragraph (1).
  - Time for Report:
    - Annually

## 6. NAFTA Implementation Act

- [19 USC 3352: Commencing of Action for Relief](#)



- Requirements:
  - Upon the filing of a petition under subsection (a) of this section, the International Trade Commission, unless subsection (d) of this section applies, shall promptly initiate an investigation to determine whether, as a result of the reduction or elimination of a duty provided for under the Agreement, a Canadian article or a Mexican article, as the case may be, is being imported into the United States in such increased quantities (in absolute terms) and under such conditions so that imports of the article, alone, constitute a substantial cause of—
    - (1) serious injury; or
    - (2) except in the case of a Canadian article, a threat of serious injury;
 to the domestic industry producing an article that is like, or directly competitive with, the imported article.
- Regulations:
  - [19 CFR 206.35: Timer for determinations, reporting](#)
  - [19 CFR 206.36: Public report](#)
- [19 USC 3353: International Trade Commission Action on Petition](#)
  - Requirements:
    - (a) By no later than 120 days after the date on which an investigation is initiated under section [3352 \(b\)](#) of this title with respect to a petition, the International Trade Commission shall—
      - **(1)** make the determination required under that section; and
      - **(2)** if the determination referred to in paragraph (1) is Action and an allegation regarding critical circumstances was made under section [3352 \(a\)](#) of this title, make a determination regarding that allegation.
    - (c) No later than the date that is 30 days after the date on which a determination is made under subsection (a) of this section with respect to an investigation, the International Trade Commission shall submit to the President a report that shall include
    - (d) Upon submitting a report to the President under subsection (c) of this section, the International Trade Commission shall promptly make public such report (with the exception of information which the International Trade Commission determines to be confidential) and shall cause a summary thereof to be published in the Federal Register.
  - Regulations:
    - [19 CFR 206.3: Institution of investigations; publication of notice; and availability for public inspection](#)
    - [19 CFR 206.5: Public hearing](#)
    - [19 CFR 206.6: Report to the President](#)
- [19 USC 3371: NAFTA Article Impact in Import Relief Cases Under the Trade Act of 1974](#)
  - Requirements:



- [19 USC 3007: Publication of Harmonized Tariff Schedule](#)
  - Requirements:
    - The Commission shall compile and publish, at appropriate intervals, and keep up to date the Harmonized Tariff Schedule and related information in the form of printed copy; and, if, in its judgment, such format would serve the public interest and convenience...
- [19 USC 3010: US Participation on Customs Cooperation Council Regarding Convention](#)
  - Requirements:
    - (b) (1) In connection with responsibilities arising from the implementation of the Convention and under section 1484 (f) of this title regarding United States programs for the development of adequate and comparable statistical information on merchandise trade, the Secretary of the Treasury, the Secretary of Commerce, and the Commission shall prepare technical proposals that are appropriate or required to assure that the United States contribution to the development of the Convention recognizes the needs of the United States business community for a Convention which reflects sound principles of commodity identification, modern producing methods, and current trading patterns and practices.

## 8. Tariff Act of 1930

- [19 USC 1330: Organization of Commission](#)
  - Requirements:
    - (d)(3) In any proceeding to which paragraph (1) applies in which the commissioners voting are equally divided on a determination that serious injury exists, or that market disruption exists, the Commission shall report to the President the determination of each group of commissioners. In any proceeding to which paragraph (2) applies, the Commission shall report to the President the remedy finding of each group of commissioners voting.
    - (e)(4) By not later than the date on which the President submits to Congress the budget of the United States Government for a fiscal year, the Commission shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate the projected amount of funds for the succeeding fiscal year that will be necessary for the Commission to carry out its functions.
    - Time for Report Submission:
      - By not later than the date on which the President submits to Congress the budget of the United States Government for a fiscal year
- [19 USC 1331: General Powers](#)
  - Requirements:

- (b) Except for employees excepted under civil service rules, all employees of the commission shall be appointed from lists of eligible to be supplied by the Director of the Office of Personnel Management and in accordance with the civil service law.
  - Regulations:
    - [19 CFR 201.35: Notices to the Public](#)
- [19 USC 1332: Investigations](#)
  - Requirements:
    - (a) It shall be the duty of the commission to investigate the administration and fiscal and industrial effects of the customs laws of this country, the relations between the rates of duty on raw materials and finished or partly finished products, the effects of ad valorem and specific duties and of compound specific and ad valorem duties, all questions relative to the arrangement of schedules and classification of articles in the several schedules of the customs law, and, in general, to investigate the operation of customs laws, including their relation to the Federal revenues, their effect upon the industries and labor of the country, and to submit reports of its investigations as hereafter provided.
    - (b) The commission shall have power to investigate the tariff relations between the United States and foreign countries, commercial treaties, preferential provisions, economic alliances, the effect of export bounties and preferential transportation rates, the volume of importations compared with domestic production and consumption, and conditions, causes, and effects relating to competition of foreign industries with those of the United States, including dumping and cost of production.
    - (d) In order that the President and the Congress may secure information and assistance, it shall be the duty of the commission to...
    - (g) The commission shall put at the disposal of the President of the United States, the Committee on Ways and Means of the House of Representatives, and the Committee on Finance of the Senate, whenever requested, all information at its command, and shall make such investigations and reports as may be requested by the President or by either of said committees or by either branch of the Congress.
- [19 USC 1334: Cooperation with Other Agencies](#)
  - Requirements:
    - The commission shall in appropriate matters act in conjunction and cooperation with the Treasury Department, the Department of Commerce, the Federal Trade Commission, or any other departments, or independent establishments of the Government, and such departments and independent establishments of the Government shall cooperate fully with the commission for the purposes of aiding and assisting in its work, and, when directed by the President, shall furnish to the commission, on its request, all records, papers, and information in their possession relating to any of the subjects of investigation by the commission and shall detail, from time to time, such officials and employees to said commission as he may direct.

- [19 USC 1335: Rules and Regulations](#)
  - Regulations:
    - [19 CFR 201.39: General Counsel’s certification of Commission action in closing a meeting or a series of meetings](#)
    - [19 CFR 201.40: Records-retention Requirements](#)
  
- [19 USC 1336: Equalization of Costs of Production](#)
  - Requirements:
    - (a) The commission upon request of the President, or upon resolution of either or both Houses of Congress, or upon its own motion, or when in the judgment of the commission there is good and sufficient reason therefor, upon application of any interested party, shall investigate the differences in the costs of production of any domestic article and of any like or similar foreign article...
  - Note:
    - Proposed repeal to OMB.
  - Regulations:
    - [19 CFR 202.3: Preliminary Inquiry](#)
    - [19 CFR 202.4: Public hearing](#)
    - [19 CFR 202.6: Reports](#)

9. 337 Investigations Under the Tariff Act of 1930

- [19 USC 1337: Unfair Practices in Import Trade](#)
  - Requirements:
    - (b) (1) The Commission shall investigate any alleged violation of this section on complaint under oath or upon its initiative. Upon commencing any such investigation, the Commission shall publish notice thereof in the Federal Register. The Commission shall conclude any such investigation and make its determination under this section at the earliest practicable time after the date of publication of notice of such investigation. To promote expeditious adjudication, the Commission shall, within 45 days after an investigation is initiated, establish a target date for its final determination...
    - (c) The Commission shall determine, with respect to each investigation conducted by it under this section, whether or not there is a violation of this section, except that the Commission may, by issuing a consent order or on the basis of an agreement between the private parties to the investigation, including an agreement to present the matter for arbitration, terminate any such investigation, in whole or in part, without making such a determination.
    - (d) If the Commission determines, as a result of an investigation under this section, that there is a violation of this section, it shall direct that the articles concerned, imported by any person violating the provision of this section, be excluded from entry into the United States, unless, after considering the effect of such exclusion upon the public health and welfare, competitive conditions in the United States economy, the

production of like or directly competitive articles in the United States, and United States consumers, it finds that such articles should not be excluded from entry...

- (e) If, during the course of an investigation under this section, the Commission determines that there is reason to believe that there is a violation of this section, it may direct that the articles concerned, imported by any person with respect to whom there is reason to believe that such person is violating this section, be excluded from entry into the United States, unless, after considering the effect of such exclusion upon the public health and welfare, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, and United States consumers, it finds that such articles should not be excluded from entry...
- Regulations
  - [19 CFR 210.8: Commencement of preinstitution proceedings](#)
  - [19 CFR 210.9: Action of Commission upon receipt of complaint](#)
  - [19 CFR 210.10: Institution of investigation](#)
  - [19 CFR 210.11: Service of complaint and notice of investigation](#)
  - [19 CFR 210.49: Implementation of Commission action](#)
  - [19 CFR 210.50: Commission action, the public interest, and bonding by respondents](#)
  - [19 CFR 210.73: Review of Reports](#)
  - [19 CFR 210.74: Modification of Requirements](#)
  - [19 CFR 210.78: Notice of enforcement action to Government agencies](#)
  - [19 CFR 210.79: Advisory Opinions](#)
- [19 USC 1338: Discrimination by Foreign Countries](#)
  - Requirements:
    - (g) It shall be the duty of the commission to ascertain and at all times to be informed whether any of the discriminations against the commerce of the United States enumerated in subdivisions (a), (b), and (e) of this section are practiced by any country; and if and when such discriminatory acts are disclosed, it shall be the duty of the commission to bring the matter to the attention of the President, together with recommendations...
- [19 USC 1339: Trade Remedy Assistance Office](#)
  - Requirements:
    - (a) There is established in the Commission a separate office to be known as the Trade Remedy Assistance Office which shall provide full information to the public upon request and shall, to the extent feasible, provide assistance and advice to interested parties concerning...
  - Regulations:
    - [19CFR 213.3: Determination of small business eligibility](#)
- [19 USC 1484: Entry of Merchandise](#)
  - Requirements:





(ii) is threatened with material injury, or  
(B) the establishment of an industry in the United States is materially retarded,  
by reason of imports of the subject merchandise and that imports of the subject merchandise are not negligible. If the Commission finds that imports of the subject merchandise are negligible or otherwise makes a negative determination under this paragraph, the investigation shall be terminated.

- (f) Whenever the Commission or the administering authority makes a determination under this section, the Commission or the administering authority, as the case may be, shall notify the petitioner, and other parties to the investigation, and the Commission or the administering authority (whichever is appropriate) of its determination.

- [19 USC 1671c: Termination or Suspension of Investigation](#)

- Requirements:

- (a)(1)(A) Except as provided in paragraphs (2) and (3), an investigation under this part may be terminated by either the administering authority or the Commission, after notice to all parties to the investigation, upon withdrawal of the petition by the petitioner or by the administering authority if the investigation was initiated under section [1671a \(a\)](#) of this title.

- [19 USC 1671d: Final Determinations](#)

- Requirements:

- (b)(1) The Commission shall make a final determination of whether—
  - (A) an industry in the United States—
    - (i) is materially injured, or
    - (ii) is threatened with material injury, or

(B) the establishment of an industry in the United States is materially retarded,

by reason of imports, or sales (or the likelihood of sales) for importation, of the merchandise with respect to which the administering authority has made an Action determination under subsection (a) of this section. If the Commission determines that imports of the subject merchandise are negligible, the investigation shall be terminated

- [19 USC 1673: Imposition of Anti-Dumping Duties](#)

- Requirements:

- If the administering authority determines that a class or kind of foreign merchandise is being, or is likely to be, sold in the US at less than its fair value, and the Commission determines that an industry in the US is materially injured, or is threatened with material injury, or the establishment of an industry in the use is materially retarded by reason of imports of that merchandise, then there shall be imposed upon such

merchandise an antidumping duty in an amount equal to the amount by which the normal value exceeds the export price for the merchandise.

- [19 USC 1673b: Preliminary Determinations](#)

- Requirements:

- (a)(1) Except in the case of a petition dismissed by the administering authority under section [1673a \(c\)\(3\)](#) of this title, the Commission, within the time specified in paragraph (2), shall determine, based on the information available to it at the time of the determination, whether there is a reasonable indication that...

- [19 USC 1673d: Final Determinations](#)

- Requirements:

- (b) The Commission shall make a final determination of whether an industry of the US is materially injured, or is threatened with material injury, or the establishment of an industry in the US is materially retarded by reason of imports, or sales for importation, of the merchandise with respect to which the administering authority has made an Action determination. The commission shall make the final determination by the 120th day after the day on which the administering authority makes its Action preliminary determination, or by the 45th day after the day on which the administering authority makes its Action final determination
- (d) Whenever the administering authority or the Commission makes a determination under this section, it shall notify the petitioner, other parties to the investigation, and the other agency of its determination and of the facts and conclusions of law upon which the determination is based, and it shall publish notice of its determination in the Federal Register.

- [19 USC 1675: Administrative Review of Determinations](#)

- Requirements:

- (b)(1) Whenever the administering authority or the Commission receives information concerning, or a request from an interested party for a review of—
  - (A) a final Action determination that resulted in an antidumping duty order under this subtitle or a finding under the Antidumping Act, 1921, or in a countervailing duty order under this subtitle or section [1303](#) <sup>[1]</sup> of this title,
  - (B) a suspension agreement accepted under section [1671c](#) or [1673c](#) of this title, or
  - (C) a final Action determination resulting from an investigation continued pursuant to section [1671c \(g\)](#) or [1673c \(g\)](#) of this title,which shows changed circumstances sufficient to warrant a review of such determination or agreement, the administering authority or the Commission (as the case may be) shall conduct a review of the determination or agreement after publishing notice of the review in the Federal Register.
- Notwithstanding subsection (b) of this section and except in the case of a transition order defined in paragraph (6), 5 years after the date of publication of—

- (A) a countervailing duty order (other than a countervailing duty order to which subparagraph (B) applies or which was issued without an Action determination of injury by the Commission under section [1303](#) <sup>(1)</sup> of this title), an antidumping duty order, or a notice of suspension of an investigation, described in subsection (a)(1) of this section,
- (B) a notice of injury determination under section [1675b](#) of this title with respect to a countervailing duty order, or
- (C) a determination under this section to continue an order or suspension agreement,

the administering authority and the Commission shall conduct a review to determine, in accordance with section [1675a](#) of this title, whether revocation of the countervailing or antidumping duty order or termination of the investigation suspended under section [1671c](#) or [1673c](#) of this title would be likely to lead to continuation or recurrence of dumping or a countervailable subsidy (as the case may be) and of material injury.

- [19 USC 1675a: Special Rules for Section 1675\(b\) and 1675\(c\) Reviews](#)
- [19 USC 1675b: Special Rules for Injury Investigations for Certain Section 1303 or Section 1671\(c\) Countervailing Duty Orders and Investigations](#)
- [19 USC 1676a: Countervailing and Antidumping Duties; Required Determinations](#)
  - Requirements:
    - (a)(2) If the administering authority initiates a proceeding under paragraph (1), the Commission shall determine whether imports of the merchandise of the kind subject to the agreement will, upon termination of the agreement, materially injure, or threaten with material injury, an industry in the United States or materially retard the establishment of such an industry
- [19 USC 1677: Definitions; Special Rules](#)
  - Requirements:
    - (4) Industry
    - (7) Material injury
    - (10) Domestic like product
    - (11) Affirmative determinations by divided Commission
    - (24) Negligible imports
- [19 USC 1677c: Countervailing and Antidumping Duty Hearings](#)
  - Requirements:
    - (a)(1) Except as provided in paragraph (2), the administering authority and the Commission shall each hold a hearing in the course of an investigation upon the

request of any party to the investigation before making a final determination under section [1671d](#) or [1673d](#) of this title.

- [19 USC 1677f: Countervailing and Antidumping Duties, Access to Information](#)
- [19 USC 1677i: Downstream Product Monitoring](#)
  - Requirements:
    - (b)(1) If the determination made under subsection (a) (2) (A) of this section and a determination made under any clause of subsection (a) (2) (B) of this section with respect to a petition are Action, the Commission shall immediately commence monitoring of trade in the downstream product that is the subject of the determination made under subsection (a) (2) (A) of this section. If the Commission finds that imports of a downstream product being monitored increased during any calendar quarter by 5 percent or more over the preceding quarter, the Commission shall analyze that increase in the context of overall economic conditions in the product sector.
    - (b)(2) The Commission shall make quarterly reports to the administering authority regarding the monitoring and analyses conducted under paragraph (1). The Commission shall make the reports available to the public.
- [19 USC 1677j: Prevention of Circumvention of Antidumping and Countervailing Duty Orders](#)
  - Requirements:
    - (e)(3) If the Commission believes, after consultation under paragraph (2), that a significant injury issue is presented by the proposed inclusion, the Commission may provide written advice to the administering authority as to whether the inclusion would be inconsistent with the Action determination of the Commission on which the order or finding is based. If the Commission decides to provide such written advice, it shall promptly notify the administering authority of its intention to do so, and must provide such advice within 60 days after the date of notification under paragraph (1).
- Regulations pertaining to the statutory provisions of title VII
  - [19 CFR 207, Subpart A, 207.2-207.8: General Provisions](#)
  - [19 CFR 207, Subpart B, 207.10-207.18: Preliminary Determinations](#)
  - [19 CFR 207, Subpart C, 207.20-207.30: Final Determinations, Short Life Cycle Products](#)
  - [19 CFR 207, Subpart D, 207.40-207.46: Terminated, Suspended, and Continued Investigations, Investigations to Review Negotiated Agreements, and Investigations to Review Outstanding Determinations](#)
  - [19 CFR 207, Subpart E, 207.50-207.51: Judicial Review](#)
  - [19 CFR 207, Subpart F, 207.60-207.69: Five-Year Reviews](#)

## 11. Trade Act of 1974

- [19 USC 2151: Advice from ITC](#)
  - Requirements:
    - (b) Within 6 months after receipt of a list under subsection (a) of this section or, in the case of a list submitted in connection with a trade agreement, within 90 days after receipt of such list, the Commission shall advise the President, with respect to each article or nontariff matter, of its judgment as to the probable economic effect of modification of the tariff or nontariff measure on industries producing like or directly competitive articles and on consumers, so as to assist the President in making an informed judgment as to the impact which might be caused by such modifications on United States interests, such as sectors involved in manufacturing, agriculture, mining, fishing, services, intellectual property, investment, labor, and consumers. Such advice may include in the case of any article the advice of the Commission as to whether any reduction in the rate of duty should take place over a longer period of time than the minimum period provided for in section [3803 \(a\)\(3\)\(A\)](#) of this title.
  - Regulations:
    - [19 CFR 205.3: Investigations under sections 131 and 503 of the Trade Act of 1974](#)
- [18 USC 2213: Reports](#)
  - Requirements:
    - (c) The USITC shall submit to the Congress, at least once a year, a factual report on the operation of the trade agreements program.
- [19 USC 2232: Independent Budget and Authorization of Appropriations](#)
  - Requirements:
    - Estimated expenditures and proposed appropriations for the United States International Trade Commission shall be transmitted to the President on or before October 15 of the year preceding the beginning of each fiscal year and shall be included by him in the Budget without revision, and the Commission shall not be considered to be a department or establishment for purposes of such chapter.
    - Time for Report Submission:
      - On or before October 15 of the year preceding the beginning of each fiscal year.
- [19 USC 2252: Investigations, Determinations, and Recommendations by Commission](#)
  - Requirements:
    - (a)(3) Whenever a petition is filed under paragraph (1), the Commission shall promptly transmit copies of the petition to the Office of the United States Trade Representative and other Federal agencies directly concerned.
    - (b)(1)(a) Upon the filing of a petition under subsection (a) of this section, the request of the President or the Trade Representative, the resolution of either the Committee on Ways and Means of the House of Representatives or the Committee on Finance of the Senate, or on its own motion, the Commission shall promptly make an investigation to determine whether an article is being imported into the United States



in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industry producing an article like or directly competitive with the imported article.

- (b)(3) The Commission shall publish notice of the commencement of any proceeding under this subsection in the Federal Register and shall, within a reasonable time thereafter, hold public hearings at which the Commission shall afford interested parties and consumers an opportunity to be present, to present evidence, to comment on the adjustment plan, if any, submitted under subsection (a) of this section, to respond to the presentations of other parties and consumers, and otherwise to be heard.
- (e)(1) If the Commission makes an Action determination under subsection (b)(1) of this section, the Commission shall also recommend the action that would address the serious injury, or threat thereof, to the domestic industry and be most effective in facilitating the efforts of the domestic industry to make a positive adjustment to import competition.
- (f)(1) The Commission shall submit to the President a report on each investigation undertaken under subsection (b) of this section. The report shall be submitted at the earliest practicable time, but not later than 180 days (240 days if the petition alleges that critical circumstances exist) after the date on which the petition is filed, the request or resolution is received, or the motion is adopted, as the case may be.
- Regulations:
  - [19 CFR 206.15: Institution of Investigation](#)
  - [19 CFR 206.18: Time for determinations, reporting](#)
  - [19 CFR 206.19: Public report](#)
- [19 USC 2253: Action by President After Determination of Import Injury](#)
  - Regulations:
    - [19 CFR 206.55: Investigations to evaluate the effectiveness of relief](#)
- [19 USC 2254: Monitoring, Modification, and Termination of Action](#)
  - Requirements:
    - (a)(1) So long as any action taken under section [2253](#) of this title remains in effect, the Commission shall monitor developments with respect to the domestic industry, including the progress and specific efforts made by workers and firms in the domestic industry to make a positive adjustment to import competition.
    - (c)(1) Upon request of the President, or upon petition on behalf of the industry concerned filed with the Commission not earlier than the date which is 9 months, and not later than the date which is 6 months, before the date any action taken under section [2253](#) of this title is to terminate, the Commission shall investigate to determine whether action under section [2253](#) of this title continues to be necessary to prevent or remedy serious injury and whether there is evidence that the industry is making a positive adjustment to import competition.

- (c)(3) The Commission shall transmit to the President a report on its investigation and determination under this subsection not later than 60 days before the action under section 2253 of this title is to terminate, unless the President specifies a different date.
    - (d)(1) After any action taken under section [2253](#) of this title has terminated, the Commission shall evaluate the effectiveness of the actions in facilitating positive adjustment by the domestic industry to import competition, consistent with the reasons set out by the President in the report submitted to the Congress under section [2253 \(b\)](#) of this title.
    - (d)(3) A report on the evaluation made under paragraph (1) and the hearings held under paragraph (2) shall be submitted by the Commission to the President and to the Congress by no later than the 180th day after the day on which the actions taken under section 2253 of this title terminated.
  - Regulations:
    - [19 CFR 206.52: Monitoring](#)
    - [19 CFR 206.53: Investigations to advise the President as to the probable economic effect of reduction, modification, or termination of action](#)
    - [19 CFR 206.54: Investigations with respect to extension of action](#)
    - [19 CFR 206.55: Investigations to evaluate the effectiveness of relief](#)
- [19 USC 2274: Study and Notification Regarding Certain Action Determinations; Industry Notification of Assistance](#)
  - Requirements:
    - (a) Whenever the International Trade Commission (hereafter referred to in this part as the “Commission”) begins an investigation under section [2252](#) of this title with respect to an industry, the Commission shall immediately notify the Secretary of such investigation, and the Secretary shall immediately begin a study of...
    - (c) Upon making an Action determination under section [2252 \(b\)\(1\)](#) of this title, the Commission shall promptly notify the Secretary of Labor and the Secretary of Commerce and, in the case of a determination with respect to an agricultural commodity, the Secretary of Agriculture, of the determination.
    - (d) Notifications following Action bilateral or plurilateral safeguard determinations...
    - (e) Notifications following certain Action determinations under title VII of the Tariff Act of 1930...
- [19 USC 2401c: Study by Secretary of Agriculture when ITC begins an Investigation](#)
  - Requirements:
    - (a) Whenever the International Trade Commission (in this part referred to as the “Commission”) begins an investigation under section [2252](#) of this title with respect to an agricultural commodity, the Commission shall immediately notify the Secretary of the investigation.
- [19 USC 2436: Market Disruption](#)

- Requirements:
  - (a)(1) Upon the filing of a petition by an entity described in section [2252 \(a\)](#) of this title, upon request of the President or the United States Trade Representative, upon resolution of either the Committee on Ways and Means of the House of Representatives or the Committee on Finance of the Senate, or on its own motion, the International Trade Commission (hereafter in this section referred to as the “Commission”) shall promptly make an investigation to determine, with respect to imports of an article which is the product of a Communist country, whether market disruption exists with respect to an article produced by a domestic industry.
  - (a)(3) The Commission shall report to the President its determination with respect to each investigation under paragraph (1) and the basis therefor and shall include in each report any dissenting or separate views. If the Commission finds, as a result of its investigation, that market disruption exists with respect to an article produced by a domestic industry, it shall find the amount of the increase in, or imposition of, any duty or other import restriction on such article which is necessary to prevent or remedy such market disruption and shall include such finding in its report to the President. The Commission shall furnish to the President a transcript of the hearings and any briefs which may have been submitted in connection with each investigation.
- Regulations:
  - [19 CFR 206.45: Time for reporting](#)
  - [19 CFR 206.46: Public Report](#)
- [19 USC 2482: Exercise of Functions of the ITC](#)
  - Requirements:
    - (c) The Commission shall at all times keep informed concerning the operation and effect of provisions relating to duties or other import restrictions of the United States contained in trade agreements entered into under the trade agreements program.

## 12. Trade Act of 2002

- [19 USC 3805 Note: Implementation of Trade Agreements](#)
  - Requirements\*:
    - Commencing of Action for Relief
      - (a) Filing of Petition.—A petition requesting action under this subtitle for the purpose of adjusting to the obligations of the United States under the Agreement may be filed with the Commission by an entity, including a trade association, firm, certified or recognized union, or group of workers, that is representative of an industry. The Commission shall transmit a copy of any petition filed under this subsection to the United States Trade Representative.
      - (b) Investigation and Determination.—Upon the filing of a petition under subsection (a), the Commission, unless subsection (d) applies, shall promptly initiate an investigation to determine whether, as a result of the reduction or elimination of a duty provided for under the Agreement, a (insert country

name) article is being imported into the United States in such increased quantities, in absolute terms or relative to domestic production, and under such conditions that imports of the (insert country name) article constitute a substantial cause of serious injury or threat thereof to the domestic industry producing an article that is like, or directly competitive with, the imported article.

- Commission Action on Petition:
  - (a) Not later than 120 days after the date on which an investigation is initiated with respect to a petition, the Commission shall make the determination required under that section.
  - (d) Report to President.—Not later than the date that is 30 days after the date on which a determination is made under subsection (a) with respect to an investigation, the Commission shall submit to the President a report that includes:
    - (1) the determination made under subsection (a) and an explanation of the basis for the determination;
    - (2) if the determination under subsection (a) is affirmative, any findings and recommendations for import relief made under subsection (c) and an explanation of the basis for each recommendation; and
    - (3) any dissenting or separate views by members of the Commission regarding the determination referred to in paragraph (1) and any finding or recommendation referred to in paragraph (2).
  - (e) Public Notice.—Upon submitting a report to the President under subsection (d), the Commission shall promptly make public the report (with the exception of information which the Commission determines to be confidential) and shall publish a summary of the report in the Federal Register.
- Regulations\*:
  - [19 CFR 206, Subpart D: Investigations relating to bilateral safeguard actions](#)
- The requirements and regulations for the note under 19 USC 3805 applies to the following legislation:
  - Section 311(b) of the United States-Australia Free Trade Agreement Implementation Act
  - Section 311(b) of the United States-Bahrain Free Trade Agreement Implementation Act
  - Section 311(b) of the United States-Chile Free Trade Agreement Implementation Act
  - Section 311(b) of the United States-Colombia Trade Promotion Agreement Implementation Act
  - Section 311(b) of the Dominican Republic-Central America-United States Free Trade Agreement Implementation Act
  - Section 211(b) of the United States-Jordan Free Trade Area Implementation Act
  - Section 311(b) of the United States-Korea Free Trade Agreement Implementation Act

- Section 311(b) of the United States-Morocco Free Trade Agreement Implementation Act
- Section 302(b) of the NAFTA Implementation Act
- Section 311(b) of the United States-Oman Free Trade Agreement Implementation Act
- Section 311(b) of the United States-Panama Trade Promotion Agreement Implementation Act
- Section 311(b) of the United States-Peru Trade Promotion Agreement Implementation Act
- Section 311(b) of the United States-Singapore Free Trade Agreement Implementation Act

### 13. Uruguay Round Agreements Act

- [19 USC 3528: Administrative Action following WTO Panel Reports](#)
  - Requirements:
    - (a)(1) If a dispute settlement panel finds in an interim report under Article 15 of the Dispute Settlement Understanding, or the Appellate Body finds in a report under Article 17 of that Understanding, that an action by the International Trade Commission in connection with a particular proceeding is not in conformity with the obligations of the United States under the Antidumping Agreement, the Safeguards Agreement, or the Agreement on Subsidies and Countervailing Measures, the Trade Representative may request the Commission to issue an advisory report on whether title VII of the Tariff Act of 1930 [[19 U.S.C. 1671](#) et seq.] or title II of the Trade Act of 1974 [[19 U.S.C. 2251](#) et seq.], as the case may be, permits the Commission to take steps in connection with the particular proceeding that would render its action not inconsistent with the findings of the panel or the Appellate Body concerning those obligations. The Trade Representative shall notify the congressional committees of such request.
    - (a)(4) Notwithstanding any provision of the Tariff Act of 1930 [[19 U.S.C. 1202](#) et seq.] or title II of the Trade Act of 1974 [[19 U.S.C. 2251](#) et seq.], if a majority of the Commissioners issues an Action report under paragraph (1), the Commission, upon the written request of the Trade Representative, shall issue a determination in connection with the particular proceeding that would render the Commission's action described in paragraph (1) not inconsistent with the findings of the panel or Appellate Body. The Commission shall issue its determination not later than 120 days after the request from the Trade Representative is made.

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## 1. Information Quality

- [PL 106-554 App C, Title V, 515\(b\)\(2\)\(c\)](#)
  - Requirements:
    - Each agency shall report periodically to the Director of the Office of Management and Budget the number and nature of complaints received by the agency regarding the accuracy of information disseminated by the agency and how such complaints were handled by the agency.
- [67 FR 8452: OMB Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by Federal Agencies; Republication](#)

## 2. E-Government Act

- [PL 107-347, Title II, Section 202\(g\)](#)
  - Requirements:
    - Each agency shall compile and submit to the director of OMB an annual E-Government status report on
      - The status of the implementation by the agency of electronic government initiatives;
      - Compliance by the agency with this Act;
      - And how electronic Government initiatives of the agency improve performance in delivering programs to constituencies.
    - Time for Report Submission:
      - Annually.
- [OMB M-03-18: Implementation Guidance for the E-Government Act](#)
  - Requirements:
    - The Act requires agencies to provide annual updates on their implementation of the provisions of the Act. Agencies must report to OMB each year by December 15th on the following general elements...
    - Time for Report Submission:
      - December 15<sup>th</sup> of each year.
- [OMB M-03-22: OMB Guidance for Implementing the Privacy Provisions of the E-Government Act of 2002](#)
  - Requirements:
    - Agencies are required to submit an annual report on compliance with this guidance to OMB as part of their annual E-Government Act status report. All agencies that use information technology systems and conduct electronic information collection activities must complete a report on compliance with this guidance, whether or not they submit budgets to OMB. Reports must address the following four elements...
  - Time for Report Submission:
    - Annually.

- [OMB M-05-04: Policies for Federal Agency Public Websites](#)

### 3. Federal Information Security Management Act of 2002

- [44 USC 3544: Federal Agency Responsibilities](#)
  - Requirements:
    - (a)(1)(A) The head of each agency shall be responsible for providing information security protections commensurate with the risk and magnitude of the harm resulting from unauthorized access, use, disclosure, disruption, modification, or destruction of....
    - (a)(1)(B) complying with the Requirements of this subchapter and related policies, procedures, standards, and guidelines, including...
    - (a)(1)(C) ensuring that information security management processes are integrated with agency strategic and operational planning processes
    - (b) Each agency shall develop, document, and implement an agency wide information security program, approved by the Director under section [3543 \(a\)\(5\)](#), to provide information security for the information and information systems that support the operations and assets of the agency, including those provided or managed by another agency, contractor, or other source, that includes...
    - (c)(1) Each agency shall report annually to the Director, the Committees on Government Reform and Science of the House of Representatives, the Committees on Governmental Affairs and Commerce, Science, and Transportation of the Senate, the appropriate authorization and appropriations committees of Congress, and the Comptroller General on the adequacy and effectiveness of information security policies, procedures, and practices, and compliance with the Requirements of this subchapter, including compliance with each Requirements of subsection (b)...
    - (d)(1) In addition to the Requirements of subsection (c), each agency, in consultation with the Director, shall include as part of the performance plan required under section [1115](#) of title [31](#) a description of...
    - (e) Each agency shall provide the public with timely notice and opportunities for comment on proposed information security policies and procedures to the extent that such policies and procedures affect communication with the public.
    - Time for Report Submission:
      - Annually.
- [44 USC 3545: Annual Independent Evaluation](#)
  - Requirements:

- (a)(1) Each year each agency shall have performed an independent evaluation of the information security program and practices of that agency to determine the effectiveness of such program and practices.
    - (b)(1) For each agency with an Inspector General appointed under the Inspector General Act of 1978 or any other law, the annual evaluation required by this section shall be performed by the Inspector General or by an independent external auditor, as determined by the Inspector General of the agency.
    - (e)(1) Each year, not later than such date established by the Director, the head of each agency shall submit to the Director the results of the evaluation required under this section.
  - Time for Report Submission:
    - Annually.
- [OMB M-03-19: Reporting Instructions for FISMA and Updated Guidance on Quarterly IT Security Reporting](#)
  - Requirements:
    - Attachment C: Directions for agencies on quarterly reporting on IT security efforts. It includes both the continued quarterly plan of action and milestones updates and performance measures updates.
- [OMB M-06-19: Reporting Incidents Involving Personally Identifiable Information and Incorporating the Cost for Security in Agency Information Technology Investments](#)
  - Requirements:
    - Requires agencies to report all incidents involving personally identifiable information to US-CERT within one hour of discovering the incident. You should report all incidents involving personally identifiable information in electronic or physical form and should not distinguish between suspected and confirmed breaches. US-CERT will forward all agency reports to the appropriate Identity Theft Task Force point-of-contact also within one hour of notification by an agency.
- [OMB M-07-16: Safeguarding Against and Responding to the Breach of Personally Identifiable Information](#)
- [OMB M-14-03: Enhancing the Security of Federal Information and Information Systems](#)
  - Requirements:
    - Pg. 14: Summary of required actions
- [OMB M-14-04: FY 2013 Reporting Instructions for the FISMA report and Agency Privacy Management](#)

#### 4. Government in the Sunshine Act

- [5 USC 552b: Open Meetings](#)
  - Requirements:
    - (b) Members shall not jointly conduct or dispose of agency business other than in accordance with this section. Except as provided in subsection (c), every portion of every meeting of an agency shall be open to public observation
    - (e)(1) In the case of each meeting, the agency shall make public announcement, at least one week before the meeting, of the time, place, and subject matter of the meeting, whether it is to be open or closed to the public, and the name and phone number of the official designated by the agency to respond to requests for information about the meeting. Such announcement shall be made unless a majority of the members of the agency determines by a recorded vote that agency business requires that such meeting be called at an earlier date, in which case the agency shall make public announcement of the time, place, and subject matter of such meeting, and whether open or closed to the public, at the earliest practicable time.
    - (f)(1) For every meeting closed pursuant to paragraphs (1) through (10) of subsection (c), the General Counsel or chief legal officer of the agency shall publicly certify that, in his or her opinion, the meeting may be closed to the public and shall state each relevant exemptive provision. A copy of such certification, together with a statement from the presiding officer of the meeting setting forth the time and place of the meeting, and the persons present, shall be retained by the agency. The agency shall maintain a complete transcript or electronic recording adequate to record fully the proceedings of each meeting, or portion of a meeting, closed to the public, except that in the case of a meeting, or portion of a meeting, closed to the public pursuant to paragraph (8), (9) (A), or (10) of subsection (c), the agency shall maintain either such a transcript or recording, or a set of minutes. Such minutes shall fully and clearly describe all matters discussed and shall provide a full and accurate summary of any actions taken, and the reasons therefor, including a description of each of the views expressed on any item and the record of any rollcall vote (reflecting the vote of each member on the question). All documents considered in connection with any action shall be identified in such minutes.
    - (j) Each agency subject to the requirements of this section shall annually report to the Congress regarding the following:
      - (1) The changes in the policies and procedures of the agency under this section that have occurred during the preceding 1-year period.
      - (2) A tabulation of the number of meetings held, the exemptions applied to close meetings, and the days of public notice provided to close meetings.
      - (3) A brief description of litigation or formal complaints concerning the implementation of this section by the agency.
      - (4) A brief explanation of any changes in law that have affected the responsibilities of the agency under this section.
  - Time for Report:
    - Annually
  - Regulations:

- [19 CFR 201, Subpart E: Opening Commission Meetings to Public Observation Pursuant to 5 USC 552b](#)

## 5. Public Printing and Documents

- [44 USC 3101: Records Management by Agency Heads; General Duties](#)
  - Requirements:
    - The head of each Federal agency shall make and preserve records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions of the agency and designed to furnish the information necessary to protect the legal and financial rights of the Government and of persons directly affected by the agency's activities.
  - Regulations:
    - [5 CFR 1320: Controlling paperwork burdens on the public](#)
    - [5 CFR 2417: Testimony by employees relating to official information and production of official records in legal proceedings](#)
- [44 USC 3102: Establishment of Program of Management](#)
  - Requirements:
    - The head of each Federal agency shall establish and maintain an active, continuing program for the economical and efficient management of the records of the agency. The program, among other things, shall provide for...
- [44 USC 3303: Lists and Schedules of Records to be submitted to the Archivist by the Head of Each Government Agency](#)
  - Requirements:
    - The head of each agency of the US Government shall submit to the Archivist, under regulations promulgated as provided by section 3302 of this title
      - Lists of any records in the custody of the agency that have been photographed or micro photographed under the regulations and that, as a consequence, do not appear to have sufficient value to warrant their further preservation by the Government...
- [OMB M-12-18: Managing Government Records Directive](#)

## 6. The Clinger-Cohen Act

- [40 USC 11312: Capital Planning and Investment Control](#)
  - Requirements:
    - (a) In fulfilling the responsibilities assigned under section [3506 \(h\)](#) of title [44](#), the head of each executive agency shall design and implement in the executive agency a

process for maximizing the value, and assessing and managing the risks, of the information technology acquisitions of the executive agency.

- (b) Content of process
- [40 USC 11313: Performance and Results-Based Management](#)
  - Requirements:
    - (1) The head of each agency shall establish goals for improving the efficiency and effectiveness of agency operations and, as appropriate, the delivery of services to the public through the effective use of information technology.
    - (2) The head of each agency shall prepare an annual report, to be included in the executive agency's budget submission to Congress, on the progress in achieving the goals.
    - (5) analyze the missions of the executive agency and, based on the analysis, revise the executive agency's mission-related processes and administrative processes as appropriate before making significant investments in information technology to be used in support of the performance of those missions.
    - (6) ensure that the information security policies, procedures, and practices of the executive agency are adequate.
    - Time for Report Submission:
      - Annually.
- [40 USC 11315: Agency Chief Information Officer](#)
  - Requirements:
    - Chief Information Officer general responsibilities...
- [40 USC 11316: Accountability](#)
  - Requirements:
    - The head of each executive agency, in consultation with the Chief Information Officer and the Chief Financial Officer of that executive agency (or, in the case of an executive agency without a chief financial officer, any comparable official), shall establish policies and procedures to ensure that...
- [40 USC 11317: Significant Deviations](#)
  - Requirements:
    - The head of each executive agency shall identify in the strategic information resources management plan required under section [3506 \(b\)\(2\)](#) of title [44](#) any major information technology acquisition program, or any phase or increment of that program, that has significantly deviated from the cost, performance, or schedule goals established for the program.
- [OMB M-13-13: Open Data Policy – Managing Information as an Asset](#)
  - Requirements:

- Consistent with 44 USC 3506 agencies must develop and maintain an Information Resource Management (IRM) Strategic Plan. As part of the annual PortfolioStat process, agencies must update their IRM strategic plans to describe how they are meeting new and existing information life cycle management Requirements.
  - Agencies shall take the following actions to improve the management of information resources throughout the information 's life cycle and reinforce the government's presumption in favor of openness...
- [OMB M-14-06: Guidance for Providing and Using Administrative Data for Statistical Purposes](#)
  - Requirements:
    - Based on the definitions, policies and guidance in the memo, departments and agencies are required to provide an initial report to the Chief Statistician, Office of Information and Regulatory Affairs by June 30, 2014. The status report shall provide a description of both processes established or adapted in response to this memo and substantive findings to date.

## 7. The Freedom of Information Act

- [5 USC 552: Public Information; Agency Rules, Opinions, Orders, Records and Proceedings](#)
  - Requirements:
    - (a) Each agency shall make available to the public information as follows...
    - (e)(1) On or before February 1 of each year, each agency shall submit to the Attorney General of the US a report which shall cover the preceding fiscal year and which shall include:
      - (A) the number of determinations made by the agency not to comply with requests for records made to such agency under subsection (a) and the reasons for such determination;
    - Time for Report Submission:
      - On or before February 1 of each year.
  - Regulations:
    - [19 CFR 201, Subpart C: Availability of Information to the Public Pursuant to 5 USC 552](#)
- [OMB M-10-06: Open Government Directive](#)
  - Requirements:
    - Each agency shall publish its annual FOIA Report in an open format on its Open Government Webpage in addition to any other planned dissemination methods.
  - [OMB M-10-22: Guidance for Online Use of Web Measurement and Customization Technologies](#)
  - [Executive Order 13392: Improving Agency Disclosure of Information](#)
    - [OMB M-06-04: Implementation of EO 13392](#)

- Requirements:
  - Designation of a Chief FOIA Officer

## 8. The National Technology Transfer and Advancement Act of 1995

- [OMB Circular A-119: Federal participation in the development and use of voluntary consensus standards and in conformity assessment activities](#)
  - Requirements:
    - The Agency must report to NIST, no later than December 31 of each year, the decisions by your agency in the previous fiscal year to use government-unique standards in lieu of voluntary consensus standards. If no voluntary consensus standards exist, the agency does not need to report its use of government-unique standards
    - Time for Report Submission:
      - December 31 of each year.

## 9. The Paperwork Elimination Act

- [OMB M-04-04: E-Authentication Guidance for Federal Agencies](#)
  - Requirements:
    - Agencies asked to report on their progress in implementing this guidance in their annual E-Government Act Reports to OMB required by section 202(g) of the E-Government Act
    - Attachment A: E-Authentication guidance for federal agencies

## 10. The Paperwork Reduction Act

- [44 USC 3505: Assignment of Tasks and Duties](#)
  - Requirements:
    - (c)(1) The head of each agency shall develop and maintain an inventory of major information systems (including major national security systems) operated by or under the control of such agency.
    - (3) Such inventory shall be...
- [44 USC 3506: Federal Agency Responsibilities](#)
  - Requirements:
    - (a)(1) The head of each agency shall be responsible for
      - (A) carrying out the agency's information resources management activities to improve agency productivity, efficiency, and effectiveness; and
      - (B) complying with the Requirements of this subchapter and related policies established by the Director.



- (b) With respect to general information resources management, each agency shall...
  - (c) With respect to the collection of information and the control of paperwork, each agency shall...
- Regulations:
  - [5 CFR 1320.5: General Requirements](#)
  - [5 CFR 1320.7: Agency head and senior official responsibilities](#)
  - [5 CFR 1320.8: Agency collection of information responsibilities](#)
  - [5 CFR 1320.9: Agency certifications for proposed collections of information](#)
  - [5 CRR 1320.17: Information collection budget](#)
  - [5 CFR 1320.18: Other authority](#)
- [OMB Circular A-130: Management of Federal Information Resources](#)
  - Requirements:
    - Appendix II, Implementation of the Government Paperwork Elimination Act
    - Appendix III, Security of Federal Automated Information Resources
    - Appendix IV, Analysis of Key Sections
- [OMB M-10-23: Guidance for Use of Third-Party Websites and Applications](#)
  - Requirements:
    - Agencies may use third-party websites and applications to engage openly with the public. When using a third-party website or application, agencies should adhere to the following general Requirements: (pg. 3). To the extent feasible, an agency should post a Privacy Notice on the third-party website or application itself.
    - Privacy impact Assessments (pg. 4).
    - Update agency Privacy Policy to describe their use of third-party websites and applications, including: (pg. 5).
- [OMB M-13-08: Improving Financial Systems Through Shared Services](#)
  - Requirements:
    - Guidelines pg. 2-5

## 11. The Plain Writing Act of 2010

- [5 USC 301 Note/ PL 111-274](#)
  - Requirements:
    - Annually, the head of each agency shall publish on the plain writing section of the agency's website a report on agency compliance with the Requirements of the act
- [OMB M-11-15: Final Guidance on Implementing the Plain Writing Act of 2010](#)
  - Requirements:
    - Annually, each agency must publish on its website a report that describes the agency's continuing compliance with the Act. Prior to publication, agencies are encouraged to solicit feedback from the public and stakeholders on their implementation of the Act

## 12. The Privacy Act

- [5 USC 552a: Records Maintained on Individuals](#)
  - Requirements:
    - (e) Each agency that maintains a system of records shall-
      - (1) maintain in its records only such information about an individual as is relevant and necessary to accomplish a purpose of the agency required to be accomplished by statute or by executive order of the President;
      - (2) collect information to the greatest extent practicable directly from the subject individual when the information may result in adverse determinations about an individual's rights, benefits, and privileges under Federal programs;
      - (3) inform each individual whom it asks to supply information, on the form which it uses to collect the information or on a separate form that can be retained by the individual—
        - (A) the authority (whether granted by statute, or by executive order of the President) which authorizes the solicitation of the information and whether disclosure of such information is mandatory or voluntary;
        - (B) the principal purpose or purposes for which the information is intended to be used;
        - (C) the routine uses which may be made of the information, as published pursuant to paragraph (4)(D) of this subsection; and
        - (D) the effects on him, if any, of not providing all or any part of the requested information;
      - (4) subject to the provisions of paragraph (11) of this subsection, publish in the Federal Register upon establishment or revision a notice of the existence and character of the system of records, which notice shall include—
        - (A) the name and location of the system;
        - (B) the categories of individuals on whom records are maintained in the system;
        - (C) the categories of records maintained in the system;
        - (D) each routine use of the records contained in the system, including the categories of users and the purpose of such use;
        - (E) the policies and practices of the agency regarding storage, retrievability, access controls, retention, and disposal of the records;
        - (F) the title and business address of the agency official who is responsible for the system of records;
        - (G) the agency procedures whereby an individual can be notified at his request if the system of records contains a record pertaining to him;
        - (H) the agency procedures whereby an individual can be notified at his request how he can gain access to any record pertaining to him contained in the system of records, and how he can contest its content; and
        - (I) the categories of sources of records in the system;

- (5) maintain all records which are used by the agency in making any determination about any individual with such accuracy, relevance, timeliness, and completeness as is reasonably necessary to assure fairness to the individual in the determination;
  - (6) prior to disseminating any record about an individual to any person other than an agency, unless the dissemination is made pursuant to subsection (b)(2) of this section, make reasonable efforts to assure that such records are accurate, complete, timely, and relevant for agency purposes;
  - (7) maintain no record describing how any individual exercises rights guaranteed by the First Amendment unless expressly authorized by statute or by the individual about whom the record is maintained or unless pertinent to and within the scope of an authorized law enforcement activity;
  - (8) make reasonable efforts to serve notice on an individual when any record on such individual is made available to any person under compulsory legal process when such process becomes a matter of public record;
  - (9) establish rules of conduct for persons involved in the design, development, operation, or maintenance of any system of records, or in maintaining any record, and instruct each such person with respect to such rules and the requirements of this section, including any other rules and procedures adopted pursuant to this section and the penalties for noncompliance;
  - (10) establish appropriate administrative, technical, and physical safeguards to insure the security and confidentiality of records and to protect against any anticipated threats or hazards to their security or integrity which could result in substantial harm, embarrassment, inconvenience, or unfairness to any individual on whom information is maintained;
  - (11) at least 30 days prior to publication of information under paragraph (4)(D) of this subsection, publish in the Federal Register notice of any new use or intended use of the information in the system, and provide an opportunity for interested persons to submit written data, views, or arguments to the agency; and
  - (12) if such agency is a recipient agency or a source agency in a matching program with a non-Federal agency, with respect to any establishment or revision of a matching program, at least 30 days prior to conducting such program, publish in the Federal Register notice of such establishment or revision.
- (f) Each agency that proposes to establish or make a significant change in a system of records or a matching program shall provide adequate notice of any such proposal to the Committee on Government Operations, the Committee on Governmental Affairs, and the OMB in order to permit an evaluation of the probable or potential effect of such proposal on the privacy or other rights of individuals.
  - (u)(1) Every agency conducting or participating in a matching program shall establish a Data Integrity Board to oversee and coordinate among the various components of such agency the agency's implementation of this section.

- (u)(3)(D)The DIB shall compile an annual report, which shall be submitted to the head of the agency and the OMB and made available to the public on request, describing the matching activities of the agency, including...
- Regulations:
  - [19 CFR 201, Subpart D: Safeguarding Individual Privacy Pursuant to 5 USC 552a](#)
- [OMB Circular A-130: Management of Federal Information Resources](#)
  - Requirements:
    - Appendix I, Federal Agency Responsibilities for Maintaining Records About Individuals

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## 1. Federal Managers' Financial Integrity Act of 1982

- [31 USC 3512: Executive Agency Accounting and Other Financial Management Reports and Plan](#)
  - Requirements
    - (b) The head of each executive agency shall establish and maintain systems of accounting and internal controls that provide...
    - (c)(1) The head of each executive agency shall establish internal accounting and administrative controls that reasonably ensure...
    - (d)(2) By December 31 of each year, the head of each executive agency, based on an evaluation conducted according to guidelines prescribed under paragraph (1), shall prepare a statement on whether the systems of the agency comply with subsection (c) of this section, including:
      - (A) if the head of an executive agency decides the systems do not comply with subsection (c) of this section, a report identifying any material weakness in the systems and describing the plans and schedule for correcting the weakness; and
      - (B) A separate report on whether the accounting system of the agency conforms to the principles, standards and Requirements the Comptroller General prescribes under 31 USC 3511 (a).
    - Time for Report Submission:
      - December 31 of each year
- [OMB Circular A-123: Management's Responsibility for Internal Control](#)
  - Requirements:
    - A statement of management's assessment of the effectiveness of the agency's internal control over financial reporting as of June 30 of that fiscal year. The assurance statement is required to include the following: (Section V. Management's assurance statement)

## 2. Government Performance and Results Act, as amended

- [5 USC 306: Agency Strategic Plans](#)
  - Requirements:
    - (a) Not later than the first Monday in February of any year following the year in which the term of the President commences, the head of each agency shall make available on the public website of the agency a strategic plan and notify the President and Congress of its availability. Such plan shall contain...
    - (b) The strategic plan shall cover a period of not less than 4 years following the fiscal year in which the plan is submitted.
  - Required Recipients:
    - Publish on public website and notify President and Congress of availability.

- [31 USC 1115: Federal Government and agency performance plans](#)
  - Requirements:
    - (b) No later than the first Monday in February of each year, the head of each agency shall make available on a public website of the agency, and notify the President and Congress of its availability, a performance plan covering each program activity set forth in the budget of such agency. Such plan shall...
      - (10) identify low-priority program activities based on an analysis of their contribution to the mission and goals of the agency and include and evidence-based justification for designating a program activity as low priority.
  - Required Recipients:
    - Publish on public website and notify President and Congress of availability.
  
- [31 USC 1116: Agency Performance Reporting](#)
  - Requirements:
    - (a) The head of each agency shall make available on a public website of the agency and the OMB an update on agency performance.
    - (b)(1) Each update shall compare actual performance achieved with the performance goals established in the agency performance plan under section 1115b and shall occur no less than 150 days after the end of each fiscal year, with more frequent updates of actual performance on indicators that provide data of significant value to the Government, Congress, or program partners at a reasonable level of administrative burden.
  - Required Recipients:
    - Publish on public website and provide a copy to the Office of Management and Budget.
  
- [31 USC 1123: Agency chief operating officers](#)
  - Requirements:
    - (a) At each agency, the deputy head of agency, or equivalent, shall be the Chief Operating Officer of the agency. Each Chief Operating Officer shall be responsible for improving the management and performance of the agency, and shall...
  
- [31 USC 1124: Agency performance improvement officers](#)
  - Requirements:
    - (a)(1) The head of each agency, in consultation with the COO, shall designate a senior executive of the agency as the agency Performance Improvement Officer. Each PIO shall report directly to the COO. Each PIO shall...
  
- [31 USC 1125: Elimination of unnecessary agency reporting](#)
  - Requirements:
    - (a) Annually, based on guidance provided by the Director of OMB, the Chief Operating Officer at each agency shall compile a list that identifies all plans and reports the agency produces for Congress, in accordance with statutory Requirements or as directed in congressional reports and analyze the list compiled and refine the list to

include only the plans and reports identified to be outdated or duplicative...and provide a total count of plans a reports compiled to the Director of OMB.

- Time for Report Submission:
  - Annually, based on guidance provided by the Director of OMB
  
- [OMB Circular A-11, Part 6, Guidelines for plans](#)
  
- [OMB M-11-17: Delivering on the accountable government initiative and implementing the GPRA modernization act of 2010](#)
  - Requirements:
    - Designation of a Performance Improvement Officer. The agency head and COO, with the support of the PIO, are required to run data-driven progress reviews, at least quarterly, on the agency's near term Priority Goals.
  
- [OMB M-11-31: Delivering an efficient, effective, and accountable government](#)

### 3. Money and Finance/PL 97-258

- [31 USC 1108: Preparation and submission of appropriations requests to the President](#)
  - Requirements:
    - (b)(1) The head of each agency shall prepare and submit to the President each appropriation request for the agency.
  - Cross Reference
    - [19 USC 2232: Independent budget and authorization of appropriations](#)
  
- [31 USC 720: Agency Reports](#)
  - Requirements:
    - (b) When the Comptroller General makes a report that includes a recommendation to the head of an agency, the head of the agency shall submit a written statement on action taken on the recommendation by the head of the agency. The statement shall be submitted to the Committee on governmental affairs and the committee on government operations and the committees on appropriations
  
- [31 USC 3711: Collection and Compromise](#)
  - Requirements:
    - (e)(1) When trying to collect a claim of the Government under a law, the head of an agency shall disclose to a consumer reporting agency information from a system of records that a person is responsible.



- [31 USC 3717: Interest and penalty on claims](#)
  - Requirements:
    - (a)(1) The head of an executive, judicial, or legislative agency shall charge a minimum annual rate of interest on an outstanding debt on a US Government claim owed by a person that is equal to the ....
  
- [31 USC 3719: Reports on debt collection activities](#)
  - Requirements:
    - (a) In consultation with the Comptroller General of the United States, the Secretary of the Treasury shall prescribe regulations requiring the head of each agency with outstanding nontax claims to prepare and submit to the Secretary at least once each year a report summarizing the status of loans and accounts receivable that are managed by the head of the agency. The report shall contain...
  
- [31 USC 3720: Collection of payments](#)
  - Requirements:
    - (a) Each head of an executive agency (other than an agency subject to section 9 of the Act of May 18, 1933 ([48 Stat. 63](#), chapter 32; [16 U.S.C. 831h](#))) shall, under such regulations as the Secretary of the Treasury shall prescribe, provide for the timely deposit of money by officials and agents of such agency in accordance with section [3302](#), and for the collection and timely deposit of sums owed to such agency by the use of such procedures as withdrawals and deposits by electronic transfer of funds, automatic withdrawals from accounts at financial institutions, and a system under which financial institutions receive and deposit, on behalf of the executive agency, payments transmitted to post office lockboxes.
  
- [31 USC 3521: Audits by Agencies](#)
  - Requirements:
    - (a) Each account of an agency shall be audited administratively before being submitted to the Comptroller General.
    - (f) For each audited financial statement required under 3515, the person who audits the statement shall submit a report on the audit to the head of the agency and the Controller of the Office of Federal Financial Management. A report under this subsection shall be prepared in accordance with generally accepted government auditing standards.

#### 4. Public Buildings, Property, and Works/PL 107-217

- [40 USC 17503: Data Collection](#)
  - Requirements:

- (a) The head of each executive agency shall develop a system to identify, collect, and analyze data with respect to all costs (including obligations and outlays) the agency incurs in the operation, maintenance, acquisition, and disposition of motor vehicles, including vehicles owned or leased by the Federal Government and privately owned vehicles used for official purposes.
- [40 USC 17504: Agency statements with respect to motor vehicle use](#)
  - Requirements:
    - (a) The head of each executive agency shall include with the appropriation request the agency submits under section 1108 of title 31 for each fiscal year, a statement specifying the total motor vehicle acquisition...

## 5. The Accountability of Tax Dollars Act of 2002

- [31 USC 3515: Financial statements of agencies](#)
  - Requirements:
    - (a)(1) No later than March 1 of each year, the head of the agency shall prepare and submit to the Congress and the Director of OMB an audited financial statement for the preceding fiscal year, covering all accounts and associated activities of each office, bureau, and activity of the agency.
    - (b) Each audited financial statement of a covered executive agency shall reflect the overall financial position of the offices and activities covered by the statement, including assets and liabilities thereof; and the results of operations of those offices and activities.
    - Time for Report Submission:
      - No later than March 1 of each year.
- [OMB Bulletin No. 01-09: Form and Content of Financial Statements](#)
- [OMB A-136: Financial Requirements](#)

## 6. The Anti-Deficiency Act

- [31 USC 1351: Reports on violations](#)
  - Requirements:
    - If an officer or employee of an executive agency or an officer or employee of the District of Columbia government violates section [1341 \(a\)](#) or [1342](#) of this title, the head of the agency or the Mayor of the District of Columbia, as the case may be, shall report immediately to the President and Congress all relevant facts and a statement of actions taken. A copy of each report shall also be transmitted to the Comptroller General on the same date the report is transmitted to the President and Congress.
- [OMB Circular A-11: Preparation, Submission and Execution of the Budget](#)

- Requirements:
  - [Section 145: Requirements for Reporting Anti-deficiency Act Violations](#)
- [OMB M-05-09: Transmission of Anti-deficiency Act Violation Reports to the Comptroller General](#)
- [OMB M-13-10: Anti-deficiency Act implications of certain online terms of service agreements](#)
  - Requirements:
    - GSA guidance for reviewing terms of service for social media products and services

## 7. The Budget and Accounting Act

- [OMB Circular A-11: Preparation, Submission and Execution of the Budget](#)
  - Requirements:
    - [Policies, laws, and other general Requirements for budget estimates](#)
    - [Reports on unvouchered expenditures](#)
- [OMB Circular A-50: Audit Follow Up](#)
  - Requirements:
    - Section 7: Responsibilities
    - Section 8: Requirements
- [OMB M-14-07: FY 2016 Budget Guidance](#)

## 8. The Cash Management Improvement Act of 1990

- [31 USC 3335: Timely Disbursement of Federal Funds](#)
  - Requirements:
    - Each head of an executive agency shall, under such regulations as the Secretary of the Treasury shall prescribe, provide for the timely disbursement of Federal funds through cash, checks, electronic funds transfer, or any other means identified by the Secretary.

## 9. The Chief Financial Officers Act of 1990

- [31 USC 3515: Financial Statements of Agencies](#)
  - Requirements:
    - (a)(1) Except as provided in subsection (e), not later than March 1 of 2003 and each year thereafter, the head of each covered executive agency shall prepare and submit to the Congress and the Director of the Office of Management and Budget an audited financial statement for the preceding fiscal year, covering all accounts and associated activities of each office, bureau, and activity of the agency.
    - Time for Report Submission:
      - Not later than March 1 of each year

## 10. The Debt Collection Improvement Act of 1996

- [31 USC 3720D: Garnishment](#)
  - Requirements:
    - (a) Notwithstanding any provision of State law, the head of an executive, judicial, or legislative agency that administers a program that gives rise to a delinquent nontax debt owed to the United States by an individual may in accordance with this section garnish the disposable pay of the individual to collect the amount owed, if the individual is not currently making required repayment in accordance with any agreement between the agency head and the individual.
- [31 USC 3720E: Dissemination of information regarding identity of delinquent debtors](#)
  - Requirements:
    - (a) The head of any agency may, with the review of the Secretary of the Treasury, for the purpose of collecting any delinquent nontax debt owed by any person, publish or otherwise publicly disseminate information regarding the identity of the person and the existence of the nontax debt.
- [OMB M-04-10: Debt Collection Improvement Act Requirements](#)

## 11. The Economy Act of 1933

- [31 USC 1535: Agency Agreements](#)
  - Requirements:
    - (a) The head of an agency or major organizational unit within an agency may place an order with a major organizational unit within the same agency or another agency for goods or services if...

## 12. The Federal Funding Accountability and Transparency Act

- [OMB M-09-19: Guidance on Data Submission under FFATA](#)
- [OMB M-14-02: Guidance on Awards for FY 2014](#)
- [Executive Order No. 13589: Promoting Efficient Spending](#)
- [OMB M-12-12: Promoting efficient spending to support agency operations](#)

## 13. The Improper Payments Information Act of 2002, as amended by The Improper Payments Elimination and Recovery Act of 2010

- [Executive Order No. 13520: Reducing Improper Payments](#)

- Requirements:
  - At least once every quarter, the head of each agency shall submit to the agency's IG and the CIGIE, and make available to the public, a report on any high-dollar improper payments identified by the agency, subject to Federal privacy policies to the extent permitted by law.
  - Following the review of each report, the agency IG and the CIGIE shall assess the level of risk associated with the applicable program, determine the extent of oversight warranted, and provide the agency head with recommendations for modifying the agency's plans
  - Time for Report Submission:
    - At least once every quarter
- [Presidential Memorandum on Finding and Recapturing Improper Payments](#)
  - Requirements:
    - Expand use of Payment Recapture audits, to the extent permitted by law and where cost-effective
- [Presidential Memorandum on Enhancing Payment Accuracy Through a "Do Not Pay List"](#)
  - Requirements:
    - Review current pre-payment and pre-award procedures and ensure that a thorough review of available databases with relevant information on eligibility occurs before the release of any Federal funds, to the extent permitted by law.
- [OMB M-11-16: Issuance of revised parts I and II to Appendix C of OMB Circular A-123](#)
  - Requirements:
    - Identification and reporting of susceptible programs and activities (pg. 3)
    - Payment Recapture Audits (19)
    - Responsibilities of agency Inspectors General (29)
    - Responsibilities for Agencies (31)
- [OMB M-13-20: Protecting privacy while reducing improper payments with the DNP initiative](#)
  - Requirements:
    - Responsibilities of payment-issuing agencies (pg. 7)

#### 14. The Prompt Payment Act

- [31 USC 3902: Interest Penalties](#)
  - Requirements
    - (a) Under regulations prescribed under section [3903](#) of this title, the head of an agency acquiring property or service from a business concern, who does not pay the concern for each complete delivered item of property or service by the required payment date, shall pay an interest penalty to the concern on the amount of the payment due. The interest shall be computed at the rate of interest established by the Secretary of the Treasury, and published in the Federal Register, for interest payments under section [7109 \(a\)\(1\)](#) and (b) of title [41](#), which is in effect at the time the agency accrues the obligation to pay a late payment interest penalty.
  - Regulations:
    - [5 CFR 1315.3: Responsibilities](#)
    - [5 CFR 1315.4: Prompt payment standards and required notices to vendors](#)

- [31 USC 3903: Regulations](#)
- [31 USC 3904: Limitations on discount payments](#)
  - Requirements:
    - The head of an agency offered a discount by a business concern from an amount due under a contract for property or service in exchange for payment within a specified time may pay the discounted amount only if payment is made within the specified time. For the purpose of the preceding sentence, the specified time shall be determined from the date of the invoice. The head of the agency shall pay an interest penalty on an amount remaining unpaid in violation of this section. The penalty accrues as provided under sections [3902](#) and [3903](#) of this title, except that the required payment date for the unpaid amount is the last day specified in the contract that the discounted amount may be paid.
- [OMB M-12-16: Providing prompt payment to small business subcontractors \(extended by M-13-15\)](#)
  - Requirements:
    - With respect to small businesses that are subcontractors, agencies shall take steps, as outlined below and to the full extent permitted by law, to ensure that prime contractors disburse the funds that they receive from the Federal Government to their small business subcontractors in a prompt manner.

## 15. Trade Act of 1974

- [19 USC 2232: Independent Budget and Authorization of Appropriations](#)
  - Requirements:
    - Estimated expenditures and proposed appropriations for the United States International Trade Commission shall be transmitted to the President on or before October 15 of the year preceding the beginning of each fiscal year and shall be included by him in the Budget without revision, and the Commission shall not be considered to be a department or establishment for purposes of such chapter.
    - Time for Report Submission:
      - Before October 15 of the year preceding the beginning of each fiscal year.

## 16. The Reports Consolidation Act of 2000

- [31 USC 3516: Reports Consolidation](#)
  - Requirements:
    - (a)(1) With the concurrence of the Director of the Office of Management and Budget, the head of an executive agency may adjust the frequency and due dates of, and consolidate into an annual report to the President, the Director of the Office of Management and Budget, and Congress any statutorily required reports described in

paragraph (2). Such a consolidated report shall be submitted to the President, the Director of the Office of Management and Budget, and to appropriate committees and subcommittees of Congress not later than 150 days after the end of the agency's fiscal year.

## 17. Various Authorities

- [OMB Bulletin No. 14-02: Audit Requirements for Federal Financial Statements](#)
- [OMB Circular A-129: Policies for Federal Credit Programs and Non-Tax receivables](#)
- [OMB Circular A-136: Financial Requirements](#)
  - Requirements:
    - Performance and accountability report or agency financial report (pg. 10)
    - Interim financial statements (166)
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**Inspector General**

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## 1. Government Charge Card Abuse Prevention Act of 2012

- [OMB M-13-21: Implementation of the Government Charge Card Abuse Prevention Action of 2012](#)
  - Requirements:
    - Each agency with more than \$10 million in purchase card spending for the prior fiscal year is required to submit semi-annual reports of employee purchase or integrated card violations and the disposition of these violations, including disciplinary actions taken. To be prepared by the agency head and the IG for submission to OMB.
    - Each agency head shall provide an annual certification that the appropriate policies and controls are in place or that corrective actions have been taken to mitigate the risk of fraud and inappropriate charge card practices. Should be included as part of the existing annual assurance statement under the Federal Managers' Financial Integrity Act of 1982.
    - IGs will conduct periodic risk assessments of agency purchase cards, combined integrated card programs and travel card programs to analyze the risks of illegal, improper, and erroneous purchases.
    - Time for Report Submission:
      - Semi-annually
- [OMB A-123, Appendix B: Improving the Management of Government Charge Card Programs](#)

## 2. The Digital Accountability and Transparency Act of 2013

- [Section 6: Accountability for Federal funding](#)
  - Requirements
    - (1) IN GENERAL.—In accordance with paragraph (2), the Inspector General of each Federal agency, in consultation with the Comptroller General of the United States, shall—
      - (A) review a statistically valid sampling of the spending data submitted under this Act by the Federal agency; and
      - (B) submit to Congress and make publically available a report assessing the completeness, timeliness, quality, and accuracy of the data sampled and the implementation and use of data standards by the Federal agency.
    - (2) DEADLINES.—
      - (A) FIRST REPORT.—Not later than 18 months after the date on which the Director and the Secretary issue guidance to Federal agencies under section 4(c)(1), the Inspector General of each Federal agency shall submit and make publically available a report as described in paragraph (1).
      - (B) SUBSEQUENT REPORTS.—On the same date as the Inspector General of each Federal agency submits the second and fourth reports under sections

3521(f) and 9105(a)(3) of title 31, United States Code, that are submitted after the report under subparagraph (A), the Inspector General shall submit and make publically available a report as described in paragraph (1). The report submitted under this subparagraph may be submitted as a part of the report submitted under section 3521(f) or 9105(a) (3) of title 31, United States Code.

### 3. The Inspector General Act of 1978

- [5 USC App. 3 § 4: Duties and responsibilities; report of criminal violations to Attorney General](#)
  - Requirements:
    - (a) It shall be the duty and responsibility of each Inspector General, with respect to the establishment within which his Office is established...
    - (c) In carrying out the duties and responsibilities established under this Act, each Inspector General shall give particular regard to the activities of the Comptroller General of the United States with a view toward avoiding duplication and insuring effective coordination and cooperation.
    - (d) In carrying out the duties and responsibilities established under this Act, each Inspector General shall report expeditiously to the Attorney General whenever the Inspector General has reasonable grounds to believe there has been a violation of Federal criminal law.
- [5 USC App. 3 § 5: Semiannual reports](#)
  - Requirements:
    - Each IG shall, not later than April 30 and October 31 of each year, prepare semiannual reports summarizing the activities of the Office during the immediately preceding six-month periods.
    - Each IG shall report immediately to the head of the establishment involved whenever the IG becomes aware of particularly serious or flagrant problems, abuses, or deficiencies relating to the administration of programs and operations of such establishment.
    - Time for Report Submission:
      - April 30 and October 31 of each year
- [5 USC App. 3 § 6: Authority of Inspector General](#)
  - Requirements:
    - For each fiscal year, an IG shall transmit a budget estimate and request to the head of the establishment or designated Federal entity to which the IG reports.
- [5 USC App. 3 8G: Requirements for Federal entities and designated Federal entities](#)
  - Requirements:

- Beginning on October 31, 1989, and on October 31 of each succeeding calendar year, the head of each Federal entity (as defined under subsection (a) of this section) shall prepare and transmit to the Director of the Office of Management and Budget and to each House of the Congress a report which...
- Time for Report Submission:
  - October 31 of each year
- [5 USC App. 3 § 8M: Information on websites of offices of Inspectors General](#)
  - Requirements:
    - (b)(1)(A) The IG of each agency shall not later than 3 days after any report or audit (or portion of any report or audit) is made publicly available, post that report or audit (or portion of that report or audit) on the website of the Office of Inspector General

**Personnel**

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## 1. Age Discrimination Act of 1975

- [42 USC 6106a: Reports to the Secretary and Congress](#)
  - Requirements:
    - (a) Not later than December 31 of each year (beginning in 1979), the head of each Federal department or agency shall submit to the Secretary of Health and Human Services a report (1) describing in detail the steps taken during the preceding fiscal year by such department or agency to carry out the provisions of section 6102 of this title; and (2) containing specific data about program participants or beneficiaries, by age, sufficient to permit analysis of how well the department or agency is carrying out the provisions of section 6102 of this title.
    - Time for Report Submission:
      - Not later than December 31 of each year
  - Regulations:
    - [15 CFR 90.34: Agency Reports](#)

## 2. Civil Rights Act of 1964, Title VII

- [42 USC 2000e-2: Unlawful Employment Practices](#)
  - Follow link for more information
- [42 USC 2000e-8: Investigations](#)
  - Requirements:
    - (c)(1) Every employer subject to this subchapter shall make and keep such records relevant to the determinations of whether unlawful employment practices have been or are being committed,
    - (c)(2) preserve such records for such periods, and
    - (c)(3) make such reports therefrom as the Commission shall prescribe by regulation or order, after public hearing, as reasonable, necessary, or appropriate for the enforcement of this subchapter or the regulations or orders thereunder.
  - Regulations:
    - [29 CFR 1602.7: Requirements for filing of report](#)
- [42 USC 2000e-16: Employment by Federal Government](#)
  - Requirements:
    - (a) All personnel actions affecting employees or applicants for employment (except with regard to aliens employed outside the limits of the United States) in military departments as defined in section [102](#) of title [5](#), in executive agencies as defined in section [105](#) of title [5](#) (including employees and applicants for employment who are paid from non-appropriated funds), in the United States Postal Service and the Postal Regulatory Commission, in those units of the Government of the District of Columbia having positions in the competitive service, and in those units of the judicial branch of

the Federal Government having positions in the competitive service, in the Smithsonian Institution, and in the Government Printing Office, the Government Accountability Office, and the Library of Congress shall be made free from any discrimination based on race, color, religion, sex, or national origin.

- Regulations:
  - [29 CFR 1614.102: Agency Program](#)
  - [29 CFR 1614.104: Agency Processing](#)
  - [29 CFR 1614.602: Reports to the Commission](#)
  - [29 CFR 1614.704: Information to be posted](#)
  - [29 CFR 1614.705: Comparative Data](#)

### 3. Civil Service Reform Act of 1978

- [5 USC 1101: Office of Personnel Management](#)
  - Regulations:
    - [5 CFR 250.203: Agency Responsibilities](#)
    - [5 CFR 250.303: Availability of Results](#)
- [5 USC 2301: Merit Systems Principles](#)
  - Requirements:
    - Federal personnel management should be implemented consistent with the following merit systems principles:
- [5 USC 3109: Employment of experts and consultants; temporary or intermittent](#)
  - Requirements:
    - (b) When authorized by an appropriation or other statute, the head of an agency may procure by contract the temporary (not in excess of 1 year) or intermittent services of experts or consultants or an organization thereof, including stenographic reporting services.
    - (e) Each agency shall report to the Office of Personnel Management on an annual basis with respect to:
      - (1) the number of days each expert or consultant employed by the agency during the period was so employed; and
      - (2) the total amount paid by the agency to each expert and consultant for such work during the period.
  - Regulations:
    - [5 CFR 304.107: Reports](#)
- [5 USC 3133: Authorization of positions; authority for appointment](#)
  - Requirements:
    - (a) During each even-numbered calendar year, each agency shall—

- (1) examine its needs for Senior Executive Service positions for each of the 2 fiscal years beginning after such calendar year; and
    - (2) submit to the Office of Personnel Management a written request for a specific number of Senior Executive Service positions for each of such fiscal years.
- [5 USC 3134: Limitations on non-career and limited appointments](#)
  - Requirements:
    - (a) During each calendar year, each agency shall—
      - (1) examine its needs for employment of noncareer appointees for the fiscal year beginning in the following year; and
      - (2) submit to the Office of Personnel Management, in accordance with regulations prescribed by the Office, a written request for authority to employ a specific number of noncareer appointees for such fiscal year.
- [5 USC 3327: Civil service employment information](#)
  - Requirements:
    - (b) Subject to such regulations as the Office may issue, each agency shall promptly notify the Office and the employment offices of the United States Employment Service of
      - (1) each vacant position in the agency which is in the competitive service or the Senior Executive Service and for which the agency seeks applications from persons outside the Federal service, and
      - (2) the period during which applications will be accepted.
- [5 USC 3392: General appointment provisions](#)
  - Requirements:
    - (a) Qualification standards shall be established by the head of each agency for each Senior Executive Service position in the agency:
      - (1) in accordance with Requirements established by the Office of Personnel Management, with respect to standards for career reserved positions, and
      - (2) after consultation with the Office, with respect to standards for general positions.
- [5 USC 3393: Career appointments](#)
  - Requirements:
    - (a) Each agency shall establish a recruitment program, in accordance with guidelines which shall be issued by the Office of Personnel Management, which provides for recruitment of career appointees from:
      - (1) all groups of qualified individuals within the civil service; or
      - (2) all groups of qualified individuals whether or not within the civil service.





consultation with the senior executive and communicated to the senior executive;

- (2) that written appraisals of performance are based on the individual and organizational performance Requirements established for the rating period involved; and
  - (3) that each senior executive in the agency is provided a copy of the appraisal and rating under section [4314](#) of this title and is given an opportunity to respond in writing and have the rating reviewed by an employee, or (with the consent of the senior executive) a commissioned officer in the uniformed services serving on active duty, in a higher level in the agency before the rating becomes final.
- [5 USC 4314: Ratings for performance appraisals](#)
    - Requirements:
      - (c)(1) Each agency shall establish, in accordance with regulations prescribed by the Office, one or more performance review boards, as appropriate. It is the function of the boards to make recommendations to the appropriate appointing authority of the agency relating to the performance of senior executives in the agency.
  - [5 USC 4507: Awarding of ranks in the Senior Executive Staff](#)
    - Requirements:
      - (b) Each agency shall submit annually to the Office recommendations of career appointees in the agency to be awarded the rank of Meritorious Executive or Distinguished Executive. The recommendations may take into account the individual's performance over a period of years. The Office shall review such recommendations and provide to the President recommendations as to which of the agency recommended appointees should receive such rank.
  - [5 USC 7201: Antidiscrimination policy: minority recruitment program](#)
    - Requirements:
      - (c) The Office of Personnel Management shall, by regulation, implement a minority recruitment program which shall provide, to the maximum extent practicable—
        - (1) that each Executive agency conduct a continuing program for the recruitment of members of minorities for positions in the agency to carry out the policy set forth in subsection (b) in a manner designed to eliminate underrepresentation of minorities in the various categories of civil service employment within the Federal service, with special efforts directed at recruiting in minority communities, in educational institutions, and from other sources from which minorities can be recruited
    - Regulations:
      - [5 CFR 720.101: Federal equal opportunity recruitment program](#)
      - [5 CFR 720.204: Agency Programs](#)
      - [5 CFR 720.205: Agency Plans](#)

- [5 CFR 720.207: Reports](#)
- [5 CFR 720.304: Agency Plan](#)
- [EO 13197: Government-wide accountability for Merit System Principles; Workforce Information](#)
  - Regulations:
    - [5 CFR 9.2: Reporting workforce information](#)

#### 4. Davis-Bacon Act

- [40 USC 3142: Rate of Wages](#)
  - Regulations
    - [29 CFR 5.7: Reports to the Secretary of Labor](#)
- [OMB M-14-09: Implementation of the President's Executive Order Establishing a Minimum Wage for Contractors](#)
  - Requirements:
    - Implementation of Executive Order 13658: A minimum wage for workers of \$10.10 should be included in agency solicitations for covered Federal contracts or contract-like instruments.

#### 5. Federal Workforce Flexibility Act of 2004

- [5 USC 5753: Recruitment and relocation bonuses](#)
  - Requirements:
    - (f) The Office shall require that an agency establish a plan for the payment of recruitment bonuses before paying any such bonuses, and a plan for the payment of relocation bonuses before paying any such bonuses, subject to regulations prescribed by the Office.
  - Regulations:
    - [5 CFR 575.107: Agency recruitment incentive plan and approval levels](#)
    - [5 CFR 575.112: Internal monitoring Requirements and revocation or suspension of authority](#)
    - [5 CFR 575.113: Records and Reports](#)
- [5 USC 5754: Retention Bonuses](#)
  - Requirements:
    - (c) The Office may authorize the head of an agency to pay retention bonuses to a group of employees in 1 or more categories of positions in 1 or more geographic areas, subject to the Requirements of subsection (b) (1) and regulations prescribed by the Office, if there is a high risk that a significant portion of employees in the group would be likely to leave in the absence of retention bonuses.

- (f) Upon the request of the head of an agency, the Office may waive the limit established under subsection (e)(1) and permit the agency head to pay an otherwise eligible employee or category of employees retention bonuses of up to 50 percent of basic pay, based on a critical agency need.
- (g) The Office shall require that, before paying any bonuses under this section, an agency shall establish a plan for the payment of any such bonuses, subject to regulations prescribed by the Office.

## 6. Government Organization and Employees/PL 89-554

- [5 USC 1104: Delegation of authority for personnel management](#)
  - Regulations:
    - [5 CFR 575.213: Records and reports](#)
    - [5 CFR 575.313: Records and reports](#)
    - [5 CFR 575.515: Required records and reports](#)
- [5 USC 3301: Civil service; generally](#)
  - Regulations:
    - [5 CFR 930.114: Reports Required](#)
- [5 USC 5115: Regulations for classification](#)
  - Regulations:
    - [5 CFR 531.413: Reports and evaluation of within-grade increase authority](#)
- [5 USC 5707: Regulations and Reports for travel and subsistence expenses](#)
  - Regulations:
    - [41 CFR 300-70.1: Requirements for reporting payments for employee travel and relocation](#)
    - [71 CFR 300-70, Subpart B: Requirements to report use of other than coach-class transportation accommodations](#)
- [5 USC 6311: Regulations for annual sick leave](#)
  - Regulations:
    - [5 CFR 630.913: Records and reports](#)
    - [5 CFR 630.1003: Establishing leva banks and leave bank boards](#)
    - [5 CFR 630.1213: Records and reports](#)
    - [5 CFR 630.1309: Records and reports](#)
- [5 USC 7902: Safety Programs](#)
  - Requirements:
    - (d) The head of each agency shall develop and support organized safety promotion to reduce accidents and injuries among employees of his agency, encourage safe practices, and eliminate work hazards and health risks.
    - (e)(1) Each agency shall keep a record of injuries and accidents to its employees whether or not they result in loss of time or in the payment or furnishing of benefits; and

- (e)(1) make such statistical or other reports on such forms as the Secretary may prescribe by regulation.
  - Regulations:
    - [29 CFR 1960.79: Self-evaluations of occupational safety and health programs](#)

## 7. Homeland Security Act of 2002

- [5 USC 1401: Establishment of agency Chief Human Capital Officers](#)
  - Requirements:
    - The head of each agency referred to under paragraphs (1) and (2) of section [901 \(b\)](#) of title [31](#) shall appoint or designate a Chief Human Capital Officer, who shall
      - (1) advise and assist the head of the agency and other agency officials in carrying out the agency’s responsibilities for selecting, developing, training, and managing a high-quality, productive workforce in accordance with merit system principles;
      - (2) implement the rules and regulations of the President and the Office of Personnel Management and the laws governing the civil service within the agency; and
      - (3) carry out such functions as the primary duty of the Chief Human Capital Officer.
- [5 USC 1402: Authority and functions of agency Chief Human Capital Officers](#)
  - Requirements:
    - (a) The functions of each Chief Human Capital Officer shall include—
      - (1) setting the workforce development strategy of the agency;
      - (2) assessing workforce characteristics and future needs based on the agency’s mission and strategic plan;
      - (3) aligning the agency’s human resources policies and programs with organization mission, strategic goals, and performance outcomes;
      - (4) developing and advocating a culture of continuous learning to attract and retain employees with superior abilities;
      - (5) identifying best practices and benchmarking studies, [\[1\]](#) and
      - (6) applying methods for measuring intellectual capital and identifying links of that capital to organizational performance and growth.

## 8. National Defense Authorization Act for 1991

- [5 USC 5379: Student Loan Repayments](#)

- Requirements:
  - (b)(1) The head of an agency may, in order to recruit or retain highly qualified personnel, establish a program under which the agency may agree to repay (by direct payments on behalf of the employee) any student loan previously taken out by such employee.
  - (e) In selecting employees to receive benefits under this section, an agency shall, consistent with the merit system principles set forth in paragraphs (1) and (2) of section [2301 \(b\)](#) of this title, take into consideration the need to maintain a balanced workforce in which women and members of racial and ethnic minority groups are appropriately represented in Government service.
  - (h)(1) Each head of an agency shall maintain, and annually submit to the Director of the Office of Personnel Management, information with respect to the agency on
    - (A) the number of Federal employees selected to receive benefits under this section;
    - (B) the job classifications for the recipients; and
    - (C) the cost to the Federal Government of providing the benefits.
- Regulations:
  - [5 CFR 537.110: Records and Reports](#)

## 9. Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002

- [5 USC 2301 Note, section 203](#)
  - Requirements:
    - Subject to subsection (b), not later than 180 days after the end of each fiscal year, each Federal agency shall submit to the Speaker of the House of Representatives, the President pro tempore of the Senate, the Committee on Governmental Affairs of the Senate, the Committee on Government Reform of the House of Representatives, each committee of Congress with jurisdiction relating to the agency, the Equal Employment Opportunity Commission, and the Attorney General an annual report which shall include, with respect to the fiscal year.
  - Time for Report Submission:
    - Not later than 180 days after the end of each fiscal year
  - Regulation:
    - [5 CFR 724.302: Reporting Obligations](#)
- [5 USC 2301 Note, section 301](#)
  - Requirements:
    - Data to be posted by employing federal agencies
  - Regulation
    - [29 CFR 1614.704: Information to be posted](#)

## 10. Rehabilitation Act of 1973

- [29 USC 794: Nondiscrimination under Federal grants and programs](#)
  - Requirements:
    - (a) No otherwise qualified individual with a disability in the United States, as defined in section [705 \(20\)](#) of this title, shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance or under any program or activity conducted by any Executive agency or by the United States Postal Service. The head of each such agency shall promulgate such regulations as may be necessary to carry out the amendments to this section made by the Rehabilitation, Comprehensive Services, and Developmental Disabilities Act of 1978. Copies of any proposed regulation shall be submitted to appropriate authorizing committees of the Congress, and such regulation may take effect no earlier than the thirtieth day after the date on which such regulation is so submitted to such committees.
  - Regulations:
    - [19 CFR 201.150: Program accessibility: Existing facilities](#)
    - [19 CFR 201.160: Communications](#)
- [29 USC 791: Employment of individuals with disabilities](#)
  - Requirements:
    - (b) Each department, agency, and instrumentality (including the United States Postal Service and the Postal Regulatory Commission) in the executive branch and the Smithsonian Institution shall, within one hundred and eighty days after September 26, 1973, submit to the Commission and to the Committee an action program plan for the hiring, placement, and advancement of individuals with disabilities in such department, agency, instrumentality, or Institution. Such plan shall include a description of the extent to which and methods whereby the special needs of employees who are individuals with disabilities are being met. Such plan shall be updated annually, and shall be reviewed annually and approved by the Commission, if the Commission determines, after consultation with the Committee, that such plan provides sufficient assurances, procedures and commitments to provide adequate hiring, placement, and advancement opportunities for individuals with disabilities.
  - Regulations:
    - [5 CFR 720.304: Agency Plan](#)
    - [5 CFR 720.305: Agency accomplishment reports](#)

## 11. Telework Enhancement Act

- [5 USC 6504: Policy and Support](#)

- Requirements:
  - (a) Each executive agency shall consult with the Office of Personnel Management in developing telework policies.
- [OMB M-11-27: Implementing the Telework Enhancement Act of 2010: Security Guidelines](#)
  - Requirements:
    - Agencies are expected to implement security telework policies to best suit their unique needs. At a minimum, agency policies must comply with FISMA Requirements and address the following...(pg. 2)

## 12. The Fair Labor Standards Act

- [29 USC 211: Collection of Data](#)
  - Requirements:
    - (c) Every employer subject to any provision of this chapter or of any order issued under this chapter shall make, keep, and preserve such records of the persons employed by him and of the wages, hours, and other conditions and practices of employment maintained by him, and shall preserve such records for such periods of time, and shall make such reports therefrom to the Administrator as he shall prescribe by regulation or order as necessary or appropriate for the enforcement of the provisions of this chapter or the regulations or orders thereunder. The employer of an employee who performs substitute work described in section [207 \(p\) \(3\)](#) of this title may not be required under this subsection to keep a record of the hours of the substitute work.

## 13. The Federal Employees Clean Air Incentives Act

- [5 USC 7905: Programs to encourage commuting by means other than single-occupancy motor vehicles](#)
  - Requirements:
    - (b)(1) The head of each agency may establish a program to encourage employees of such agency to use means other than single-occupancy motor vehicles to commute to or from work.
    - (d)(3) The agency shall submit to the President and the Congress, before January 1, 1995, and at least every 2 years thereafter, a written report on the operation of this section.
    - Time for Report Submission:
      - Every two years.

## 14. The Federal Employees Compensation Act



- [5 USC 8120: Report of injury](#)
  - Requirements:
    - Immediately after an injury to an employee which results in his death or probable disability, his immediate superior shall report to the Secretary of Labor.

15. The Federal Employees Group Life Insurance Act

16. The Federal Employees Health Benefits Act

- [5 USC 8910: Studies, reports, and audits](#)
  - Requirements
    - (c) Each Government agency shall keep such records, make such certifications, and furnish the Office with such information and reports as may be necessary to enable the Office to carry out its functions under this chapter.

17. The Intergovernmental Personnel Act of 1970

- [5 USC 3376: Regulations](#)
  - Regulations:
    - [5 CFR 334.108: Reports required](#)

18. The Occupational Safety and Health Act

- [29 USC 668: Programs of Federal Agencies](#)
  - Requirements:
    - (a) It shall be the responsibility of the head of each Federal agency (not including the United States Postal Service) to establish and maintain an effective and comprehensive occupational safety and health program which is consistent with the standards promulgated under section [655](#) of this title. The head of each agency shall...
    - (a)(5) The head of each agency shall make an annual report to the Secretary with respect to occupational accidents and injuries and the agency's program under this section. Such report shall include any report submitted under section [7902 \(e\) \(2\)](#) of title [5](#).
  - Regulations:
    - [29 CFR 1960.66: Purpose, scope and general provisions](#)
    - [29 CFR 1960.71: Agency Annual Reports](#)
- [29 USC 654: Duties of employers and employees](#)
  - Requirements:

- (a)(1) Each employer shall furnish to each of his employees employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to his employees;
  - (a)(2) shall comply with occupational safety and health standards promulgated under this chapter
- [29 USC 657: Inspections, investigations, and recordkeeping](#)
  - Requirements:
    - (c)(1) Each employer shall make, keep and preserve, and make available to the Secretary or the Secretary of Health and Human Services, such records regarding his activities relating to this chapter as the Secretary, in cooperation with the Secretary of Health and Human Services, may prescribe by regulation as necessary or appropriate for the enforcement of this chapter or for developing information regarding the causes and prevention of occupational accidents and illnesses. In order to carry out the provisions of this paragraph such regulations may include provisions requiring employers to conduct periodic inspections. The Secretary shall also issue regulations requiring that employers, through posting of notices or other appropriate means, keep their employees informed of their protections and obligations under this chapter, including the provisions of applicable standards.

## 19. Various Authorities

- Homeland Security Presidential Directive 12
  - [OMB M-07-06: Validating and Monitoring Agency Issuance of Personal Identity Verification Credentials](#)
- EO 13381: Strengthening Processes Relating to Determining Eligibility for Access to Classified National Security Information
  - [Reciprocal Recognition of Existing Personnel Security Clearances](#)
- Federal Travel Regulation
  - [Chapter 300: General](#)
  - [Chapter 301: Temporary Duty Travel Allowances](#)
  - [Chapter 302: Relocation Allowances](#)
  - [Chapter 303: Payment Connected with Death](#)
  - [Chapter 304: Payment of Travel Expenses from a Non-Federal Source](#)
- EEOC Form 462
  - [Annual Federal Equal Employment Opportunity Statistical Report of Discrimination Complaints](#)
- The Agencies Generally

- [5 USC 3319: Alternative ranking and selection procedures](#)
  - Requirements:
    - (a) An agency may establish category rating systems for evaluating applicants for positions in the competitive service.
    - (d) Each agency that establishes a category rating system under this section shall submit in each of the 3 years following that establishment a report to Congress on that system including information on...
    - Time for Report Submission
      - Every 3 years.
  - Regulations:
    - [5 CFR 337.305: Requirements](#)

## 20. Vietnam Era Veterans' Readjustment Assistance Act of 1974

- [38 USC 4214: Employment within the federal government](#)
  - Requirements:
    - (c) Each agency shall include in its affirmative action plan for the hiring, placement, and advancement of handicapped individuals in such agency as required by section 501(b) of the Rehabilitation Act of 1973 ([29 U.S.C. 791 \(b\)](#)), a separate specification of plans (in accordance with regulations which the Office of Personnel Management shall prescribe in consultation with the Secretary, the Secretary of Labor, and the Secretary of Health and Human Services, consistent with the purposes, provisions, and priorities of such Act) to promote and carry out such affirmative action with respect to disabled veterans in order to achieve the purpose of this section.
- [EO 13548: Increasing Federal Employment of Individuals with Disabilities](#)

**Ethics**

1. ADMINISTRATIVE DISPUTE RESOLUTION ACT..... 67

2. ADMINISTRATIVE PROCEDURE ACT..... 67

3. DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT ..... 67

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5. ETHICS REFORM ACT OF 1989 ..... 68

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## 1. Administrative Dispute Resolution Act

- [28 USC 2672: Administrative Adjustment of Claims](#)
- [28 USC 2673: Reports to Congress](#)
  - Requirements
    - The head of each federal agency shall report annually to Congress all claims paid by it under section [2672](#) of this title, stating the name of each claimant, the amount claimed, the amount awarded, and a brief description of the claim.
    - Time for Report Submission:
      - Annually

## 2. Administrative Procedure Act

- [5 USC 557: Ex Parte Communications](#)
  - Requirements:
    - (d) A member of the body comprising the agency, administrative law judge, or other employee who is or may reasonably be expected to be involved in the decisional process of such proceeding who receives, or who makes or knowingly causes to be made, a communication prohibited by this subsection shall place on the public record of the proceeding: all such written communications...

## 3. Department of the Interior and Related Agencies Appropriations Act

- [31 USC 1352: Limitation on use of appropriated funds to influence certain Federal contracting and financial transactions](#)
  - Requirements:
    - (a)(1) None of the funds appropriated by any act may be expended by the recipient of a Federal contract, grant, loan or cooperative agreement to pay any person for influencing or attempting to influence an officer or employee of any agency.
  - Regulations:
    - [15 CFR 28.600: Semi-annual compilation](#)
    - [15 CFR 28.605: Inspector General Report](#)

## 4. Ethics in Government Act of 1978

- [5 USC App. 4 § 106: Review of Reports](#)
  - Requirements:

- (a)(1) Each designated agency ethics official or Secretary concerned shall make provisions to ensure that each report filed with him under this title is reviewed within 60 days after the date of such filing.
    - Regulations:
      - [19 CFR 200.735-103: Counseling Service](#)
- [5 USC App. 4 Section 402: Authority and Functions](#)
  - Requirements:
    - (e)(1) Each executive agency shall be required to submit to OPM an annual report containing a description and evaluation of the agency's ethics program and the position title and duties of...and any other information that the Director may require in order to carry out the responsibilities of the Director.
    - (e)(2) Each agency shall be required to inform the Director upon referral of any alleged violation of Federal Conflict of Interest law to the Attorney General.
    - Time for Report Submission:
      - On or before February 1 of each year
  - Regulations:
    - [5 CFR 2638.602: Annual Agency Reports](#)
    - [5 CFR 2638.603: Reports of referral for possible prosecution](#)
- [5 USC App. 4 § 105: Custody of and access to reports](#)
  - Requirements:
    - (a) Each agency shall make available to the public each financial disclosure report. Each agency shall, within 30 days after any report is received under this title by such agency , permit inspection of such report by or furnish a copy of such report to any person requesting such inspection or copy
  - Regulations:
    - [5 CFR 2634.604: Custody of and denial of public access to confidential reports](#)
    - [5 CFR 2634.701: Failure to file or falsifying reports](#)

## 5. Ethics Reform Act of 1989

- [31 USC 1353: Acceptance of travel and related expenses from non-Federal sources](#)
  - Requirements:
    - The head of each agency shall submit to the Director of OGE reports of payments of more than \$250 accepted under this section with respect to employees of the agency.
  - Regulations:
    - [41 CFR 304-6B: Payment guidelines reports](#)
    - [41 CFR 304-6C: Payment guidelines valuation](#)

## 6. Foreign Relations Authorization Act

- [5 USC 7342: Receipt and disposition of foreign gifts and decorations](#)
  - Requirements:
    - (f)(1) Not later than January 31 of each year, each agency shall compile a listing of all statements filed during the preceding year by the employees of the agency and shall transmit such listing to the SOS who shall publish a comprehensive listing of all such statements in the Federal Register.
    - Time for Report Submission:
      - Not later than January 31 of each year.

**Procurement**

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## 1. Consolidated Appropriations Act, 2004

- [PL 108-199, Div F, Title VI section 647](#)
  - Requirements:
    - (b) Not later than 120 days following the enactment of this Act and not later than December 31 of each year thereafter, the head of each executive agency shall submit to Congress a report on the competitive sourcing activities on the list required under the Federal Activities Inventory Reform Act of 1998 (Public Law 105–270; 31 U.S.C. 501 note) that were performed for such executive agency during the previous fiscal year by Federal Government sources. The report shall include...
  - Time for Report Submission:
    - By December 31 of each year.

## 2. Consolidated Appropriations Act, 2010

- [PL 111-117, Div C section 743](#)
  - Requirements:
    - Not later than December 31, 2010, and annually thereafter, the head of each executive agency required to submit an inventory in accordance with the Federal Activities Inventory Reform Act of 1998 (Public Law 105-270; 31 U.S.C. 501 note), other than the Department of Defense, shall submit to the Office of Management and Budget an annual inventory of service contracts awarded or extended through the exercise of an option on or after April 1, 2010, for or on behalf of such agency. For each service contract, the entry for an inventory under this section shall include, for the preceding fiscal year, the following:
  - Time for Report Submission:
    - December 31 of each year.

## 3. Energy Policy Act of 1992

- [OMB M-12-21: Addendum to OMB M-98-13 on federal use of Energy Savings Performance Contracts and Utility Energy Service Contracts](#)
  - Requirements:
    - Sets forth the conditions under which the budget costs of ESPCs and UESCs may be scored on an annual basis during the term of the contract, rather than to have these costs be fully scored up front to the fiscal year of the contract

## 4. Office of Federal Procurement Policy Act

- [OMB Circular A-76: Performance of Commercial Activities](#)
  - Requirements:

- By June 30 of each year, an agency shall submit to OMB an inventory of commercial activities performed by government personnel; an inventory of inherently governmental activities and an inventory summary report
  - Time for Report Submission:
    - By June 30 of each year.
- [OMB M-08-13: Update to civilian position full fringe benefit cost factor, federal pay raise assumptions, and inflation factors used in A-76](#)
- [PL 105-270, Section 2: Annual lists of government activities not inherently governmental in nature](#)
  - Requirements:
    - (a) Not later than the end of the third quarter of each fiscal year, the head of each executive agency shall submit to the Director of the Office of Management and Budget a list of activities performed by Federal Government sources for the executive agency that, in the judgment of the head of the executive agency, are not inherently governmental functions. The entry for an activity on the list shall include the following:
      - 1) The fiscal year for which the activity first appeared on a list prepared under this section.
      - (2) The number of full-time employees (or its equivalent) that is necessary for the performance of the activity by a Federal Government source.
      - (3) The name of a Federal Government employee responsible for the activity from whom
    - Time for Report Submission:
      - Not later than the third quarter of each fiscal year.

## 5. Office of Federal Procurement Policy Reauthorization Act

- [Federal Acquisition Regulation](#)
  - Requirements:
    - Part 3.3: Reports of suspected antitrust violations
    - Part 4.6: Contract reporting
    - Part 4.14: Reporting executive compensation and first-tier subcontract awards
- [GSA Acquisition Manual](#)
  - Requirements:
    - 503.3: Reports of suspected antitrust violations
    - 504.6: Contract Reporting
    - 542.11: Product surveillance and reporting
- [Federal Management Regulation](#)

## 6. Public Building, Property and Works/PL 107-217

- [40 USC 121: Administrative](#)
  - Requirements:
    - (c)(2) The Administrator shall prescribe regulations that the Administrator considers necessary to carry out the Administrator's functions under this subtitle and the head of each executive agency shall issue orders and directives that the agency head considers necessary to carry out the regulations.
  - Regulations:
    - [48 CFR 1.301: Policy](#)
    - [48 CFR 1.303: Publication and codification](#)
    - [48 CFR 1.304: Agency control and compliance procedures](#)
  
- [40 USC 503: Exchange or Sale of Similar items](#)
  - Requirements:
    - (a) In acquiring personal property, an executive agency may exchange or sell similar items and may apply the exchange allowance or proceeds of sale in whole or in part payment for the property acquired.
  - Regulations:
    - [41 CFR 102-34.335: Submitting information to GSA for the Federal Fleet Report](#)
    - [41 CFR 102-74.200: Reporting to the Department of Energy](#)
    - [41 CFR 102-36.300: Report on the furnishing of personal property to non-federal recipients](#)
    - [41 102-39.85: Required information to report](#)
  
- [40 USC 529: Annual executive agency reports on excess personal property](#)
  - Requirements:
    - (a) During the calendar quarter following the close of each fiscal year, each executive agency shall submit to the Administrator of General Services a report on personal property
      - (1) obtained as
        - (A) excess property; or
        - (B) personal property determined to be no longer required for the purpose of the appropriation used to make the purchase; and
      - (2) furnished within the United States to a recipient other than a federal agency.
    - Time for Report Submission:
      - The quarter following the close of each fiscal year.
  - Regulations:

- [41 CFR 102-36.215: Reporting excess personal property](#)
- [41 CFR 102-36.295: Reporting the disposition of excess personal property](#)
- [41 CFR 102-38.115: Requirements for negotiated sales](#)
- [GSA FMR Bulletin B-27: Annual Executive Agency Reports on Excess and Exchange/Sale Personal Property](#)

## 7. Public Contracts/PL 111-350

- [OMB Circular A-131: Value Engineering\\*](#)
  - Requirements:
    - Each CFO act agency shall report the fiscal year results of using VE annually to OMB administrator for federal procurement policy.
    - Agencies subject to the CFO act of 1990 shall designate a senior accountable official to coordinate, oversee, and ensure the appropriate consideration and use of Value Engineering. Senior account official responsibilities shall include the following...
    - Time for Report Submission:
      - December 31 of each year.

## 8. Small Business Act

- [15 USC 644: Awards or Contracts](#)
  - Requirements:
    - (c)(5) Each agency and department having procurement powers shall report to the Office of Federal Procurement Policy each time a contract subject to paragraph (2)(A) is entered into, and shall include in its report the amount of the next higher bid submitted by a for-profit small business concern. The Office of Federal Procurement Policy shall collect data reported under the preceding sentence through the Federal procurement data system and shall report to the Administration which shall notify all such agencies and departments when the maximum amount of awards authorized under paragraph (2)(A) has been made during any fiscal year.
    - (h)(1) At the conclusion of each fiscal year, the head of each Federal agency shall submit to the Administrator a report describing...
  - Time for Report Submission:
    - At the end of each fiscal year.

## 9. Various Authorities

- [OMB M-07-18: Ensuring new acquisitions include common security configurations](#)
  - Requirements:

- Recommended language for agency to use in solicitations to ensure new acquisitions include common security configurations and information technology providers certify their products operate effectively using the configurations

# U.S. International Trade Commission

## Evaluation Report

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### Objective, Methodology, and Scope

#### Objective:

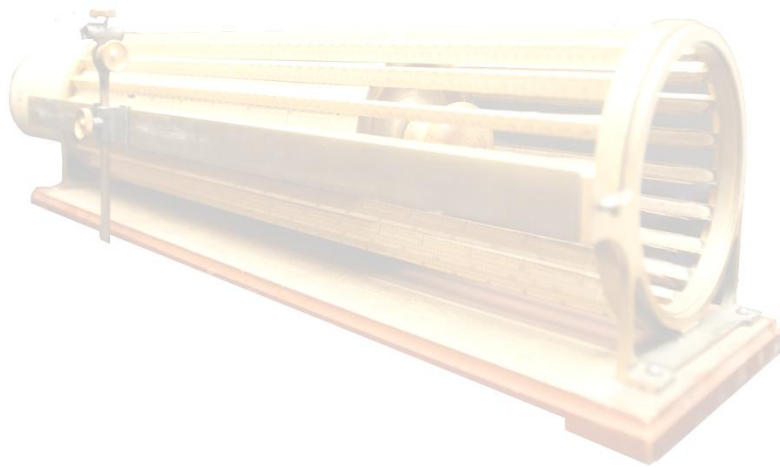
- To describe the reporting and action requirements for the USITC.

#### Methodology

- Used simple word searches such as “agency reporting” and “agency requirements” in the US Code (USC) followed by a section by section review of applicable USC Titles in WestlawNext legal database.
- Used the Cornell University Law School Legal Information Institute Website to find the portions of the Code of Federal Regulations (CFR) that pertain to the portions of the previously identified USC.
- Used simple word searches such as “agency reporting” and “agency requirements” in the CFR followed by a section by section review of applicable CFR Titles in WestlawNext legal database
- Used the Office of Management and Budget website to research bulletins (2007-current), circulars, and memoranda (1995-current) that are applicable to agency operations.
- Met with office heads for additional office-by-office input regarding the laws applicable to those offices.

#### Scope

- This descriptive report cites to the following authorities. The list of requirements obtained from each authority is not exhaustive. Negative requirements were not included in this report.
    - The United States Code
    - The Code of Federal Regulations
    - The Office of Management and Budget bulletins, circulars and memoranda
    - Executive Orders
    - Presidential Memoranda
    - Federal Travel Regulation
    - Equal Employment Opportunity Commission Website
    - Federal Acquisition Regulation
    - Federal Management Regulation
    - General Services Administration Acquisition Manual
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*“Thacher’s Calculating Instrument” developed by Edwin Thacher in the late 1870s. It is a cylindrical, rotating slide rule able to quickly perform complex mathematical calculations involving roots and powers quickly. The instrument was used by architects, engineers, and actuaries as a measuring device.*

# To Promote and Preserve the Efficiency, Effectiveness, and Integrity of the U.S. International Trade Commission



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