

Agency Structure Codebook

This codebook describes the data collected for the *ACUS Sourcebook of United States Executive Agencies*, a report prepared for the Administrative Conference of the United States. The dataset described in this codebook has three components: 1) the codebook describing the variables and their coding, 2) the statutory provisions justifying the coding, and 3) a Microsoft Excel spreadsheet containing the data.

Data Collection

During the summer of 2012, a team of researchers under the direction of a team lead collected data on all federal agencies. For the purposes of this report, researchers defined all federal entities outside the legislative and judicial branches that included Senate-confirmed appointees as federal agencies for the purposes of data collection.¹ The data collection focuses on the top leadership and activities of agencies in the Executive Office of the President (EOP), the executive departments, and agencies outside the EOP or executive departments rather than their component bureaus, divisions, and committees. The exception to this general rule is that we include data on multi-member bodies with fixed terms that are components of the executive departments (e.g., Federal Energy Regulatory Commission, Surface Transportation Board). Agency statutes are the primary source of data for each agency. The choice to rely on statutory language was made for the sake of consistent coding across all agencies and to capture the agreed-upon structural deal made between Congress and the President. For a few variables, notably those relating to OMB review of budgets, legislative proposals, testimony, and regulations, researchers referenced OMB publications to code agencies. Researchers also relied outside information in coding for adjudicatory authority and congressional committee confirmation and oversight information.

Method

Data collection proceeded in three phases. In the first phase, each researcher on the team was responsible for approximately 15 agencies. Each researcher found the original public law that established the agency and that law's corresponding updated section in the U.S. Code. Unless otherwise specified, all information referring to "statute" in the codebook comes from this updated section of the U.S. Code.² Next, each researcher read that section of the Code and extracted information about the agency's structure. Researchers noted statutory features of each agency along with a statutory reference for each feature. A total of 61 statutory characteristics of agencies were tracked for the 7 components of the EOP³, the 15 executive departments, and 85 independent agencies. Researchers noted the location of each agency (e.g., EOP, executive department, etc.), features of agency governance (e.g., commission, fixed terms, number of

¹ What constitutes a federal agency is a matter of some dispute since a designation as a federal agency opens up an organization to laws such as the Freedom of Information Act (FOIA) and Sunshine Act. By focusing only on entities with Senate-confirmed appointees we exclude hundreds of federal advisory commissions, ceremonial bodies with heads appointed by Congress and other actors, and multi-lateral organizations where the entity is jointly run between the United States and another nation. KEVIN R. KOSAR, CONG. RESEARCH SERV., RL30533, *THE QUASI GOVERNMENT: HYBRID ORGANIZATIONS WITH BOTH GOVERNMENT AND PRIVATE SECTOR LEGAL CHARACTERISTICS* (2011). For a full discussion see *ACUS Sourcebook of United States Executive Agencies* (2012).

² All statutory provisions are current as of July 1, 2012.

³ This is not all of the components of the EOP. The dataset includes only those components of the EOP authorized in statute. Omitted are the Executive Residence, Office of Administration, and White House Office.

appointees), agency powers (e.g., power to raise funds, independent litigating authority), and aspects of agency political oversight (e.g., OMB and congressional reporting requirements, congressional committee jurisdiction).

In the second phase of the research, the researcher's work was double checked against the work of the team lead. Once each researcher completed coding each agency's statute, he or she sent it to the team lead. The team lead also coded the statutes for the each of the agencies. After the team lead received the completed coding from the team, she compared the two coded versions of the data for each agency and resolved any discrepancies in the coding. She then placed the final data in the Master Agency Structure Spreadsheet.

In the final phase, coding of the data was validated using a variety of different sources depending upon the type of agency and characteristic.⁴ Where discrepancies emerged⁵, statutes were reread and a judgment was made about what source was correct. Any discrepancies between the team's coding and existing research are noted in footnotes in the portion of the dataset listing the statutory provisions justifying coding for each agency.

Variables

Housekeeping Variables

DeptID: This variable is a numerical indicator for the general category of an agency. Each executive department is given a unique number from 1000 to 15000. Agencies in the EOP are coded as 16000. All other agencies are coded as 20000.

EOP: This variable is coded with a (1) if the agency is a component of the EOP and (0) otherwise.

ExecDepartment: This variable is coded with a (1) if the agency is an executive department or a component of an executive department and (0) otherwise. The data collection focuses on the top leadership and activities of agencies in the Executive Office of the President (EOP), the executive departments, and agencies outside the EOP or executive departments rather than their

⁴ Sources include Marshall J. Breger and Gary J. Edles, *Established by Practice: The Theory and operation of Independent Federal Agencies*, 52 ADMIN. L. REV. 1111 (2000); Kirti Datla and Richard L. Revesz, *Deconstructing Independent Agencies (And Executive Agencies)*, 1 U.S. ADMIN. L. E.J (2012); *Free Enterprise Fund v. Pub. Co. Accounting Oversight Bd.*, 130 S.Ct. 3138 (2012) (Breyer, J., dissenting).

⁵ If discrepancies exist, they are often the result of the team using the provisions of the statutory law described above to code the structural features of the agency. By relying on the portions of the U.S. Code related to agency structure, it is possible that other statutory provisions outside of the establishing statute impose additional requirements on the agency or specify additional structural features of the agency. In addition, not all structural features are detailed in statute. Many are determined by agency action. Agencies promulgate regulations to implement law and clarify areas where statutory law is unclear. For example, many commission statutes are silent on the question of what constitutes a quorum in an agency yet such rules are necessary for the functioning of the agency. Agencies clarify this uncertainty in regulation, practice, or agency by-laws. Finally, in some cases administrative common law adds content to what is not explicitly included in statute. For example, the statute authorizing the Securities and Exchange Commission does not include explicit for cause protections for the removal of commissioners. Yet, federal courts recognize the existence of for cause protections in the agency despite no explicit mention in statute. *See, e.g., Sec. Exch. Comm'n. v. Blinder, Robinson, and Co., Inc.*, 855 F.2d 677 (10th Cir. 1988).

component bureaus, divisions, and committees. The exception to this general rule is that we include data on multi-member bodies with fixed terms that are components of the executive departments (e.g., Federal Energy Regulatory Commission, Surface Transportation Board).

Independent: This variable is coded with a (1) if the agency is an agency outside of the EOP or an executive department and (0) otherwise. What constitutes an “independent” agency is the subject of some controversy.⁶ For the purposes of this dataset, agencies outside the EOP and executive departments are “independent.” The dataset also includes other features of agency design that will allow users to define independence in some other fashion. For example, the dataset codes all agencies according to whether or not agency heads have “for cause” protections.

SubBureau: This variable is coded with a (1) if the agency is a component of a larger department or agency and (0) otherwise. The data collection focuses on the top leadership and activities of agencies in the Executive Office of the President (EOP), the executive departments, and agencies outside the EOP or executive departments rather than their component bureaus, divisions, and committees. The exception to this general rule is that we include data on multi-member bodies with fixed terms that are components of the executive departments (e.g., Federal Energy Regulatory Commission, Surface Transportation Board).

AgencyID: This variable is a unique numerical agency identifier.

Basic Agency Characteristics

Agency Name: Name of Agency

Date of Creation: Date the establishing statute for the agency became law. In most cases the date of creation is clear. In some cases, however, there is some uncertainty. For example, the Department of Labor was created as an independent agency in 1888, became part of the Department of Labor and Commerce in 1903, and was named an executive department in 1913. Where there was uncertainty we relied on agency self-interpretation. *Source:* Agency statute; Agency-issued statements about agency history (usually from the agency’s website).

Statute: Sections of the U.S. Code that establish the agency.

Sub-agency bureaus: The number of distinct bureaus or offices within the agency mentioned in the statute. Given the irregularity of the use of terms agency,

⁶ For a full discussion see *ACUS Sourcebook of United States Executive Agencies* (2012).

administration, bureau, division, and office, no distinction is made in counting between whether something is called an “agency,” “administration,” “bureau,” “office,” or “division.” Of course, some agency and department sub-components are created by executive action and not formally included in agency authorizing statutes. These sub-components are not included in the data. This column only includes those subcomponents explicitly mentioned in the primary authorizing statute. *Source:* Agency statute.

Employees: The number of employees in the agency as of September, 2011. *Source:* Office of Personnel Management. *Central Personnel Data File*, September 2011, available at <http://www.fedscope.opm.gov/employment.asp>. In cases where OPM does not collect employment data researchers relied on other sources such as Congressional Research Service reports, communications with agency officials, and secondary sources for estimates of agency employment.⁷

Features Insulating from the President

Commission: (1) The agency is governed by a multimember board or commission whose members are protected from removal except for neglect of duty or malfeasance in office; (0) The agency is not governed by a multimember board or commission whose members are protected from removal except for neglect of duty or malfeasance in office. Some agencies do not have statutory for cause protections but are considered to have implied for

⁷ For those agencies not listed in FedScope, the research team searched for other sources. Fedscope excludes data on a variety of federal employees such as foreign nationals working overseas (40,000) and Public Health Service Commissioned Officer Corps (6,500). Importantly for agencies in the dataset, it also excludes data on the Federal Reserve (2,331), the Postal Regulatory Commission (73), the Tennessee Valley Authority (12,883), and the U.S. Postal Service (645,950). For the purposes of counting federal civilian employees, it bears noting that foregoing totals exclude government contractors, employees of federal entities that are not staffed by federal employees (e.g., federally sponsored non-profits), and what OPM refers to as “non-appropriated fund employees.” Sources: Office of Personnel Management. *Central Personnel Data File*, available at www.fedscope.opm.gov (accessed July 6, 2012) [hereinafter OPM, FedScope]; Office of Personnel Management, FedScope, *Data Definitions: About EHRI-SDM*, July 14, 2011, available at <http://www.fedscope.opm.gov/datadefn/DataDefinitions.pdf>. To the OPM data we add data on the omitted federal employees included in parentheses. See U.S. General Accounting Office, *Overseas Presence: Staffing at U.S. Diplomatic Posts*, December, 1994, available at <http://www.gao.gov/assets/90/89820.pdf> (data on foreign nationals); State Department, (<http://www.state.gov/documents/organization/177397.pdf>) (accessed October 16, 2012) (data for the Foreign Service), Kennon H. Nakamura, *Proposals for a New Foreign Service: Compensation System in the 110th Congress* (RL34668), September 12, 2008 (data on foreign service officers not in the State Department); Office of Mgmt. & Budget, Exec. Office of the President, *Budget of the United States Government, Fiscal Year 2013*, 9 (2012), available at <http://www.whitehouse.gov/sites/default/files/docs/2013-eop-budget1.pdf> (accessed July 10, 2012) (data for White House Office); Email from Michael Ravnitsky, Postal Regulatory Service, to David E. Lewis, William R. Kenan, Jr. Professor of Political Science, Vanderbilt University (July 6, 2012) (on file with authors) (data for Postal Regulatory Commission); U.S. Dep’t of Health and Human Serv., *U.S. Public Health Service Commissioned Corps*, available at <http://www.usphs.gov/> (accessed August 18, 2012) (data for the Public Health Service); Email from Federal Reserve Board to Mark Richardson, Graduate Student, Political Science, Vanderbilt University (July 12, 2012) (on file with authors) (data for the Federal Reserve).

cause protections because the agencies are “quasi-judicial and quasi-legislative.”⁸ These agencies are coded as a (1). Researchers considered multimember boards or commissions as “quasi-judicial and quasi-legislative” if they participated in both rulemaking and adjudication. *Source*: Agency statute.

Commissioners/
Board Members:

If the agency is a multi-member commission or, the number of *voting* members on the commission or board of directors. (.) denotes an agency is not a commission or does not have a board. This includes multi-member bodies that do and do not have fixed terms. *Source*: Agency statute.

QuorumRules:

(1) Statute specifies the number of commissioners or board members that constitute a quorum; (0) Statute does not specify the number of commissioners or board members that constitute a quorum; (.) Quorum rules not applicable because not commission or board. An example of a statute defining a quorum is the statute authorizing the Corporation for National and Community Service which states, “A majority of the appointed members of the Board shall constitute a quorum.”⁹ *Source*: Agency statute.

QuorumNumber:

If QuorumRules is coded (1), the number of members or commissioners the statute specifies constitute a quorum. *Source*: Agency statute.

Appointees:

PAS: Number of positions in agency subject to presidential appointment with Senate confirmation. *Source*: S. COMM. ON HOMELAND SEC. & GOV’T AFFAIRS, 110TH CONG., POLICY AND SUPPORTING POSITIONS (G.P.O 2008).

NA: Number of Senior Executive Service general positions in agency filled by non-career appointment. *Source*: S. COMM. ON HOMELAND SEC. & GOV’T AFFAIRS, 110TH CONG., POLICY AND SUPPORTING POSITIONS (G.P.O 2008).

SchC: Number of positions in agency filled by Schedule C Excepted Appointment. *Source*: S. COMM. ON HOMELAND SEC. & GOV’T AFFAIRS, 110TH CONG., POLICY AND SUPPORTING POSITIONS (G.P.O 2008).

PA: Number of positions in agency subject to presidential appointment without Senate confirmation that are not non-career SES positions or Schedule C positions. *Source*: S. COMM. ON HOMELAND SEC. & GOV’T AFFAIRS, 110TH CONG., POLICY AND SUPPORTING POSITIONS (G.P.O 2008).

⁸ See *Sec. Exchange. Comm’n.*, 855 F.2d 677; *Fed. Election Comm’n v. N.R.A. Political Victory Fund*, 6 F.3d 821 (D.C. Cir. 1993).

⁹ 42 U.S.C. § 12651b(b) (2012).

XS: Number of policy and supporting positions in the agency subject to statutory excepted appointment that are not PAS, NA, SC, or PA positions. *Source:* S. COMM. ON HOMELAND SEC. & GOV'T AFFAIRS, 110TH CONG., POLICY AND SUPPORTING POSITIONS (G.P.O 2008).

Agency-specific personnel system:

For the purposes of the chapters of Title 5 relating to pay and allowances, certain agencies' employees are excluded from the definition of "employee"¹⁰ and others agencies' statutes permit employment systems particular to that agency. Examples of statutory language indicating separate employment systems include "members, officers, and employees of the agency are not federal employees for any purpose"¹¹ or "rates of basic pay for all employees may be set and adjusted by the agency without regard to civil service provisions."¹² Other statutes allow for some agency employees to fall outside of civil service provisions but place limitations on the number. Examples of this sort of language include the agency "may appoint not more than 425 of the scientific, engineering, and administrative personnel of the Administration without regard to civil service laws."¹³ Agency-specific personnel system is coded (3) if 5 U.S.C. §A. § 5012 excepts agency employees from the definition of "employee;" (2) if the agency's statute permits the agency to use employment systems particular to that agency; (1) if the agency statute allows a limited number of employees to fall outside of civil service provisions; (0) the statute does not specifically allow for any agency employees to fall outside of civil service provisions. *Source:* 5 U.S.C. §A. § 5012 (2012); Agency statute.

Limitation on Appointments:

Citizen of U.S. (1) Statute mandates that board members or commissioners or the agency head must be citizens of the United States; (0) Statute does not mandate members/commissioners/agency head be citizens of the United States. An example of such a statute is the statute authorizing the Farm Credit Administration which stipulates, "The Board members shall be citizens of the United States and broadly representative of the public interest."¹⁴ *Source:* Agency statute.

Civilian: (1) Statute mandates that board members or commissioners or the agency head must be civilians; (0) Statute does not mandate members/commissioners/agency head be civilians. *Source:* Agency statute.

¹⁰ 5 U.S.C. § 5102 (2012).

¹¹ 40 U.S.C. § 14301(b)(3) (2012) (Appalachian Regional Commission).

¹² 7 U.S.C. § 2(a)(7)(B) (2012) (Commodities Futures Trading Commission).

¹³ 51 U.S.C. § 20113(b)(1) (2012) (National Aeronautics and Space Administration).

¹⁴ 12 U.S.C. § 2242(a) (2012).

- Geographic: (1) Statute places a geographic limitation on the nomination/selection of board members or commissioners or the agency head; (0) Statute does not place a geographic limitation on members/commissioners/agency head. A statute that advises the President to consider geography “to the maximum extent possible,” “as nearly as practicable,” or similar language is coded as a (1). One example of a statute that places a geographic limitation is the statute authorizing the Board of Governors of the Federal Reserve. It states, “In selecting members of the Board, not more than one of whom shall be selected from any one federal reserve district, the president shall have due regard to a fair representation of the financial, agricultural, industrial, and commercial interests and geographical divisions of the country.”¹⁵ *Source:* Agency statute.
- Demographic: (1) Statute places a demographic limitation on the nomination/selection of board members or commissioners or the agency head; (0) Statute does not place a demographic limitation on members/commissioners/agency head. A statute that advises the President to appoint members so that the Board shall be diverse according to race, ethnicity, age, gender, or other characteristics “to the maximum extent possible,” “as nearly as practicable,” or similar language is coded as a (1). One example of a demographic limitation is from the statute authorizing the Corporation for National and Community Service which states that “One of the 15 members must be an individual between the ages of 16 and 25.”¹⁶ *Source:* Agency statute.
- Expertise: (1) Statute places an expertise or experience limitation on the nomination/selection of members or commissioners or the agency head; (0) Statute does not place an expertise or experience limitation on members/commissioners/agency head. For example, the statute authorizing the Chemical Safety Hazard and Investigation Board states, “Members of the Board shall be appointed on the basis of technical qualification, professional standing, and demonstrated knowledge in the fields of accident reconstruction, safety engineering, human factors, toxicology, or air pollution regulation.”¹⁷ *Source:* Agency statute.
- Conflict of Interest: (1) Statute places a conflict of interest limitation on the nomination/selection of members; (0) Statute does not place a conflict of interest limitation on members. For example the statute authorizing the Commodity Futures Trading Commission states, “No Commissioner or employee of the Commission shall accept employment or compensation from any person, exchange, or clearinghouse subject to regulation by the Commission under this chapter during his term of office, nor shall he participate, directly or indirectly, in any registered entity operations or

¹⁵ 12 U.S.C. § 241 (2012).

¹⁶ 42 U.S.C. § 12651a(a)(1)(A) (2012).

¹⁷ § 7412(r)(6)(B) (2012).

transactions of a character subject to regulation by the Commission.”¹⁸
Source: Agency statute.

Congressional
Input:

(1) Statute provides some mechanism for congressional input in the nomination process aside from confirmation; (0) Statute does not provide for congressional input. Examples of congressional input include “appointed by the President after taking into consideration the recommendation made by the Speaker of the House,” “appointed by the President upon the recommendation of the President of the Senate,” or similar language and also includes those agencies where members of Congress are voting members of the Board. *Source:* Agency statute.

Party Balancing: (1) If the agency is a commission or has a board of directors, the statute limits the number of members who may serve from the same party; (0) If the agency is a commission or has a board of directors, the statute does not limit the number of members who may serve from the same party; (.) denotes an agency is not a commission or does not have a board. Statutes that require the President to select among recommendations from separate party leaders in Congress (e.g. Senate majority and minority leaders) but do not specifically place limits on the number of members who can be from one party are coded as (0).¹⁹ *Source:* Agency statute.

Limitations on Removals

Fixed Terms: (1) Statute specifies a fixed term for members, commissioners, or agency heads; (0) Statute does not specify a fixed term for members/commissioners/agency head. *Source:* Agency statute.

Term Length: If Fixed Terms is coded (1), the number of years specified for each term. *Source:* Agency statute.

Staggered Terms: (1) If the agency is a commission or has a board of directors and the statute fixes the terms of the initial members of the commission or board so that nomination in future years will be staggered; (0) If the agency is a commission or has a board of directors and the statute does not fix terms so that nomination will be staggered; (.) The agency is not a commission or does not have a board of directors. An example of a statute that staggers terms is the statute authorizing the Consumer Product Safety Commission. It states, “The Commissioners first appointed shall be appointed for terms ending three, four, five, six, and seven years, respectively, after October 27, 1972, the term of each to be designated by the President at the time of nomination and each of their successors shall be appointed for a term of

¹⁸ 7 U.S.C. §2(a)(8) (2012).

¹⁹ Compare with Datla and Revesz, *supra* note 4.

seven years from the date of the expiration of the term for which his predecessor was appointed.”²⁰ *Source*: Agency statute.

For Cause: (1) Statute states that members of the commission or board or the agency head may only be removed by the President for “neglect of duty,” “malfeasance in office,” “inefficiency,” or similar language; (0) Statute does not place limitation on the removal of members of the commission or board or the agency head. *Source*: Agency statute.

Double For Cause: (1) Agency identified as having two levels of “for cause” protection; (0) Agency not identified as having two levels of “for cause” protections. *Source*: Appendix A of the dissenting opinion of Justice Breyer in *Free Enterprise Fund v. Public Company Accounting Oversight Board*, 130 S.Ct. 3138 (2010).

Bureau fixed term: (1) Sub-agency bureau has a fixed term; (0) No bureau inside agency has an official with a fixed term. *Source*: Agency statute.

ServePresident: (1) Statute specifies that officials serve at the pleasure of the President; (0) States does not specifically state that officials serve at the pleasure of the President. *Source*: Agency statute.

Continuation Replacement: (1) If Fixed Terms is coded (1) and statute provides that members or commissioners or the agency head whose term has expired may serve until a successor has been appointed and qualified; (0) If Fixed Terms is coded (1) and statute does not provide for continuation until replacement; (.) The commission or board members or agency head do not have fixed terms.²¹ Some provisions for continuation provide that a member may serve until a successor has been appointed and qualified or until some other point such as the end of the next congressional session. For example, the statute authorizing the Consumer Product Safety Commission states, “A Commissioner may continue to serve after the expiration of term until his successor has taken office, except that he may not so continue to serve more than one year after the date on which his term would otherwise expire.”²² *Source*: Agency statute.

Acting Service Rules: (2) Statute specifies that in the event of absence, disability, or vacancy at the position of agency head, the President may designate an individual to fill the vacancy; (1) Statute designates a specific official within the agency who may perform the agency head’s duties in case of absence, disability,

²⁰ 15 U.S.C. § 2053(b)(1) (2012).

²¹ The Department of Treasury’s statute provides that when a term of office of any officer of the Department of Treasury ends, the officer may continue to serve until a successor is appointed and qualified. 31 U.S.C. § 329(a)(1) (2012). However, because the Secretary of the Treasury does not have a fixed term, the Treasury Department is coded (.)

²² 15 U.S.C. § 2053(b)(2) (2012).

or vacancy and does not allow for presidential designation; (0) Statute is silent on acting service. *Source:* Agency statute.

Chair Selection and Retention

PAS Head of Commission:²³ (1) Statute specifies that the President, with advice and consent of Senate, appoints the agency head and the agency head is not an official from another agency;²⁴ (0) Statute does not specify that the President appoints the agency head with the advice and consent of the Senate *Source:* Agency statute.

President Selects Chair: (1) Statute specifies that President designates the agency head but does not provide for Senate advice and consent; (0) Statute does not specify that President designates agency head without Senate advice and consent. *Source:* Agency statute.

Head elected by commission: (1) Statute provides that the head of the agency is elected from among members or commissioners of the agency; (0) Statute does not provide for the election of the agency head.²⁵ *Source:* Agency statute.

Outside Head of Commission: (1) Statute specifies that the head of the agency is an official who also serves in a position in the administration that is outside of the agency; (0) Statute does not specify that the head of the agency is an outside official. For example, the Secretary of the Treasury is the Managing Trustee of the Federal Supplementary Medication Insurance Trust Fund Board. The Board is therefore coded (1). *Source:* Agency statute.

Chair Removal: If the agency is a multi-member board or commission and the chair of the board or commission is selected by the President or appointed by the President with the advice and consent of the Senate and is not a designated official from another agency, (1) Statute specifies a term of office for the chair of the agency; (2) Statute specifies that the chair may only be removed for inefficiency, neglect of duty, or malfeasance in office; (3) Statute specifies that the chair serves at the pleasure of the President, may be replaced at any time by the President, or other similar language;²⁶ (0)

²³ Cochairmen selected by different means are coded as a (1) in two categories. For example, The Appalachian Regional Commission has co-chairman, one appointed by the President and confirmed by the Senate and one elected by the state members of the board. 40 U.S.C. §§ 14301(b); 14102(a)(1) (2012). This agency is coded as a (1) under PAS Head of Agency and as a (1) under Elected Head of Agency.

²⁴ For example, the Managing Trustee of the Federal Hospital Insurance Trust Fund Board is the Secretary of Treasury. 42 U.S.C. § 1395i(b) (2012). This position is coded as a (0).

²⁵ In the following agencies, the agency statute uses term other than “elect.” -- National Mediation Board (“designate”), Tennessee Valley Authority (“select”), and U.S. Election Assistance Commission (“select”).

²⁶ For example, the statute authorizing the Postal Regulatory Commission states, “One of the Commissioners shall be designated as Chairman by, and shall serve in the position of Chairman at the pleasure of, the President.” 39 U.S.C. § 502(d) (2012).

Statute does not specify a term of office for the chair, does not state the chair may only be removed for cause, and does not state the chair serves at the pleasure of the President. Statutes that specify terms of office or for cause protections for board members or commissioners generally but are silent with respect to the chair specifically are coded (0). *Source*: Agency statute.

Centralized OMB Review:

No OMB Budget Review:²⁷

(2) President must submit the agency's budget requests to Congress without revision, together with the President's own budget proposals; (1) The agency submits its budget directly to Congress without OMB review; (0) Agency is not able to bypass OMB budget review. *Source*: OFFICE OF MGMT. & BUDGET, EXECUTIVE OFFICE OF THE PRESIDENT, OMB CIRCULAR A-11 (2001); Memorandum from Jim Jukes, Assistant Director for Legislative Reference, Office of Management and Budget, on Agencies with Legislative and Budget "Bypass" Authorities (Feb. 20, 2001), *available at* <http://www.citizen.org/documents/OMBDocument1.pdf>.

NO OMB Rule Review:

(1) The agency is exempted from submitting all regulatory actions to the administrator of Office of Information and Regulatory Affairs; (0) The agency is not exempted from OIRA review. *Source*: Exec. Order No. 12866, 58 Fed. Reg. 51735 (1993); 44 U.S.C. § 3502 (2012).

No OMB Communications Review:²⁸

(2) The agency asserts "informal" legislative bypass authority without any explicit authority, statutory or otherwise, even though OMB Circular A-19 does cover the agency; (1) Statutory law exempts the agency from submitting its communications to Congress to OMB for coordination and clearance prior to transmittal to Congress; (0) The agency must submit communications to Congress to OMB for coordination and clearance prior to transmittal to Congress. *Source*: Agency statute; 12 U.S.C. § 250 (2012); OFFICE OF MGMT. & BUDGET, EXECUTIVE OFFICE OF THE PRESIDENT, OMB CIRCULAR No. A-19 (1979); Memorandum from Jim Jukes, Assistant Director for Legislative Reference, Office of Management and Budget, on Agencies with Legislative and Budget "Bypass"

²⁷ The Federal Aviation Administration and the Surface Transportation Board, which are both part of the Department of Transportation, have statutorily based budgetary bypass authority. However, because the entire Department of Transportation does not have bypass authority, DOT is coded (0).

²⁸ The Federal Aviation Administration and the Surface Transportation Board (both part of the Department of Transportation) and the Offices of the Comptroller of the Currency, of Thrift Supervision, and of the National Taxpayer Advocate (all part of the Department of the Treasury) have statutorily based legislative bypass authority. However, because neither the entire Department of Transportation nor the Department of the Treasury have bypass authority, these departments are coded as (0).

Authorities (Feb. 20, 2001), available at <http://www.citizen.org/documents/OMBDocument1.pdf>.

Independent Litigating:

In general, the Attorney General retains full authority over all litigation, civil and criminal, to which the United States, its agencies, or its departments are parties unless otherwise authorized by law. Some statutes establish an exception to the Attorney General's authority and expressly authorize an agency to represent itself in legal proceedings. Courts interpret these statutes narrowly, and only statutes that are clear and unambiguous will establish an exception.²⁹ We also interpret the statutes narrowly. (1) Agency authorizing statute includes provisions relating to independent litigating authority; (0) Statute does not include provisions concerning the agency's ability to represent itself in legal proceedings. *Source:* Agency statute.

Features Insulating from Congress

Independent Sources of Funding:

(1) Statute authorizes the agency to accept, use, and dispose of gifts, donations, or property (real, personal, or mixed) in furtherance of the agency's purposes; (2) Statute authorizes the agency to charge and collect reasonable administrative fees for products, services, access to data, etc.; (3) Statute authorizes the agency to lease, purchase, acquire, own, hold, improve, or otherwise deal in property (real, personal, or mixed); (4) Statute authorizes the agency to invest or reinvest any property (real, personal, or mixed) or monies; (5) Statute establishes a working capital fund or other similar fund to be available to the agency without fiscal year limitation for one or more purposes; (6) Statute authorizes the agency to participate in activities generally associated with the business of banking, such as the authority to receive deposits, to insure credit risks of loss, to borrow and lend money, to purchase, sell, and guarantee securities, or other similar functions; (7) Statute authorizes agency to assess and collect fees or charges for the purpose of covering a substantial portion of the cost of operating expenses incurred by the agency³⁰ (9) Statute authorizes agency to accept a source of funding outside of appropriated monies that is not in the coding scheme. *Source:* Agency statute.

Congressional Oversight

²⁹ *E.g.*, United States v. Morgan, 222 U.S. 274 (1911); United States v. California, 332 U.S. 19 (1937).

³⁰ Even if the statute authorizes a specific agency within an executive department to collect fees, that executive department is not as a whole funded substantially by these fees and therefore does not fall under (7). For example, while the Federal Energy Regulatory Commission shall assess and collect fees and annual charges in any fiscal year in amounts equal to all of the costs incurred by the Commission in that fiscal year, the Department of Energy is coded (2) because these fees do not cover a substantial portion of the operating costs of the entire Department of Energy. In addition, a list of agencies that do not accept appropriations from Congress was compiled using Note, *Independence, Congressional Weakness, and the Importance of Appointment: The Impact of Combining Budgetary Autonomy with Removal Protection*, 125 HARV. L. REV. 1822, 1824 (2012).

Committees
confirming

appointments:³¹

The name of the committees in the Senate handling nominations for presidential appointee positions requiring Senate confirmation. *Source*: U.S. Congressional Research Service. Presidential Appointee Positions Requiring Senate Confirmation and Committees Handling Nominations (RL30959; March 18, 2008), by Hogue, Henry B., Maureen Bearden, and Terrence L. Lisbeth; U.S. Senate, *Committees*, available at http://www.senate.gov/pagelayout/committees/d_three_sections_with_tasers/committees_home.htm (for agencies not covered in Hogue et al).

Reporting

Requirements:³²

Number of statutorily mandated recurring agency reports to Congress in primary authorizing statute, excluding Inspector General, Comptroller General, or Government Accountability Office reports. *Source*: Agency statute.

Number

Committees:

Number of committees specified by statute as overseeing the agency in any way, including, *inter alia*, receiving reports, hearing testimony, or exercising a legislative veto. *Source*: Agency statute.

Reporting

Committees:

The names of the committees included in the NumberCommittees count. *Source*: Agency statute.

Other Key Structural Features

Government-Wide Management Laws

CIO:

(1) The agency is statutorily mandated to have a Chief Information Officer; (0) The agency is not statutorily mandated to have a Chief Information Officer. *Source*: Clinger-Cohen Act, 40 U.S.C. § 11315 (2012) (incorporating 40 U.S.C. § 11314(c) (2012))

IG:

(3) The agency is an “establishment” as defined by the Inspector General Act of 1978 and has an Office of Inspector General that is headed by an Inspector General who is appointed by the President by and with the

³¹ Senate committees of the 112th Congress include: Agriculture, Nutrition, and Forestry; Appropriations; Armed Services; Banking, Housing, and Urban Affairs; Budget; Commerce, Science, and Transportation; Energy and Natural Resources; Environment and Public Works; Finance; Foreign Relations; Health, Education, Labor, and Pensions; Homeland Security and Governmental Affairs; Indian Affairs; Judiciary; Rules and Administration; Select Committee on Ethics; Select Committee on Intelligence; Select Committee on Aging; Small Business and Entrepreneurship; and Veterans Affairs.

³² House committees of the 112th Congress include: Agriculture; Appropriations; Armed Services; Budget; Education and the Workforce; Energy and Commerce; Ethics; Financial Services; Foreign Affairs; Homeland Security; House Administration; Intelligence; Judiciary; Natural Resources; Oversight and Government Reform; Rules; Science, Space, and Technology; Small Business; Transportation and Infrastructure; Veterans’ Affairs; and Ways and Means.

advice and consent of the Senate³³; (2) The agency is “designated federal entity” as defined by the Inspector General Act of 1978 and the OMB published list of designated federal entities and has an Office of Inspector General that is headed by an Inspector General who is appointed by the agency; (1) The agency is a “federal entity” as defined by the Inspector General Act of 1978 and the OMB published list of federal entities and has an audit office that is required to report an annual audit and investigative activities to each house of Congress and the Director of OMB; (1); (0) The agency is not an “establishment,” a “designated federal entity,” or a “federal entity.” *Source*: Inspector General Act, 5 U.S.C. §§ App. 3(2), (8G) (2012). *See also* Office of Mgmt. & Budget,, 74 Fed. Reg. 3656-57 (Executive Office of the President Jan. 21, 2009); U.S. Government Accountability Office, *Inspectors General: Reporting on Independence, Effectiveness, and Expertise* (2011).

CFO: (2) The Chief Financial Officers Act mandates that the agency have a Chief Financial Officer appointed by the President and confirmed by the Senate; (1) The Chief Financial Officers Act mandates that the agency have a Chief Financial Officer appointed by the head of the agency and is a career executive from either the competitive service or the Senior Executive Service; (0) The Chief Financial Officers Act places no requirements on the agency. *Source*: Chief Financial Officers Act, 31 U.S.C. § 901(b) (2012)

Sunshine: (1) The agency is subject to the Government in Sunshine Act of 1976; (0) The agency is not subject to the Government in Sunshine Act of 1976. Ambiguity resulting from the Act’s provision relating to the phrase “collegial body composed of two or more individual members, a majority of whom are appointed to such position by the President with the advice and consent of the Senate”³⁴ is resolved by following the rule of *Symons v. Chrysler Corporation Loan Guarantee Board*,³⁵ which does not count ex officio members or members of the agency who are appointed to other offices. For example, the Federal Hospital Insurance Trust Board, which is composed of the Commissioner of Social Security, the Secretaries of the Treasury, Labor, and Health and Human Services, and two members of the public appointed by the President by and with the advice and consent of the Senate is coded (0).³⁶ *Source*: Agency statute; Government in Sunshine Act of 1976, 5 U.S.C. § 522b (2012).

³³ Even though the Inspector General Act does not include them, the Central Intelligence Agency and the Office of the Director of National Intelligence are coded as a (3) because they have statutorily mandated, PAS Inspector Generals. *See* 50 U.S.C. §403q (2012) (the Central Intelligence Agency’s IG requirements); §403-3h (2012) (the Office of the Director of National Intelligence’s IG requirements).

³⁴ 5 U.S.C. § 522b(a)(1) (2012).

³⁵ 670 F.2d 238 (D.C.Cir. 1981).

³⁶ Note that this coding is for the agency itself and does not consider entities within the agency. For example, the National Council on the Humanities, composed of 26 members appointed by the President with the advice and consent of the Senate, falls under the Sunshine Act but the National Endowment for the Humanities, which is

Review

commissions:

In some agencies, agency decisions must be reviewed or approved by an external body before the decisions go into effect. For example, the Postal Regulatory Commission may set aside any United States Postal Service decision to close or consolidate any post office if the Commission finds the decision to be arbitrary or capricious.³⁷ (1) Statute establishes a review commission for the agency or any sub-part of the agency; (0) Statute does not establish a review commission for the agency. The review commission must currently be in operation. *Source:* Agency statute.

Advisory

Commissions:

(1) Statute establishes an advisory commission attached to the agency or any of its subparts; (0) Statute does not establish an advisory commission for the agency. The advisory commission must either currently be in operation or have the option of being established. Terminated advisory commissions do not qualify. *Source:* Agency statute.

Establish Advisory

Commissions:

(1) Statute specifies that one or more advisory commissions may be established to advise the agency, or any of its subparts, in any way; (0) Statute does not specify that advisory commissions may be established. For example, the statute authorizing the Department of Energy states, “The Secretary is authorized to establish such advisory committees as he may deem appropriate to assist in the performance of his functions.”³⁸ *Source:* Agency statute.

Action Requires

Approval:

Some agencies cannot take specific action without getting prior approval from one or more actors outside the agency. This approval may come from another part of the executive branch, or may come in the form of a legislative veto. For example, the Chief Executive Officer of the Corporation for National Community Service cannot issue regulations establishing a selection and compensation system for the Corporation’s employees until he or she obtains the approval of the Director of the Office of Personnel Management.³⁹ Similarly, the Commodity Futures Trading Commission cannot implement any plan to charge and collect fees until that plan is approved by the House Agriculture Committee and the Senate Agriculture, Nutrition, and Forestry Committee.⁴⁰ (1) Statute specifies that one or more agency actions require outside approval before being taken; (0) Statute does not specify that any agency actions require outside approval. *Source:* Agency statute.

headed by a single chairperson appointed by the President by and with the advice and consent of the Senate, does not and is therefore coded (0).

³⁷ 39 U.S.C. § 404(d)(5) (2012).

³⁸ 42 U.S.C. § 7234 (2012).

³⁹ § 12651d(c)(7) (2012).

⁴⁰ 7 U.S.C. § 16a(a) (2012).

- Legislative Veto: (1) Statute specifies that one or more agency actions cannot be taken until approved by Congress or a committee in Congress; (0) Statute does not specify that Congress must approve one or more agency actions. *Source:* Agency statute.
- Rulemaking: (1) Statute authorizes agency to promulgate rules and/or regulations; (0) Statute does not specifically authorize agency to promulgate rules and/or regulations. *Source:* Agency statute.⁴¹
- Economically Significant Rule: (1) According to OIRA data, agency has promulgated an economically significant rule in the last 15 years; (0) According to OIRA, agency has not promulgated an economically significant rule in the last 15 years. *Source:* Office of Information and Regulatory Affairs, Office of Management and Budget, Historical Reports, available at <http://www.reginfo.gov/public/do/eoHistoricReport> (information on economically significant rules).
- No Rulemaking: (1) Agency has not promulgated a rule via formal or informal rulemaking in the last 15 years; (0) Agency has promulgated a rule in the last 15 years. *Source:* Federal Register (<https://www.federalregister.gov>).
- Hearing-based Rulemaking: (1) Agency has promulgated a rule in last 15 years where rulemaking included a formal hearing; (0) Agency has not promulgated a rule in the last 15 years where rulemaking included a formal hearing. *Source:* Federal Register (<https://www.federalregister.gov>).
- Adjudication: (1) Statute gives agency, or any sub-part of the agency,⁴² the authority to conduct or hold hearings or adjudication, take testimony, receive evidence, employ administrative law judges, or other similar adjudicatory functions; (0) Statute does not specifically authorize adjudication or the employment of administrative law judges. Mere authority to conduct hearings is not enough to constitute a coding as (1). There must be some evidence in the statute that the authority to conduct hearings is accompanied by some other function indicative of adjudication (the ability to subpoena witnesses, etc.). *Source:* Agency statute; Association of Administrative Law Judges, *Agencies Employing Administrative Law Judges* (<http://www.aalj.org/agencies-employing-administrative-law-judges>).
- Adjudication (APA): (1) Main Authorizing Statute Includes Reference to Adjudicatory Portion of APA (5 U.S.C. § 554); (0) Main Authorizing Statute Does not

⁴¹ The coding for this variable was verified by using the Federal Register's website and checking that the agency promulgated at least one rule in the last 15 years. Federal Register, Article Search, *available at* <https://www.federalregister.gov/articles/search>.

⁴² For example, several bureaus within executive departments have adjudication authority whereas the departments as a whole do not conduct adjudication (see, e.g., Departmental Appeals Board in the Department of Health and Human Services; Executive Office for Immigration Review in the Department of Justice).

Reference to Adjudicatory Portion of APA (5 U.S.C. § §554). This list compiled by examining annotated code's cross references for the provision of the APA relating to adjudication (5 U.S.C. § §554). This list includes the agencies with citations that directly reference the procedures as outlined in that section. Each reference was read to be sure that the provision included, rather than excluded, adjudicatory proceedings under 5 U.S.C. § 554. *Source*: Agency statute.

Administrative Law
Judges:

(1) Agency Employs Administrative Law Judges; (0) Agency does not employ administrative law judges. *Source*: "Agencies Employing Administrative Law Judges" from the Association of Administrative Law Judges website (<http://www.aalj.org/agencies-employing-administrative-law-judges>, accessed August 29, 2012).

Administrative Law
Judges (2):

(1) Agency Employs Administrative Law Judges; (0) Agency does not employ administrative law judges. *Source*: Appendix C of the dissenting opinion of Justice Breyer in *Free Enterprise Fund v. Public Company Accounting Oversight Board* 130 S.Ct. 3138 (2010).

Statutory Provisions

This section of the codebook includes the statutory provisions for each agency that correspond with the statutory characteristics coded in the *ACUS Sourcebook of United States Executive Agencies* dataset. The purpose of this section is to provide a statutory citation that supports each coding decision made by the researchers. Note that these statutory provisions come exclusively from the authorizing statute for each agency. For the coding of several variables, researchers relied on sources outside of the agency's authorizing statute.⁴³ In addition, researchers consulted several outside sources to supplement coding of the agency's authorizing statute.⁴⁴ These outside sources are not included in this section of the codebook.

Administrative Conference of the United States

Date of Creation: August 30, 1964⁴⁵

Statute: 5 U.S.C. §§ 591-596

Sub-agency Bureaus: Council

Commissioners/Board Members: The Administrative Conference of the United States consists of not more than 101 nor less than 75 members appointed as follows: a full time Chairman appointed by the President by and with the advice and consent of the Senate; the chairman of each independent regulatory board or commission or an individual designated by the board or commission; the head of each executive department or other administrative agency which is designated by the president, or an individual designated by the head of the department or agency; individuals appointed by the president to membership on the council who are not otherwise members of the Conference; not more than 40 other members appointed by the Chairman, with the approval of the Council (not less than 1/3 nor more than 2/5 of the total number of members); and, when authorized by the Council one or more appointees from a board, commission, department, or agency, designated by the head thereof with, in the case of a board or commission, the approval of the board or commission

- Reference: 5 U.S.C. § 593(b)

Quorum Rules: None

Agency Specific Personnel: None

Limitation on Appointment: Of the not more than 40 other members appointed by the Chairman, with the approval of the Council, the Chairman shall select the members in a manner which will provide broad representation of views of private citizens and utilize diverse experience. The members shall be members of the practicing bar, scholars in the field of administrative law or government, or others specially informed by knowledge and experience with respect to federal administrative procedure

- Reference: 5 U.S.C. § 593(b)(6)

Party Balancing: None

Fixed Terms: Yes

⁴³ Those variables include the number of PAS, SchC, PA, and XS appointees, committees confirming appointments, government-wide management laws (CIO, IG, CFO), rulemaking (economically significant, none, formal), and administrative law judges .

⁴⁴ Those variables include for cause provisions, OMB review provisions, the Sunshine Act, and adjudication.

⁴⁵ ACUS lost its funding in 1995 but Congress reauthorized the agency in 2004 and the Conference was officially re-established in March, 2010.

- Reference: 5 U.S.C. §§ 592(b)(6); 595(b)

Term Length: The not more than 40 other members appointed by the Chairman, with the approval of the Council, shall serve for terms of 2 years.

- Reference: 5 U.S.C. § 592(b)(6)
- The term of each member of the Council (except the chairman) is 3 years.
 - Reference: 5 U.S.C. § 595(b)

Staggered Terms: None

For Cause: None

Serve President: None

Continuation until Replacement: The Chairman may continue to serve until his successor is appointed and has qualified

- Reference: 5 U.S.C. § 593(b)(1)
- When the term of a member ends, he may continue to serve until a successor is appointed. However, the service of any member ends when a change in his employment status would make him ineligible for Council membership under the conditions of his original appointment
 - Reference: 5 U.S.C. § 595(b)

Acting Service Rules: During the absence or incapacity of the Chairman, or when that office is vacant, the Vice Chairman shall serve as Chairman. In the absence or incapacity of the Chairman and Vice Chairman, the Council shall designate a member of the Council to preside at meetings.

- Reference: 5 U.S.C. § 595(b)

Who is Head of Agency: The Chairman is appointed for a 5 year term by the President, by and with the advice and consent of the Senate.

- Reference: 5 U.S.C. § 593(b)(1)

OMB Review: Not specified

Independent Litigating: None

Independent Sources of Funding: In his capacity as chief executive of the Conference, the Chairman has the power to accept, hold, administer, and utilize gifts, devises, and bequests of property, both real and personal, for the purpose of aiding and facilitating the work of the Conference. Gifts and bequests of money and proceeds from sales of other property received as gifts, devises, or bequests shall be deposited in the Treasury and shall be disbursed upon the order of the Chairman.

- Reference: 5 U.S.C. § 595(c)(12)

Reporting Requirements: The Chairman, on behalf of the Conference, shall transmit to the president and Congress an annual report and such interim reports as he considers desirable

- Reference: 5 U.S.C. § 595(c)

Reporting Committees: Not specified

Review Commissions: None

Advisory Commissions: None

Action Require Outside Approval: None

Legislative Veto: None

Adjudication: None

Appalachian Regional Commission

Date of Creation: March 9, 1965

Statute: 40 U.S.C. §§ 14101-14704

Sub-agency Bureaus: None

Commissioners/Board Members: The Commission is composed of the Federal cochairmen and the Governor of each participating State in the Appalachian region (Alabama; Georgia; Kentucky; Maryland; Mississippi; New York; North Carolina; Ohio; Pennsylvania; South Carolina; Tennessee; Virginia; West Virginia)

- Reference: 40 U.S.C. §§ 14301(b); 14102(a)(1)

Quorum Rules: A decision involving Commission policy, approval of state, regional or subregional development plans or strategy statements, modification or revision of the Appalachian Regional Commission Code, allocation of amounts among the states, or designation of a distressed county or an economically strong county shall not be made without a quorum of state members⁴⁶

- Reference: 40 U.S.C. § 14302(c)

Agency Specific Personnel: Each state member and alternate shall be compensated by the state which they represent at the rate established by law of that state

- Reference: 40 U.S.C. § 14301(c)

- Members, alternates, officers, and employees of the Commission are not federal employees for any purpose, except the Federal Cochairman, the alternate to the Federal Cochairman, the staff of the Federal Cochairman, and federal employees detailed to the Commission

- Reference: 40 U.S.C. § 14301(f)

Limitation on Appointment: An individual who is a state member or alternate, or an officer or employee of the Appalachian Regional Commission shall not participate personally and substantially as a member, alternate, officer, or employee in any way in any particular matter in which, to the individual's knowledge, any of the following has a financial interest: individual; individual's spouse, minor child, or partner; an organization in which the individual is serving as an officer, director, trustee, partner or employee; any person or organization with whom the individual is serving as an officer, director, trustee, partner, or employee or is negotiating or has any arrangement concerning prospective employment (unless the individual first advises the Commission of the nature and circumstances of the particular matter and receives in advance a written notice from the Commission that interest is not substantial)

- Reference: 40 U.S.C. § 14309(a)

Party Balancing: None

Fixed Terms: None

Term Length: N/A

Staggered Terms: N/A

For Cause: None

Serve President: None

Continuation until Replacement: None

Acting Service Rules: The President, by and with the advice and consent of the Senate, shall appoint an alternate Federal Cochairman. An alternate shall vote in the event of the

⁴⁶ Quorum not defined

absence, death, disability, removal, or resignation of the member for whom the individual is an alternate

- Reference: 40 U.S.C. § 14301(b)(2)

Who is Head of Agency: The Federal Cochairman, who is appointed by the president by and with the advice and consent of the Senate, is one of the two Cochairmen of the Commission. The state members shall elect the other Cochairman of the Commission from among themselves for a term or not less than one year

- Reference: 40 U.S.C. § 14301(b)(1), (b)(3)

OMB Review: Not specified

Independent Litigating: None

Independent Sources of Funding: To carry out its duties, the Appalachian Regional Commission may accept, use, and dispose of gifts or donations or services or any property

- Reference: 40 U.S.C. § 14306(a)(6)
- Administrative expenses of the Commission shall be paid equally by the Government and the States in the Appalachian region, except that the expenses of the Federal Cochairman, the alternate Federal Cochairman, and the staff of the Federal Cochairman shall be paid only by the Government. The Commission shall determine the amount to be paid by each state
- Reference: 40 U.S.C. § 14306(d)

Reporting Requirements: Not later than six months after the close of each fiscal year, the Appalachian Regional Commission shall prepare and submit to the President, for transmittal to Congress, a report on the activities carried out

- Reference: 40 U.S.C. § 14310
- The Commission shall submit to the appropriate congressional committees an annual report describing each waiver of the requirements for projects within designated economically strong counties during the period covered by the report
- Reference: 40 U.S.C. § 14526(c)(4)(B)

Reporting Committees: Senate Environment and Public Works; House Transportation and Infrastructure

- Reference: 40 U.S.C. § 14102(b)

Review Commissions: None

Advisory Commissions: None

Action Require Outside Approval: None

Legislative Veto: None

Adjudication (e.g.): To obtain information needed to carry out its duties, the Appalachian Regional Commission shall hold hearings, sit and act at times and places

- Reference: 40 U.S.C. § 14308(a)(1)
- A Cochairman of the Commission or any member of the Commission designated by the Commission may administer oaths when the Commission decides that testimony shall be taken or evidence received under oath
- Reference: 40 U.S.C. § 14308(b)(1)

Barry Goldwater Scholarship and Excellence in Education Program

Date of Creation: November 14, 1986

Statute: 20 U.S.C. §§ 4701-4711

Sub-agency Bureaus: None

Commissioners/Board Members: The Board shall be composed of 13 members: Two members from the Senate, one appointed by the majority leader and one appointed by the minority leader of the Senate; Two members from the House of Representatives, one appointed by the majority leader and one appointed by the minority leader of the House; Eight members to be appointed by the president, by and with the advice and consent of the Senate; Secretary of Education, or his designee, who shall serve ex officio as a member of the Board but shall not be eligible to serve as Chairman

- Reference: 20 U.S.C. § 4703(b)

Quorum Rules: None

Agency Specific Personnel: The Foundation may appoint and fix the compensation of such personnel as may be necessary to carry out the provisions of this chapter, except that in no case may an employee other than Executive Secretary be compensated at a rate to exceed the maximum rate provided for employees in grade GS-15 of the General Schedule

- Reference: 20 U.S.C. § 4710(a)(1)

Limitation on Appointment: None

Party Balancing: Not more than four of the PAS members may be of the same political party

- Reference: 20 U.S.C. § 4703(b)

Fixed Terms: Yes

- Reference: 20 U.S.C. § 4703(c)

Term Length: The term of office of each member of the Board shall be six years (including members of Congress)

- Reference: 20 U.S.C. § 4703(c)

Staggered Terms: The members first taking office shall serve as designated by the president, four for terms of two years, five for terms of four years, and four for terms of six years

- Reference: 20 U.S.C. § 4703(c)(1)(A)

For Cause: None

Serve President: None

Continuation until Replacement: A PAS member may continue to serve under such appointment until the successor to the member is appointed

- Reference: 20 U.S.C. § 4703(c)(1)(C)

Acting Service Rules: None

Who is Head of Agency: Not specified

OMB Review: Not specified

Independent Litigating: None

Independent Sources of Funding: There is established in the Treasury of the United States a trust fund to be known as the Barry Goldwater Scholarship and Excellence in Education Fund. The fund shall consist of amounts appropriated to it and the interest on and the proceeds from the sale or redemption of any obligations held in the fund. The Secretary of the Treasury may pay to the Foundation from the interest and earnings of the fund such sums as the Board determines are necessary and appropriate to enable the Foundation to carry out the purposes of this chapter

- Reference: 20 U.S.C. § 4707-4708
- The Foundation may receive money and other property donated, bequeathed, or devised, without condition or restriction other than it be used for the purposes of the Foundation,

and to use, sell, or otherwise dispose of such property for the purpose of carrying out its functions

- Reference: 20 U.S.C. § 4710(a)(4)

Reporting Requirements: The Foundation shall submit to the president and to Congress an annual report of its operations.

- Reference: 20 U.S.C. § 4710(b)

Reporting Committees: Not specified

Review Commissions: None

Advisory Commissions: None

Action Require Outside Approval: None

Legislative Veto: None

Adjudication: None

Board of Veterans' Appeals (Department of Veterans Affairs)

Date of Creation: September 2, 1958

Statute: 38 U.S.C. §§ 7101-7112

Sub-agency Bureaus: None

Commissioners/Board Members: The Board shall consist of a Chairman, a Vice Chairman, and such number of members as may be found necessary in order to conduct hearings and dispose of appeals properly before the Board in a timely manner. The members of the Board other than the Chairman (and including the Vice Chairman) shall be appointed by the Secretary, with the approval of the President, based upon recommendations of the Chairman.

- Reference: 38 U.S.C. §§ 7101(a); 7101A(a)(1)

Quorum Rules: None

Agency Specific Personnel: None

Limitation on Appointment: The Chairman shall be subject to the same ethical and legal limitations and restrictions concerning involvement in political activities as apply to the judges of the United States Court of Appeals for Veterans Claims

- Reference: 38 U.S.C. § 7101(b)(1)
- Each member of the Board shall be a member in good standing of the bar of a state
 - Reference: 38 U.S.C. § 7101A

Party Balancing: None

Fixed Terms: Yes

- Reference: 38 U.S.C. § 7101(b)(1)

Term Length: The Chairman shall be appointed for a term of six years

- Reference: 38 U.S.C. § 7101(b)(1)

Staggered Terms: None

For Cause: The Chairman may be removed by the president for misconduct, inefficiency, neglect of duty, or engaging in the practice of law or for physical or mental disability which, in the opinion of the president, prevents the proper execution of the Chairman's duties.

- Reference: 38 U.S.C. § 7101(b)(2)

Serve President: None

Continuation until Replacement: If, upon the expiration of the term in office for which the Chairman was appointed, the position of Chairman would become vacant, the individual

serving as Chairman may, with the approval of the Secretary, continue to serve as Chairman until either appointed to another term or a successor is appointed, but not beyond the end of the Congress during with the term of office expired

- Reference: 38 U.S.C. § 7101(b)(3)

Acting Service Rules: The Chairman may from time to time designate one or more employees of the Department to serve as acting members of the Board. Except as provided in the next sentence, any such designation shall be for a period not to exceed 90 days. An individual designated as an acting member of the Board may continue to serve as an acting member of the Board in the making of any determination on a proceeding for which the individual was designated as an acting member of the Board, notwithstanding the termination of designation of the individual as acting member of the Board. An individual may not serve as an acting member of the Board for more than 270 days during any one-year period. At no time may the number of acting members exceed 20 percent of the total of the number of Board members and acting Board members combined

- Reference: 38 U.S.C. § 101(c)

Who is Head of Agency: The Board is under the administrative control and supervision of a chairman directly responsible to the Secretary. The Chairman shall be appointed by the president, by and with the advice and consent of the Senate, for a term of six years.

- Reference: 38 U.S.C. § 7101(a)-(b)(1)

OMB Review: None

Independent Litigating: None

Independent Sources of Funding: None

Reporting Requirements: After the end of each fiscal year, the Chairman shall prepare a report on the activities of the Board during that fiscal year and the projected activities of the Board for the fiscal year during which the report is prepared and the next fiscal year. Such report shall be included in the documents provided detailed information on the budget for the Department that the Secretary submits to Congress in conjunction with the president's budget submission

- Reference: 38 U.S.C. § 7101(d)

Reporting Committees: Not specified

Review Commissions: None

Advisory Commissions: None

Action Require Outside Approval: In a case in which the Chairman, after a performance review panel shall review a board member's job performance record, recommends to the Secretary that a member be noncertified, the Secretary, after considering the recommendation of the Chairman, may either grant the member a conditional recertification or determine that the member should be noncertified.

- Reference: 38 U.S.C. § 7101A(c)

Legislative Veto: None

Adjudication (e.g.): A hearing docket shall be maintained and formal recorded hearings shall be held by such member or members of the Board as the Chairman may designate. Such member or members designated by Chairman to conduct hearing shall, except in the case of a reconsideration of a decision, participate in making the final determination of the claim

- Reference: 38 U.S.C. § 7107(c)

Broadcasting Board of Governors

Date of Creation: October 1, 1999

Statute: 22 U.S.C. §§ 6203-6216

Sub-agency Bureaus: International Broadcasting Bureau; Radio Free Europe/Radio Liberty; Radio Free Asia; Office of Cuba Broadcasting; Voice of America; Worldnet; Radio Free Afghanistan

Commissioners/Board Members: The Board shall consist of 9 members, 8 of whom shall be PAS, and the Secretary of State

- Reference: 22 U.S.C. § 6203(b)

Quorum Rules: A quorum shall consist of 5 members

- Reference: 22 U.S.C. § 6203(f)

Agency Specific Personnel: None

Limitation on Appointment: Citizens of the United States who are not regular full-time employees of US Government and selected from among Americans distinguished in the fields of mass communications, print, broadcast media, or foreign affairs

- Reference: 22 U.S.C. § 6203(d)

Party Balancing: Exclusive of the Secretary of State, not more than 4 of the PAS members shall be of the same political party

- Reference: 22 U.S.C. § 6203(b)(3)

Fixed Terms: Yes

- Reference: 22 U.S.C. § 6203(c)

Term Length: 3 years, except Secretary of State

- Reference: 22 U.S.C. § 6203(c)

Staggered Terms: The initial terms of office of two members shall be one year, and the initial terms of office of 3 other members shall be two years, as determined by the president

- Reference: 22 U.S.C. § 6203(c)

For Cause: None

Serve President: None

Continuation until Replacement: Any member whose term has expired may serve until a successor has been appointed and qualified

- Reference: 22 U.S.C. § 6203(c)

Acting Service Rules: None

Who is Head of Agency: President shall appoint one member (other than Secretary of State) as Chairman, subject to advice and consent of the Senate

- Reference: 22 U.S.C. § 6203(b)(2)

OMB Review: Not specified

Independent Litigating: None

Independent Sources of Funding: None

Reporting Requirements: Annual report which summaries and evaluates activities

- Reference: 22 U.S.C. § 6204(a)(9)
- Not later than 90 days after confirmation of all members of the Board, the Board shall provide a report to Congress on the number of administrative, managerial, and technical staff of RFE/RL who will be located within DC metro area and number of employees whose principal place of business will be located outside the metropolitan area of Washington, D.C.
 - Reference: 22 U.S.C. § 6207(b)(2)

- Board shall notify appropriate congressional committees before entering into any agreements for utilization of Voice of America equipment or resources that will significantly reduce the broadcasting activities of Voice of America in Asia or any other region

- Reference: 22 U.S.C. § 6208(f)

Reporting Committees: Senate Committee on Foreign Relations; Senate Committee on Appropriations; House Committee on Foreign Affairs; House Committee on Appropriations

- Reference: 22 U.S.C. § 6213(1)

Review Commissions: None

Advisory Commissions: None

Action Require Outside Approval: None

Legislative Veto: None

Adjudication: None

Central Intelligence Agency

Date of Creation: July 26, 1947

Statute: 50 U.S.C. §§ 403-4-403x; 431

Sub-agency Bureaus: Foreign Terrorist Asset Tracking Center

Commissioners/Board Members: N/A

Quorum Rules: N/A

Agency Specific Personnel: The Director may detail any personnel of the Agency on a reimbursable basis indefinitely to the National Reconnaissance Office without regard to any limitation under law on the duration of details of Federal Government personnel and hire personnel for the purpose of any detail.

- Reference: 50 U.S.C. § 403v

- Director of the CIA may pay a designated employee salary, allowances, and other benefits in an amount and in a manner consistent with the nonofficial cover of that employee without regard to any limitation that is otherwise applicable to a Federal employee

- Reference: 50 U.S.C. § 403w(c)

Limitation on Appointment: None

Party Balancing: N/A

Fixed Terms: None

Term Length: N/A

Staggered Terms: N/A

For Cause: None

Serve President: None

Continuation until Replacement: None

Acting Service Rules: None

Who is Head of Agency: There is a Director of the Central Intelligence Agency who shall be appointed by the President, by and with the advice and consent of Senate

- Reference: 50 U.S.C. § 403-4a(a)

OMB Review: Not specified

Independent Litigating: None

Independent Sources of Funding: CIA is authorized to transfer to and receive from other Government agencies such sums as may be approved by OMB for the performance of any of the activities authorized and any other Government agency is authorized to transfer to and receive from the Agency such sums without regard to any provisions of law limiting or prohibiting transfers between appropriations. Sums transferred to the Agency in accordance with this paragraph may be expended for the purposes of the CIA without regard to limitations of appropriations from which transferred

- Reference: 50 U.S.C. § 403f(a)
- Notwithstanding any other provisions of law, sums made available to the Agency by appropriation or otherwise may be expended for purpose necessary to carry out its functions including personal services, supplies, equipment, and personnel and contractual services otherwise authorized by law and regulations when approved by the Director. These sums made available to the agency may be expended without regard to the provisions of law and regulations relating to the expenditure of Government funds. And for objects of a confidential, extraordinary or emergency nature, such expenditures to be accounted for solely on the certificate of the Director and every such certificate shall be deemed a sufficient voucher for the amount therein contained
 - Reference: 50 U.S.C. § 403j
- Director may accept, hold, administer and use any gifts of money, securities, or other property whenever the Director determines it is in the interest of the United States to do so. Any gift accepted under this section (and any income produced by any such gift) may be used only for artistic display, purposes relating to the general welfare, education, or recreation of employees or dependents of employee of the Agency or for similar purpose, or purposes relating to the welfare, education, or recreation of an individual or his family who is an employee or former employee of the agency who suffered injury while employed by the Agency.
 - Reference: 50 U.S.C. § 403l(a)
- Unless otherwise restricted by terms of the gift, the Director may sell or exchange, invest or reinvest, any property which is accepted under this section but any such investment may only be in interest-bearing obligations of the US or in obligations guaranteed as to both principal and interest by the US
 - Reference: 50 U.S.C. § 403l(b)
- There is established a fund to be known as the Central Services Working Capital Fund which shall contain amounts appropriated to the Fund, amounts credited to the fund from payments received by central service providers, fees imposed or collected above, amounts received in payment for loss or damage to equipment or property of a central service provider as a result of activities under the program, other receipts from the sale or exchange of equipment or property, receipts from individuals in reimbursement for utility services and meals provided, receipts from individuals for the rental or property and equipment, such other amounts as director is authorized to deposit in or transfer to. Amounts in the fund shall be available without fiscal year limitation to pay the costs of providing items or services.
 - Reference: 50 U.S.C. § 403u(c)

Reporting Requirements: Director shall submit a report on the transfer of sums appropriated or otherwise made available to the Agency for the acquisition of land that are transferred to another department or agency for that purpose

- Reference: 50 U.S.C. § 403f(c)(2)
- Director may not make an offering of voluntary separation pay pursuant to this section until 30 days after submitting to the Permanent Select Committee on Intelligence of the House and the Select Committee on Intelligence of the Senate a report describing the occupational groups or geographic locations, or other similar limitations or conditions, required by the Director
 - Reference: 50 U.S.C. § 403x(g)
- The head of each element of the intelligence community shall annually submit to the congressional intelligence committees a certification to the best of the knowledge of the head of such element that he is in full compliance with the requirements of this subchapter and any information required to be submitted by the head of such element under this Act before the date of submission such certification has been properly submitted
 - Reference: 50 U.S.C. § 415d(1)

Reporting Committees: Senate Select Committee on Intelligence; House Permanent Select Committee on Intelligence

- Reference: 50 U.S.C. § 403f(c)(2)

Review Commissions: None

Advisory Commissions: None

Action Require Outside Approval: None

Legislative Veto: None

Adjudication: None

Chemical Safety Hazard and Investigation Board

Date of Creation: November 15, 1990⁴⁷

Statute: 42 U.S.C. § 7412(r)(6)

Sub-agency Bureaus: None

Commissioners/Board Members: The Board shall consist of 5 members who shall be appointed by the president by and with the advice and consent of the Senate

- Reference: 42 U.S.C. § 7412(r)(6)(B)

Quorum Rules: None⁴⁸

Agency Specific Personnel: None

Limitation on Appointment: Members of the Board shall be appointed on the basis of technical qualification, professional standing, and demonstrated knowledge in the fields of accident reconstruction, safety engineering, human factors, toxicology, or air pollution regulation

- Reference: 42 U.S.C. § 7412(r)(6)(B)

Party Balancing: None

Fixed Terms: Yes

- Reference: 42 U.S.C. § 7412(r)(6)(B)

Term Length: The terms of office of members of the Board shall be 5 years

- Reference: 42 U.S.C. § 7412(r)(6)(B)

Staggered Terms: None

⁴⁷ This date is the date Congress authorized the agency. The agency did not become operational until 1998.

⁴⁸ Breger and Edles say a majority of the Board constitutes a quorum. We could find nothing in the statute that defines a quorum in the agency. This may be a quorum defined in agency administrative procedure. *See* Breger and Edles, *supra* note 4.

For Cause: Any member, including the Chairperson, may be removed for inefficiency, neglect of duty, or malfeasance in office

- Reference: 42 U.S.C. § 7412(r)(6)(B)

Serve President: None

Continuation until Replacement: None

Acting Service Rules: None

Who is Head of Agency: The Board shall consist of 5 members, including a Chairperson, who shall be appointed by the President, by and with the advice and consent of the Senate

- Reference: 42 U.S.C. § 7412(r)(6)(B)

OMB Review: Whenever the Board submits or transmits any budget estimate, budget request, supplemental budget request, or other budget information, legislative recommendation, prepared testimony for congressional hearings, recommendation or study to the president, the Secretary of Labor, the Administrator, or the Director of OMB, it shall concurrently transmit a copy thereof to the Congress

- Reference: 42 U.S.C. § 7412(r)(6)(R)

Independent Litigating: None

Independent Sources of Funding: None

Reporting Requirements: The Board shall issue periodic reports to the Congress concerned with the safety of chemical production, processing, handling and storage, and other interested persons recommending measures to reduce the likelihood or the consequences of accidental releases and proposing corrective steps to make chemical production, processing, handling, and storage as safe and free from risk of injury as is possible

- Reference: 42 U.S.C. § 7412(r)(6)(C)(ii)
- The Board shall submit an annual report to the president and to the Congress which shall include, but not be limited to, information on accidental releases which have been investigated by or reported to the Board during the previous year, recommendations for legislative or administrative action which the Board has made, etc.
 - Reference: 42 U.S.C. § 7412(r)(6)(S)

Reporting Committees: Not specified

Review Commissions: None

Advisory Commissions: None

Action Require Outside Approval: None

Legislative Veto: None

Adjudication (e.g.): The Board, or upon the authority of the Board, any member thereof, any administrative law judge employed by or assigned to the Board, or any officer or employee duly designated by the Board may for the purpose of carrying out duties hold such hearings, sit and act at such times and places, administer such oaths, and require by subpoena or otherwise attendance and testimony of such witnesses and the production of evidence

- Reference: 42 U.S.C. § 7412(r)(6)(L)(i)

Commodities Futures Trading Commission

Date of Creation: October 24, 1974

Statute: 7 U.S.C. §§ 1-27f

Sub-agency Bureaus: None

Commissioners/Board Members: The Commission shall be composed of five Commissioners who shall be appointed by the President, by and with the advice and consent of the Senate

- Reference: 7 U.S.C. § 2(a)(2)(A)

Quorum Rules: None

Agency Specific Personnel: The Commission may appoint and fix the compensation of such officers, attorneys, economists, examiners, and other employees as may be necessary for carrying out the functions of the Commission.

- Reference: 7 U.S.C. § 2(a)(7)(A)
- Rates of basic pay for all employees of the Commission may be set and adjusted by the Commission without regard to civil service provisions
 - Reference: 7 U.S.C. § 2(a)(7)(B)

Limitation on Appointment: The President shall select persons who shall each have demonstrated knowledge in futures trading or its regulation, or the production, merchandising, processing, or distribution of one or more of the commodities or other goods and articles, services, rights, and interests covered by this chapter and shall seek to ensure that the demonstrated knowledge of the Commissioners is balanced with respect to such areas

- Reference: 7 U.S.C. § 2(a)(2)(A)
- No Commissioner or employee of the Commission shall participate, directly or indirectly, in any registered entity operations or transactions of a character subject to regulation by the Commission
 - Reference: 7 U.S.C. § 2(a)(8)

Party Balancing: Not more than three of the members of the Commission shall be members of the same political party

- Reference: 7 U.S.C. § 2(a)(2)(A)

Fixed Terms: Yes

- Reference: 7 U.S.C. § 2(a)(2)(A)

Term Length: Each Commissioner shall hold office for a term of five years

- Reference: 7 U.S.C. § 2(a)(2)(A)

Staggered Terms: The terms of office of the Commissioners first taking office shall expire as designated by the President at the time of nomination, one at the end of one year, one at the end of two years, one at the end of three years, one at the end of four years, and one at the end of five years

- Reference: 7 U.S.C. § 2(a)(2)(A)

For Cause: None

Serve President: The Chairman shall serve as Chairman at the pleasure of the President. At any time, the President may appoint, by and with the advice and consent of the Senate, a different Chairman.

- Reference: 7 U.S.C. § 2(a)(2)(B)

Continuation until Replacement: Each Commissioner shall hold office until his successor is appointed and has qualified, except that he shall not so continue to serve beyond the expiration of the next session of Congress subsequent to the expiration of said fixed office

- Reference: 7 U.S.C. § 2(a)(2)(A)

Acting Service Rules: None

Who is Head of Agency: The President shall appoint, by and with the advice and consent of the Senate, a member of the Commission as Chairman.

- Reference: 7. U.S.C. § 2(a)(2)(B)

OMB Review: Whenever the Commission submits any budget estimate or request to the President or the Office of Management and Budget, it shall concurrently transmit copies of that estimate or request to the appropriate committees of Congress

- Reference: 7 U.S.C. § 2(a)(10)(A)
- Whenever the Commission transmits any legislative recommendations, testimony, or comments on legislation to the President of OMB, it shall concurrently transmit copies thereof to the appropriate congressional committees
 - Reference: 7 U.S.C. § 2(a)(10)(B)

Independent Litigating: The Commission shall have a General Counsel and the Commission shall appoint such other attorneys as may be necessary, in the opinion of the Commission, to assist the General Counsel, represent the Commission in all disciplinary proceeds pending before it, represent the Commission in courts of law whenever appropriate, and assist the Department of Justice in handling litigation concerning the Commission in courts of law.⁴⁹

- Reference: 7 U.S.C. § 2(a)(4)

Independent Sources of Funding: The Commodity Futures Trading Commission may develop and implement a plan to charge and collect reasonable fees to cover the estimated cost of regulating transactions under the jurisdiction of the Commission

- Reference: 7 U.S.C. § 16a(a)
- There is established a Commodity Futures Trading Commission Customer Protection Fund. The Fund shall be available to the Commission, without further appropriation or fiscal year limitation, for the payment of awards to whistleblowers and the funding of customer education initiatives designed to help customers protect themselves against fraud or other violations. There shall be deposited or credited into the fund any monetary sanctions collected by the Commission in any covered judicial or administrative action that is not otherwise distributed to victims of a violation, unless the balance of the Fund at the time of the monetary judgment is collected exceeds \$100 million and all income from investments made.
 - Reference: 7 U.S.C. § 26(g)

Reporting Requirements: Prior to implementing a plan to charge and collect fees to cover the estimated cost of regulating transactions under the jurisdiction of the Commission, the Commission shall report its intention to do so to the appropriate congressional committees

- Reference: 7 U.S.C. § 16a(a)
- Not later than October 30 of each year, the Commission shall transmit to the appropriate congressional committees a report on the Commission's whistleblower award program
 - Reference: 7 U.S.C. 26(g)(5)

Reporting Committees: Senate Appropriations; Senate Agriculture, Nutrition, and Forestry; House Appropriations; House Agriculture

- Reference: See, e.g., 7 U.S.C. § 2(a)(10); 16a(a)

Review Commissions: None

⁴⁹ Breger and Edles, *supra* note 4, suggest that the Commission has an informal agreement with the Department of Justice to refer cases of common concern to all agencies (such as FOIA or Privacy Act suits) to the Attorney General.

Advisory Commissions: Energy and Environmental Markets Advisory Committee is established to submit reports and recommendations to the Commission on matters of concern to exchanges, firms, end users, and regulators regarding energy and environmental markets and their regulation by the Commission

- Reference: 7 U.S.C. § 2(a)(15)(A)

Action Require Outside Approval: The Commission may not designate or register a board of trade as a contract market or derivatives transaction execution facility based on such application until forty-five days after the Commission delivers the application to the Department of Treasury and the Board of Governors of the Federal Reserve System, or until the Commission receives comments from each of such agencies on the application, whichever period is shorter

- Reference: 7 U.S.C. § 2(a)(9)(B)(ii)

Legislative Veto: Any plan to charge and collect fees to cover the estimated cost of regulating transactions under the jurisdiction of the Commission shall not be implemented until approved by the House Agriculture committee and the Senate committee on Agriculture, Nutrition, and Forestry

- Reference: 7 U.S.C. § 16a(a)

Adjudication (e.g.): Enforcement authority of Commission includes the ability to hold hearings held before the Commission or an administrative law judge designated by the Commission, under which the administrative law judge shall ensure that all evidence is recorded in written form and submitted to the Commission

- Reference: 7 U.S.C. § 9(4)(C)
- For the purpose of securing effective enforcement, any member of the Commission or any Administrative Law Judge or other officer designated by the commission may administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, or other records that the Commission deems relevant or material to the inquiry
 - Reference: 7 U.S.C. § 9(5)

Consumer Product Safety Commission

Date of Creation: September 27, 1972

Statute: 15 U.S.C. §§ 2053-2089

Sub-agency Bureaus: Engineering Sciences; Epidemiology; Compliance and Administrative Litigation; Health Sciences; Economic Analysis; Administration; Field Operations; Office of Program, Management, and Budget; Office of Information and Public Affairs; Injury Information Clearinghouse

Commissioners/Board Members: 5 Commissioners appointed by the President by and with the advice and consent of the Senate

- Reference: 15 U.S.C. § 2053(a)

Quorum Rules: Three members of the Commission shall constitute a quorum for the transaction of business, except that if there are only three members serving on the Commission because of vacancies, two members constitute a quorum and if there are only two members serving on the Commission because of vacancies, two members shall constitute a quorum for the six month period beginning on the date of the vacancy which caused the number of the Commission members to decline to two

- Reference: 15 U.S.C. § 2053(d)

Agency Specific Personnel: None

Limitation on Appointment: The President should consider individuals who, by reason of their background and expertise in areas related to consumer products and protection of the public from risks to safety are qualified to serve as members of the commission

- Reference: 15 U.S.C. § 2053(a)
- No individual in the employ of or holding any official relation to any person engaged in selling or manufacturing consumer products or owning stock or bonds of substantial value in person so engaged or who is in any other manner pecuniarily interested in such a person or in a substantial supplier of such a person, shall hold office of Commissioner
 - Reference: 15 U.S.C. § 2053(c)

Party Balancing: No more than three of the Commissioners shall be affiliated with the same party

- Reference: 15 U.S.C. § 2053(c)

Fixed Terms: Yes

- Reference: 15 U.S.C. § 2053(b)(1)

Term Length: 7 years from the date of the expiration of the term for which his predecessor was appointed

- Reference: 15 U.S.C. § 2053(b)(1)

Staggered Terms: The Commissioners first appointed shall be appointed for terms ending three, four, five, six, and seven years, respectively, after October 27, 1972, the term of each to be designated by the President at the time of nomination and each of their successors shall be appointed for a term of seven years from the date of the expiration of the term for which his predecessor was appointed

- Reference: 15 U.S.C. § 2053(b)(1)

For Cause: Any member of the Commission may be removed by the President for neglect of duty or malfeasance in office but for no other cause

- Reference: 15 U.S.C. § 2053(a)

Serve President: None

Continuation until Replacement: A Commissioner may continue to serve after the expiration of term until his successor has taken office, except that he may not so continue to serve more than one year after the date on which his term would otherwise expire

- Reference: 15 U.S.C. § 2053(b)(2)

Acting Service Rules: None⁵⁰

Who is Head of Agency: Chairman shall be appointed by the President, by and with the advice and consent of the Senate, from among the members of the Commission

- Reference: 15 U.S.C. § 2053(a)

OMB Review: Whenever Commission submits any budget estimate to president or OMB or any legislative recommendations, testimony, or comments on legislation to president or OMB, must also submit to Congress.

- Reference: 15 U.S.C. § 2076(k)

Independent Litigating: Notwithstanding any other provision of law, in any action under Imminent Hazard section, Commission may direct attorneys employed by it to appear and represent it

⁵⁰ Breger and Edles, *supra* note 4, say that the Commission annually elects the Vice Chairman to act in the Chairman's absence, however the authors do not provide a source citation.

- Reference: 15 U.S.C. § 2061(e)
- Commission has right to initiate, prosecute, defend or appeal (other than to the Supreme Court of the United States), through its own legal representative and in the name of the Commission, any civil action if the Commission makes a written request to the Attorney General for representation in such civil action and the Attorney General does not within 45-day period beginning on the date such request was made notifies the Commission in writing that the Attorney General will represent the Commission (and same for criminal action)
 - Reference: 15 U.S.C. § 2076(b)(7)

Independent Sources of Funding: None

Reporting Requirements: Upon written request of the Chairman or Ranking Minority Member of either of the appropriate Congressional committees or any subcommittee thereof, the Commission shall provide to requesting member any information furnished to the Commission by manufacturers or private labelers relating to litigation for purposes that are related to the jurisdiction of such committee or subcommittee

- Reference: 15 U.S.C. § 2055(d)(4)
- Annual report on the consumer product safety information database
 - Reference: 15 U.S.C. § 2055a(d)
- Notice of rulemaking activities
 - Reference: See, e.g., 15 U.S.C. § 2057c(c)
- If Commission determines that it lacks authority to implement an opportunity for reducing the costs of third-party testing consistent with assuring compliance with applicable consumer product safety rules, bans, standards, and regulations, it shall submit a report to Congress reviewing those opportunities, along with any recommendations for any legislation to permit such implementation
 - Reference: 15 U.S.C. § 2063(d)(3)(C)
- Commission shall periodically report to the appropriate Congressional committees the results of the product surveillance program
 - Reference: 15 U.S.C. § 2066(h)(3)
- Annual report on the administration of Commission duties
 - Reference: 15 U.S.C. § 2076(j)
- Commission shall submit information with respect to the imposition of civil penalties under the statutes which it administers (annual)
 - Reference: 15 U.S.C. § 2076a

Reporting Committees: Senate Commerce, Science, and Transportation; House Energy and Commerce

- Reference: 15 U.S.C. § 2076a

Review Commissions: None

Advisory Commissions: No earlier than 180 days after August 14, 2008, the Commission shall begin the process of appointing a Chronic Hazard Advisory Panel to study the effects on children's health of all phthalates and phthalate alternatives as used in children's toys and child care articles

- Reference: 15 U.S.C. §§ 2057(b)(2); 2077
- Commission may not issue an advance notice of proposed rulemaking for a consumer product safety rule unless Chronic Hazard Advisory Panel has submitted a report to the

Commission with respect to whether a substance contained in such product is a carcinogen, mutagen, or teratogen

- Reference: 15 U.S.C. § 2080(b)

Action Require Outside Approval: None

Legislative Veto: None

*Adjudication (e.g.):*⁵¹ The Commission shall have the power to administer oaths; to require by subpoena the attendance and testimony of witnesses and the production of all documentary and physical evidence relating to the execution of its duties; in any proceeding or investigation to order testimony to be taken by deposition before any person who is designated by the Commission and has the power to administer oaths and, in such instances, to compel testimony and the production of evidence

- Reference: 15 U.S.C. § 2076(b)(2)-(4)

Corporation for National Community Service

Date of Creation: September 21, 1993

Statute: 42 U.S.C. §§ 12651-12651k

Sub-agency Bureaus: None

Commissioners/Board Members: There shall be in the Corporation a Board of Directors that shall be composed of 15 members to be appointed by the President, by and with the advice and consent of the Senate. There are also ex officio members as follows: Secretaries of Education, Health and Human Services, Labor, Interior, Agriculture, Housing and Urban Development, and Defense; the Attorney General; the Director of the Peace Corps; the Administrator of the Environmental Protection Agency; and the Chief Executive Officer

- Reference: 42 U.S.C. § 12651a(a)(1)

Quorum Rules: A majority of the appointed members of the Board shall constitute a quorum

- Reference: 42 U.S.C. § 12651b(b)

Agency Specific Personnel: The Chief Executive Officer may designate positions in the Corporation as positions to which the CEO may make appointments and for which the CEO may determine compensation, without regard to the civil service provisions governing appointments in the competitive service and without regard to the civil service provisions relating to classification and General Schedule pay rates to the extent the CEO determines that such a designation is appropriate and desirable to further the effective operation of the Corporation

- Reference: 42 U.S.C. § 12651f(b)(1)

Limitation on Appointment: The voting members must have served in a school-based or community-based service-learning program or is or was a participant or supervisor in a program. One of the 15 members must be an individual between the ages of 16 and 25

- Reference: 42 U.S.C. § 12651a(a)(1)(A)
- To the maximum extent possible, the president shall appoint members who have extensive experience in volunteer or service activities, which may include programs funded under one of the national service laws, and in state government; represent a broad

⁵¹ For provisions (including those outside of the authorizing statute) that explicitly reference adjudicatory proceedings under 5 U.S.C. § 554, see 15 U.S.C. § 1274 (2012) (banning hazardous substances); 15 U.S.C. § 2066 (2012) (importers of imminently hazardous products); 15 U.S.C. § 2064 (2012) (orders to give notice of defect, repair, or recall on products determined to present substantial hazards).

range of viewpoints; are experts in the delivery of educational, environmental, or public services; so that the Board shall be diverse according to race, ethnicity, age, gender, and disability characteristics

- Reference: 42 U.S.C. § 12651a(a)(2)

Party Balancing: No more than 50 percent of the appointed members of the Board, plus one additional appointed member are from a single party⁵²

- Reference: 42 U.S.C. § 12651a(a)(2)(E)

Fixed Terms: Yes

- Reference: 42 U.S.C. § 12651a(c)

Term Length: Each appointed member shall serve for a term of 5 years

- Reference: 42 U.S.C. § 12651a(c)

Staggered Terms: None

For Cause: None

Serve President: None

Continuation until Replacement: A voting member of the Board whose term has expired may continue to serve on the Board until the date on which the member's successor takes office, which period shall not exceed 1 year

- Reference: 42 U.S.C. § 12651a(e)

Acting Service Rules: The Vice Chairperson of the Board may conduct meetings of the Board in the absence of the Chairperson

- Reference: 42 U.S.C. § 12651b(c)(2)

Who is Head of Agency: The Chairperson shall be elected by the Board from among its members

- Reference: 42 U.S.C. § 12651a(b)(1)

OMB Review: Not specified

Independent Litigating: The Chief Executive Officer may file a civil action in any court of record of a state having general jurisdiction or in a district court of the United States with respect to a claim arising under this chapter

- Reference: 42 U.S.C. § 12651d(c)(7)

Independent Sources of Funding: The Corporation may solicit, accept, hold, administer, use, and dispose of, in furtherance of the purposes of the national service laws, donations of any money or property, real, personal or mixed, tangible or intangible, received by gift, devise, bequest or otherwise

- Reference: 42 U.S.C. § 12651g(a)(2)(A)

Reporting Requirements: The Chief Executive Officer shall prepare and submit to the authorizing committees an annual report and such interim reports as may be necessary describing the services accepted by the Corporation, the manner in which the Corporation used or disposed of such services, money, and property, and information on the results achieved by the programs funded under the national service laws during the year preceding the year in which the report is prepared

- Reference: 42 U.S.C. § 12651d(b)(10)

Reporting Committees: Not specified other than “authorizing committees”

Review Commissions: None

⁵² Datla and Revesz consider the Corporation for National Community Service as having no partisan balance requirement but do not provide a source citation for this decision. Datla and Revesz, *supra* note 4, at Table 4

Advisory Commissions: The Chief Executive Officer, acting upon the recommendation of the Board, may establish advisory committees in the Corporation to advise the Board with respect to national service issues

- Reference: 42 U.S.C. § 12651f(f)

Action Require Outside Approval: The Chief Executive Officer with approval of the President may arrange with and reimburse the heads of other Federal agencies for the performance of any of the provisions of the national service laws

- Reference: 42 U.S.C. § 12651d(c)(2)
- The Chief Executive Officer, after obtaining the approval of the Director of the Office of Personnel Management, shall issue regulations establishing a selection and compensation system for employees of the Corporation appointed outside civil service provisions
 - Reference: 42 U.S.C. § 12651f(b)(3)(A)

Legislative Veto: None

Adjudication: None

Corporation for Public Broadcasting

Date of Creation: November 7, 1967

Statute: 47 U.S.C. § 396

Sub-agency Bureaus: None

Commissioners/Board Members: The Corporation shall have a Board of Directors consisting of 9 members appointed by the president by and with the advice and consent of the Senate

- Reference: 47 U.S.C. § 396(c)(1)

Quorum Rules: None

Agency Specific Personnel: No officer or employee of the Corporation may be compensated by the Corporation at an annual rate of pay which exceeds the rate of basic pay in effect from time to time for level I of the Executive Schedule

- Reference: 47 U.S.C. § 396(3)(1)

Limitation on Appointment: The 9 members of the Board appointed by the president shall be selected from among citizens of the United States, not regular full time employees of the United States, who are eminent in such fields as education, cultural and civic affairs, or the arts, including radio and television. And shall be selected so as to provide as nearly as practicable a broad representation of various regions of the nation, various professions and occupations, and various kinds of talent and experience appropriate to the functions and responsibilities of the Corporation

- Reference: 47 U.S.C. § 396(c)(2)
- Of the members of the Board appointed by the president, one member shall be selected from among individuals who represent the licensees and permittees of public television, and one member shall be selected from among individuals who represent the licensees and permittees of public radio stations
 - Reference: 47 U.S.C. § 396(c)(3)

Party Balancing: No more than 5 members of the Board appointed by the president may be members of the same political party

- Reference: 47 U.S.C. § 396(c)(1)

Fixed Terms: Yes

- Reference: 47 U.S.C. § 396(c)(5)

Term Length: The term of office of each member of the Board appointed by the president shall be 6 years

- Reference: 47 U.S.C. § 396(c)(5)

Staggered Terms: None

For Cause: Members of the Board shall attend not less than 50 percent of all duly convened meetings of the Board in any calendar year. A member who fails to meet the requirements shall forfeit membership and the president shall appoint a new member

- Reference: 47 U.S.C. § 396(c)(7)

Serve President: None

Continuation until Replacement: Any member whose term has expired may serve until such member's successor has taken office, or until the end of the calendar year in which such member's term has expired, whichever is earlier

- Reference: 47 U.S.C. § 396(c)(5)

Acting Service Rules: None

Who is Head of Agency: Members of the Board shall annually elect one of their members to be Chairman

- Reference: 47 U.S.C. § 396(d)(1)

OMB Review: Not specified

Independent Litigating: None

Independent Sources of Funding: The Corporation is authorized to obtain grants from individuals and with private, state, and federal agencies, organizations, and institutions

- Reference: 47 U.S.C. § 396(g)(2)(A)

Reporting Requirements: The Corporation shall submit an annual report for the preceding fiscal year ending September 30 to the president for transmittal to the Congress on or before the 15th day of May of each year

- Reference: 47 U.S.C. § 396(i)(1)
- The Corporation shall report annually to Congress regarding the activities and expenditures of the independent production service, including carriage and viewing information for programs produced or acquired

- Reference: 47 U.S.C. § 396(k)(3)(B)(iii)(V)

Reporting Committees: Not specified

Review Commissions: None

Advisory Commissions: None

Action Require Outside Approval: None

Legislative Veto: None

Adjudication: None

Council of Economic Advisors (Executive Office of the President)

Date of Creation: February 20, 1946

Statute: 15 U.S.C. §§ 1021-1025

Sub-agency Bureaus: None

Commissioners/Board Members: The Council shall be composed of three members who shall be appointed by the president by and with the advise and consent of the Senate

- Reference: 15 U.S.C. § 1023(a)

Quorum Rules: None

Agency Specific Personnel: The Council is authorized to employ, and fix the compensation of, such specialists and other experts as may be necessary for carrying out of its functions without regard to the civil-service laws

- Reference: 15 U.S.C. § 1023(b)

Limitation on Appointment: Each of the members shall be a person who, as a result of his training, experience, and attainments, is exceptionally qualified to analyze and interpret economic developments, to appraise programs and activities of the government in the light of economic policy and to formulate and recommend national economic policy to promote full employment, production, and purchasing power under free competitive enterprise.

- Reference: 15 U.S.C. § 1023(a)

Party Balancing: None

Fixed Terms: None

Term Length: N/A

Staggered Terms: None

For Cause: None

Serve President: None

Continuation until Replacement: None

Acting Service Rules: The vice chairman shall act as chairman in the absence of the chairman

- Reference: 15 U.S.C. § 1023(a)

Who is Head of Agency: The president shall designate one of the members of the Council as chairman

- Reference: 15 U.S.C. § 1023(a)

OMB Review: Not specified

Independent Litigating: None

Independent Sources of Funding: None

Reporting Requirements: The Council shall make an annual report to the president in December of each year. The president shall annually submit this report to Congress not later than 10 days after the submission of the budget

- Reference: 15 U.S.C. §§ 1022(a); 1023(d)

Reporting Committees: Not specified

Review Commissions: None

Advisory Commissions: An advisory board or boards (including regional advisory boards) may be established as the President deems appropriate, to advise and consult periodically with one or more of the following: the president, Council of Economic Advisers, and such other departments and agencies of the executive branch of the Federal Government as the president shall determine

- Reference: 15 U.S.C. § 1022f(a)
- In exercising its powers, functions, and duties, the Council may constitute such advisory committees as it deems advisable
 - Reference: 15 U.S.C. § 1023(e)(1)

Action Require Outside Approval: None

Legislative Veto: None

Adjudication: None

Council on Environmental Quality (Executive Office of the President)

Date of Creation: January 1, 1970

Statute: 42 U.S.C. §§ 4342-4347

Sub-agency Bureaus: None

Commissioners/Board Members: The Council shall be composed of three members who shall be appointed by the president to serve at his pleasure by and with the advice and consent of the Senate

- Reference: 42 U.S.C. § 4342

Quorum Rules: None

Agency Specific Personnel: The Council may employ and fix the compensation of such experts and consultants as may be necessary for the carrying out of its functions under the chapter without regard to civil service provisions

- Reference: 42 U.S.C. § 4343(a)

Limitation on Appointment: Each member shall be a person who, as a result of his training, experience, and attainments, is exceptionally well qualified to analyze and interpret environmental trends and information of all kinds, to appraise programs and activities of the federal government in the light of environmental policy, to be conscious of and responsive to the scientific, economic, social esthetic, and cultural needs and interests of the nation, and to formulate and recommend national policies to promote the improvement of the quality of the environment

- Reference: 42 U.S.C. § 4342

Party Balancing: None

Fixed Terms: None

Term Length: N/A

Staggered Terms: N/A

For Cause: None

Serve President: None

Continuation until Replacement: None

Acting Service Rules: None

Who is Head of Agency: The president shall designate one of the members of the Council to serve as chairman

- Reference: 42 U.S.C. § 4342

OMB Review:

Independent Litigating: None

Independent Sources of Funding: The Council may accept reimbursements from any private nonprofit organization or from any department, agency, or instrumentality of the Federal Government, any state, or local government, for the reasonable travel expenses incurred by an office or employee of the Council in connection with his attendance at any conference, seminar, or similar meeting conducted for the benefit of the Council

- Reference: 42 U.S.C. § 4346a

Reporting Requirements: None

Reporting Committees: None

Review Commissions: None

Advisory Commissions: In exercising its powers, functions, and duties under this chapter, the Council shall consult with the Citizens Advisory Committee on Environmental Quality

- Reference: 42 U.S.C. § 4345(1)

Action Require Outside Approval: None
Legislative Veto: None
Adjudication: None

Defense Nuclear Facilities Safety Board

Date of Creation: September 29, 1988

Statute: 42 U.S.C. §§ 2286-2286j

Sub-agency Bureaus: None

Commissioners/Board Members: The Board shall be composed of five members appointed by the President by and with the advice and consent of the Senate

- Reference: 42 U.S.C. § 2286(b)(1)

Quorum Rules: Three members of the Board shall constitute a quorum, but a lesser number may hold hearings

- Reference: 42 U.S.C. § 2286(e)

Agency Specific Personnel: None

Limitation on Appointment: United States citizens, appointed from civilian life, who are respected experts in the field of nuclear safety with a demonstrated competence and knowledge relevant to the independent investigative and oversight functions of the Board

- Reference: 42 U.S.C. § 2286(b)(1)
- No member of the Board may be an employee of or have any significant financial relationship with the Department of Energy or any contractor of the Department of Energy
 - Reference: 42 U.S.C. § 2286(b)(3)

Party Balancing: Not more than three members of the Board shall be of the same political party

- Reference: 42 U.S.C. § 2286(b)(1)

Fixed Terms: Yes

- Reference: 42 U.S.C. § 2286(d)(1)

Term Length: The members of the Board shall serve for five years

- Reference: 42 U.S.C. § 2286(d)(1)

Staggered Terms: Of the members first appointed, one shall be appointed for a term of one year, one shall be appointed for a term of two years, one shall be appointed for a term of three years, one shall be appointed for a term of four years, and one shall be appointed for a term of five years

- Reference: 42 U.S.C. § 2286(d)(2)

For Cause: None

Serve President: None

Continuation until Replacement: A member may serve after the expiration of that member's term until a successor has taken office

- Reference: 42 U.S.C. § 2286(d)(3)

Acting Service Rules: The Vice Chairman shall act as Chairman in the event of the absence of incapacity of the Chairman or in the case of a vacancy in the office of a Chairman

- Reference: 42 U.S.C. § 2286(c)(4)

Who is Head of Agency: The President shall designate a Chairman of the Board from among the members of the Board

- Reference: 42 U.S.C. § 2286(c)(1)

OMB Review: Whenever the Board submits or transmits to the President or the Director of the Office of Management and Budget any legislative recommendation, or any state or information in preparation of a report to be submitted to the Congress, the Board shall submit at the same time a copy thereof to the Congress

- Reference: 42 U.S.C. § 2286h-1

Independent Litigating: None

Independent Sources of Funding: None

Reporting Requirements: At the same time that the Board transmits a recommendation relating to an imminent or severe threat to the Secretary of Energy, the Board shall also transmit the recommendation to the Committees on Armed Services and on Appropriations of the Senate and to the Speaker of the House.

- Reference: 42 U.S.C. § 2286d(g)(3)
- The Board shall submit to the Committees on Armed Services and on Appropriations and to the Speaker of the House each year, at the same time that the president submits the budget to Congress, a written report concerning its activities under this subchapter, including all recommendations made by the Board during the year preceding the year in which the report is submitted

- Reference: 42 U.S.C. § 2286e(a)

Reporting Committees: Senate Armed Forces; Senate Appropriations

- Reference: 42 U.S.C. § 2286(b)(4)

Review Commissions: None

Advisory Commissions: None

Action Require Outside Approval: With the consent of and under appropriate support arrangements with the Nuclear Regulatory Commission, the Board may obtain the advice and recommendations of the staff of the Commission on matters relating to the Board's responsibilities and may obtain the advice and recommendations of the Advisory Committee on Reactor Safeguards on such matters

- Reference: 42 U.S.C. § 2286b(f)

Legislative Veto: None

Adjudication (e.g.): The Board or a member authorized by the Board may, for the purpose of carrying out this subchapter, hold such hearings and sit and act at such times and places, and require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such evidence as the Board or an authorized member may find advisable

- Reference: 42 U.S.C. § 2286b(a)(1)

Delta Regional Authority

Date of Creation: December 21, 2000

Statute: 7 U.S.C. § 2009aa-2009aa-13

Sub-agency Bureaus: None

Commissioners/Board Members: The Authority shall be composed of a federal member to be appointed by the president, with the advice and consent of the Senate and the governor of each state in the region that elects to participate in the authority (8 states)

- Reference: 7 U.S.C. § 2009aa-1(a)

Quorum Rules: Not specified⁵³

Agency Specific Personnel: A State shall compensate each member and alternate representing the state on the Authority at the rate established by the law of the state

- Reference: 7 U.S.C. § 2009aa-1(h)(3)(A)
- The Authority may appoint and fix the compensation of an executive director and such other personnel as are necessary to enable the authority to carry out the duties of the Authority
 - Reference: 7 U.S.C. § 2009aa-1(h)(5)(A)(i)
- No member, alternate, officer, or employee of the Authority (except the Federal cochairman, the alternate and staff for the Federal cochairperson, and any Federal employee detailed to Authority) shall be considered to be a Federal employee for any purpose
 - Reference: 7 U.S.C. § 2009aa-1(h)(5)(C)

Limitation on Appointment: None

Party Balancing: None

Fixed Terms: None

Term Length: N/A

Staggered Terms: N/A

For Cause: None

Serve President: None

Continuation until Replacement: None

Acting Service Rules: None

Who is Head of Agency: The Authority shall be headed by the federal member (appointed by the President with the advice and consent of the Senate) and a state cochairperson who shall be elected by state members

- Reference: 7 U.S.C. § 2009aa-1(a)(3)

OMB Review: Not specified

Independent Litigating: None

Independent Sources of Funding: The Authority may accept, use, and dispose of gifts or donations of services or real, personal, tangible, or intangible property

- Reference: 7 U.S.C. § 2009aa-1(e)(8)

Reporting Requirements: Not later than 180 days after the end of each fiscal year, the Authority shall submit to the President and to Congress a report describing the activities carried out

- Reference: 7 U.S.C. § 2009aa-11

Reporting Committees: Not specified

Review Commissions: None

Advisory Commissions: None

Action Require Outside Approval: None

Legislative Veto: None

Adjudication (e.g.): The Authority may hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, and print or otherwise distribute a description of the proceedings and reports on actions by the Authority as the Authority considers appropriate

⁵³ *But see* 7 U.S.C. § 2009aa-1(c)(2) (2012) (not specifying the number of members needed for a quorum but providing that “a quorum of state members shall be required to be present for the Authority to make any policy decision”).

- Reference: 7 U.S.C. § 2009aa-1(e)(1)

Department of Agriculture

Date of Creation: May 15, 1862⁵⁴

Statute: 7 U.S.C. §§ 2201-2279h

Sub-agency Bureaus: Office of Risk Assessment and Cost-Benefit Analysis; Animal and Plant Health Inspection Service; Agricultural Stabilization and Conservation Service; Federal Crop Insurance Corporation Fund; Agricultural Research Service; Cooperative State Research Service; Office of International Cooperation and Development; Forest Service; Division of Accounts and Disbursements; Production and Marketing Administration; National Agricultural Library; Soil Conservation Service; Farm Service Agency; Natural Resources Conservation Service; National Agricultural Statistics Service; Graduate School; Grain Inspection, Packers, and Stockyards Administration; Food Safety and Inspection Service

Commissioners/Board Members: None

Quorum Rules: N/A

Agency Specific Personnel: None

Limitation on Appointment: None

Party Balancing: N/A

Fixed Terms: None

Term Length: N/A

Staggered Terms: N/A

For Cause: None

Serve President: None

Continuation until Replacement: None

Acting Service Rules: None

Who is Head of Agency: The Department of Agriculture shall be under the supervision and control of a Secretary of Agriculture, who shall be appointed by the President, by and with the advice and consent of the Senate

- Reference: 7 U.S.C. § 2202

OMB Review: Not specified

Independent Litigating: None

Independent Sources of Funding: Secretary of Agriculture may furnish, on request, copies of software programs, pamphlets, reports or other publications prepared by the Department of Agriculture in carrying out any of its missions and charge such fees therefore as the Secretary deems reasonable. All moneys received from such fees, late penalties, and interest may be invested by Secretary or, at discretion of Secretary, by the Secretary of the Treasury.

- Reference: 7 U.S.C. § 2242a

- Graduate School may charge and retain fair and reasonable fees for the activities provided and may accept, use, hold, dispose, and administer gifts, bequests, and devises of money, securities, and other real or personal property made for the benefit of, or in

⁵⁴ The “Department” of Agriculture was created in 1862 but, while called a department, it was more like an independent bureau. It was an independent agency headed by a commissioner paid at a lower rate than cabinet secretaries until 1889 when the Department was elevated to full cabinet rank. *See* JOHN A. FAIRLIE, *THE NATIONAL ADMINISTRATION OF THE UNITED STATES OF AMERICA* 221-222 (1922).

connection with, the Graduate School. These fees shall not be considered federal funds and shall not be required to be deposited in the Treasury.

- Reference: 7 U.S.C. § 2279b

Reporting Requirements: The Secretary shall prepare a rural development strategy and annual updates to the strategy shall be transmitted by Jan 31 of the calendar year immediately preceding the beginning of the appropriate fiscal year

- Reference: 7 U.S.C. § 2204b(c)(5)
- Not later than 20 days after the end of each fiscal year, the Secretary shall submit to Congress a report on the amounts obligated and expended by the Department during that fiscal year for the procurement of advisory or assistance services
 - Reference: 7 U.S.C. § 2207a(a)
- Not later than September 30 of each year, the Secretary shall submit to the appropriate committees in Congress a report on conferences sponsored or held by Department of Agriculture or attended by employees of Department of Agriculture
 - Reference: 7 U.S.C. § 2255b(a)
- The Secretary shall submit to the appropriate committees in Congress and make publicly available an annual report that includes a list of the recipients of funds made available under the outreach and technical assistance program, activities undertaken and services provided, the number of current and prospective socially disadvantaged farmers or ranchers served and outcomes of such service, the problems and barriers identified by entities in trying to increase participation by current and prospective socially disadvantaged farmers or ranchers.
 - Reference: 7 U.S.C. § 2279(a)(3)(D)
- Not later than September 30, 1992 and every two years thereafter, the Secretary shall report to the appropriate committees in Congress regarding the efforts of the Secretary to enhance participation by members of the socially disadvantaged groups in agricultural programs, the specific participation goals established for each agricultural program, the results achieved for each agricultural program, and the progress of the Department towards helping socially disadvantaged groups.
 - Reference: 7 U.S.C. § 2279(c)(1)
- Each year the Secretary shall prepare a report that describes, for each agency of the Department of Agriculture the number of civil rights complaints filed that relate to the agency, the length of time the agency took to process each civil rights complaint, the number of proceedings brought against the agency, and the number and type of personnel actions taken by the agency following resolution of civil rights complaints and submit that report to the appropriate committees in Congress.
 - Reference: 7 U.S.C. § 2279-2

Reporting Committees: Senate Agriculture, Nutrition, and Forestry; House Agriculture

- Reference: See, e.g., 7 U.S.C. § 2204b(c)(5)

Review Commissions: None

Advisory Commissions: None

Action Require Outside Approval: None

Legislative Veto: None

*Adjudication (e.g.):*⁵⁵ The Secretary shall have the power to subpoena the attendance and testimony of any witness, and the production of all documentary evidence relating to the enforcement of civil penalties or any matter under investigation in connection with official inspections. The attendance of any witness and the production of documentary evidence may be required from any place in the United States at any designated place of hearing

- Reference: 7 U.S.C. § 2279f(a)-(b)

Department of Commerce

Date of Creation: February 14, 1903

Statute: 15 U.S.C. §§ 1501-1542

Sub-agency Bureaus: National Oceanic and Atmospheric Administration; Bureau of Foreign and Domestic Commerce; United States Travel and Tourism Administration; National Institute of Standards and Technology; United States Patent and Trademark Office; Bureau of the Census; Economic and Statistics Administration; International Trade Administration; Export Administration

Commissioners/Board Members: None

Quorum Rules: None

Agency Specific Personnel: None

Limitation on Appointment: None

Party Balancing: N/A

Fixed Terms: None

Term Length: N/A

Staggered Terms: N/A

For Cause: None

Serve President: None

Continuation until Replacement: None

Acting Service Rules: None

Who is Head of Agency: A Secretary of Commerce shall be head of the Department of Commerce and shall be appointed by the President, by and with the advice and consent of the Senate

- Reference: 15 U.S.C. § 1501

OMB Review: Not specified

Independent Litigating: None

Independent Sources of Funding: Secretary is authorized to access fees, based on fair market value, for access to environmental data and information and products derived therefrom collected and/or archived by NOAA

- Reference: 15 U.S.C. § 1534

⁵⁵ For provisions (including those outside of the authorizing statute) that explicitly reference adjudicatory proceedings under 5 U.S.C. § 554, see 7 U.S.C. § 87e (2012) (grain inspection license proceedings); 7 U.S.C. § 1259ii (2012) (appellants of sugar marketing allotment allocations); 7 U.S.C. § 86 (2012) (grain official inspection or services related to weighing violators prior to refusal of such services or civil penalty); 7 U.S.C. § 87f-1 (2012) (foreign commerce grain sale certificate holders subject to suspension or revocation); 7 U.S.C. § 3804 (2012) (garbage treatment facility for swine feed permittees prior to suspension or revocation); 7 U.S.C. § 3805 (2012) (swine health protection).

Reporting Requirements: Secretary shall include in yearly budget justifications an estimate for each NOAA procurement, acquisition, and construction program having a total multiyear program cost of more than \$5 million and an estimate for the budgetary requirements for each such program for each of the five subsequent years

- Reference: 15 U.S.C. § 1513a
- Secretary shall include in yearly budget justifications an estimate for each NIST construction project having a total multiyear program cost of more than \$5 million and include an estimate of the budgetary requirements for each such project for each of the five subsequent fiscal years
 - Reference: 15 U.S.C. § 1513b
- Annually make an account of all moneys received and disbursed by Secretary and Department and describing work done by Department in fostering, promoting, and developing foreign and domestic commerce, mining, manufacturing, and fisheries industries
 - Reference: 15 U.S.C. § 1519
- Make such special investigations and reports as Secretary may be required to do by either house in Congress
 - Reference: 15 U.S.C. § 1519
- Biennial assessment of the adequacy of the environmental data and information systems of NOAA and report comprehensive plan based on this assessment
 - Reference: 15 U.S.C. § 1537
- Notice not less than 15 days before reprogramming funds available for a program, project, or activities of NOAA in an amount greater than the lesser of \$250,000 or 5 percent of the total funds of such program, project or activity
 - Reference: 15 U.S.C. § 1538(a)
- Notice not later than 15 days before any major reorganization of any program, project, or activity of NOAA
 - Reference: 15 U.S.C. § 1538(b)

Reporting Committees: Senate Commerce, Science, and Transportation; Senate Appropriations; House Science, Space, and Technology; House Appropriations; House Merchant Marine and Fisheries

- Reference: See, e.g., 15 U.S.C. §§ 1534(f); 1538

Review Commissions: None

Advisory Commissions: None

Action Require Outside Approval: None

Legislative Veto: None

*Adjudication:*⁵⁶ None

⁵⁶ For provisions (including those outside of the authorizing statute) that explicitly reference adjudicatory proceedings under 5 U.S.C. § 554 see 16 U.S.C. § 1856 (regulation of fisheries); 16 U.S.C. § 2437 (civil penalty assessment hearings for Antarctic Marine Living Resources Convention); 16 U.S.C. § 1437 (marine sanctuaries enforcement); § 1852 (removal of member of Regional Fishery Management Councils); 16 U.S.C. § 1174 (North Pacific fur seals conservation and protection); 16 U.S.C. § 1858 (fishery management program provision); 16 U.S.C. § 5010 (Northern Pacific Anadromous Stocks Convention); 16 U.S.C. § 773f (Northern Pacific Halibut Act); 16 U.S.C. § 973f (South Pacific tuna fishing regulations); 30 U.S.C. § 1462 (deep seabed mineral resources regulations); 42 U.S.C. § 9152 (ocean thermal energy conservation).

Department of Defense

Date of Creation: August 7, 1789

Statute: 10 U.S.C. §§ 111-119

Sub-agency Bureaus: Office of the Secretary; Joint Chiefs; Joint Staff; Army; Navy; Air Force; Reserve Forces Policy Board; Army Medical Corps; Army Dental Corps; Army Nurse Corps; Army Medical Service Corps; Army Veterinary Corps; Army Medical Specialist Corps; Navy Medical Corps; Navy Dental Corps; Navy Nurse Corps; Navy Medical Service Corps; Marine Corps

Commissioners/Board Members: None

Quorum Rules: N/A

Agency Specific Personnel: None

Limitation on Appointment: The person appointed to Secretary must be from civilian life and may not be appointed as Secretary within seven years after relief from active duty as a commissioned of a regular component of an armed force

- Reference: 10 U.S.C. § 113(a)

Party Balancing: N/A

Fixed Terms: None

Term Length: N/A

Staggered Terms: N/A

For Cause: None

Serve President: None

Continuation until Replacement: None

Acting Service Rules: None

Who is Head of Agency: There is a Secretary of Defense, who is head of the Department of Defense, appointed by the President, by and with the advice and consent of the Senate

- Reference: 10 U.S.C. § 113(a)

OMB Review: Not specified

Independent Litigating: None

Independent Sources of Funding: None

Reporting Requirements: The Secretary shall report annually in writing to the President and the Congress on the expenditures, work, and accomplishments of the Department of Defense

- Reference: 10 U.S.C. § 113(c)(1)
- At the same time that the Secretary submits the annual report, Secretary shall transmit to the President and Congress a separate report from the Reserve Forces Policy Board on any reserve component matter that the Reserve Forces Policy Board considers appropriate to include in the report
 - Reference: 10 U.S.C. § 113(c)(2)
- The Secretary shall submit to Congress each year a report that contains a comprehensive net assessment of the Defense capabilities and programs of the armed forces of the United States and its allies as compared with those of their adversaries
 - Reference: 10 U.S.C. § 113(i)
- Not later than April 8 of each year, the Secretary shall submit to the appropriate committees in congress a report on the cost of stationing United States forces outside of the United States
 - Reference: 10 U.S.C. § 113(j)

- The Secretary of Defense shall transmit to Congress the defense authorization request for a fiscal year during the first 30 days after the date on which the president transmits to Congress the budget for that fiscal year
 - Reference: 10 U.S.C. § 113(a)
- Whenever the Secretary establishes an end-of-quarter strength level or modifies a strength level, the Secretary shall notify the appropriate congressional committees of that strength level or of that modification as the case may be
 - Reference: 10 U.S.C. § 115(e)(3)
- The Secretary shall submit to Congress an annual defense manpower requirements report. The report, which shall be in writing, shall be submitted each year not later than 45 days after the date on which the President submits to Congress the budget for the next fiscal year
 - Reference: 10 U.S.C. § 115a(a)
- The Secretary of Defense shall submit to the congressional defense committees in every even-numbered year a strategic workforce plan to shape and improve the civilian employee workforce of the Department of Defense
 - Reference: 10 U.S.C. § 115b
- The Secretary of Defense shall submit to Congress a written report, not later than February 15 of each fiscal year, with respect to the operations and maintenance of the Army, Navy, Air Force, and Marine Corps for the next fiscal year
 - Reference: 10 U.S.C. § 116
- The Secretary shall each quarter submit to the congressional defense committees a report in writing containing the results of the most recent joint readiness review conducted by the Chairman of the Joint Chiefs, including the current information derived from the readiness reporting system
 - Reference: 10 U.S.C. § 117(f)
- The Secretary of Defense shall every four years, during a year following a year evenly divisible by four, conduct a comprehensive examination of the national defense strategy, force structure, force modernization plans, infrastructure, budget plan, and other elements of the defense program and policies of the United States with a view toward determining and expressing the defense strategy of the United States and establishing a defense program for the next 20 years
 - Reference: 10 U.S.C. § 118
- Not later than 90 days after submitting a report on a quadrennial defense review, the Secretary of Defense shall submit to the congressional defense committees a report detailing how the results of the assessment conducted as part of such review will impact the status of overseas base closure and realignment actions and the status of development and execution of comprehensive master plans for overseas military main operating bases, forward operating sites, and cooperative security locations of the global defense posture of the United States
 - Reference: 10 U.S.C. § 118(i)
- The Secretary of Defense shall every four years conduct a comprehensive examination of the quality of life of the members of the armed forces and submit a report on the review to the appropriate congressional committees
 - Reference: 10 U.S.C. § 118a

- The Secretary of Defense shall every four years conduct a comprehensive assessment of the roles and missions of the armed forces and the core competencies and capabilities of the Department of Defense to perform and support such roles and missions. The Secretary shall submit a report on the review to the appropriate congressional committees in the year following the year in which the review is conducted, not later than the date on which the President submits the budget for the next fiscal year to Congress
 - Reference: 10 U.S.C. § 118b
- Not later than March 1 of each year, the Secretary of Defense shall submit to the defense committees a report on special access programs.
 - Reference: 10 U.S.C. § 119(a)
- Not later than February 1 of each year the Secretary of Defense shall submit to the defense committees a report that, with respect to each new special access program, provides notice of the designation of the program as a special access program and justification for such designation
 - Reference: 10 U.S.C. § 119(b)
- Whenever a change in the classification of a special access program of the Department of Defense is planned to be made or whenever classified information concerning a special access program of the Department of Defense is to be declassified and made public, the Secretary of Defense shall submit to the defense committees a report containing a description of the proposed change, the reasons for the proposed change, and notice of any public announcement planned to be made with respect to the proposed change
 - Reference: 10 U.S.C. § 119(c)(1)
- Whenever there is a modification or termination of the policy and criteria used for designating a program of the Department of Defense as a special access program, the Secretary of Defense shall promptly notify the defense committees of such modification or termination
 - Reference: 10 U.S.C. § 119(d)
- If the Secretary of Defense waives reporting requirements on special access programs because information in the report would adversely affect the national security, the Secretary shall provide the information described in that subsection with respect to the special access concerned and the justification for the waiver jointly to the chairman and ranking minority member of each of the defense committees
 - Reference: 10 U.S.C. § 119(e)

Reporting Committees: Senate Armed Services; Senate Appropriations; House Armed Services; House Appropriations

- Reference: See, e.g., 10 U.S.C. §§ 113(j)(1); 118(d)

Review Commissions: None

Advisory Commissions: Not later than February 1 of a year in which a quadrennial defense review is conducted, there shall be established an independent panel to be known as the National Defense Panel. The Panel shall review the updates from the Secretary of Defense, conduct an assessments of the assumptions, strategy, findings, and risks of the quadrennial defense review, conduct an independent assessment of a variety of possible force structures of the armed forces, and provide to Congress and the Secretary of Defense, through a report, any recommendations it considers appropriate for consideration

- Reference: 10 U.S.C. § 118(f)

Action Require Outside Approval: None
Legislative Veto: None
Adjudication: None

Department of Education

Date of Creation: October 17, 1979

Statute: 20 U.S.C. §§ 3411-3510

Sub-agency Bureaus: Institute of Education Sciences; Office for Civil Rights; Office of Elementary and Secondary Education; Office of Migrant Education; Office of Postsecondary Education; Office of Vocational and Adult Education; Office of Special Education and Rehabilitative Services; Office of English Language Acquisition, Language Enhancement, and Academic Achievement for Limited English Proficient Students; Office of General Counsel; Office of Correctional Education; Office of Non-Public Education; Office of Indian Education; Office of Educational Technology; Teacher Corps; Community College Unit; National Center for Education Statistics; National Institute of Education; Office of Environmental Education; Office of Consumers' Education; Office of Career Education; Office of Non-Public Education

Commissioners/Board Members: None

Quorum Rules: N/A

Agency Specific Personnel: None

Limitation on Appointment: None

Party Balancing: N/A

Fixed Terms: None

Term Length: N/A

Staggered Terms: N/A

For Cause: None

Serve President: None

Continuation until Replacement: None

Acting Service Rules: During the absence or disability of the Secretary, or in the event of a vacancy in the office of the Secretary, the Deputy Secretary shall act as Secretary. The Secretary shall designate the order in which other officials in the Department shall act for and perform the functions of the Secretary during the absence or disability of both the Secretary and Deputy Secretary or in the event of vacancies in both of those offices

- Reference: 20 U.S.C. § 3412(a)

Who is Head of Agency: The Department of Education shall be under the supervision and direction of a Secretary of Education, who shall be appointed by the president, by and with the advice and consent of the Senate

- Reference: 20 U.S.C. § 3411

OMB Review: Not specified

Independent Litigating: None

Independent Sources of Funding: The Secretary is authorized to permit public and private agencies, corporations, associations, organizations, or individuals use any real property, or any facilities, structures, or other improvements thereon under the custody and control of the Secretary for Department purposes. Proceeds from reimbursements under this section may be credited to the appropriation of funds that bear or will bear all or part of the cost of such equipment or facilities provided or to refund excess sums when necessary

- Reference: 20 U.S.C. § 3479
- The Secretary is authorized to accept, hold, administer, and utilize gifts, bequests, and devises of property, both real and personal, and to accept donations of services, for the purposes of aiding or facilitating the work of the Department. Gifts, bequests, and devises of money and proceeds from sales of other property received as gifts, bequests, or devises shall be deposited in the Treasury and shall be available for disbursement upon the order of the Secretary
 - Reference: 20 U.S.C. § 3481
- The Secretary, with the approval of the Director of OMB is authorized to establish for the Department a working capital fund to be available without fiscal year limitation for expenses necessary for the maintenance and operation of such common administrative services as the Secretary shall find to be desirable in the interests of economy and efficiency. The capital of the fund shall consist of any appropriations made for the purposes of working capital, receipts from sale or exchange of property and receipts in payment for loss or damage to property owned
 - Reference: 20 U.S.C. § 3483

Reporting Requirements: The annual report by the Assistant Secretary for Civil Rights summarizing the compliance and enforcement activities of the Office of Civil Rights and identifying significant civil rights or compliance problems as to which such Office has made a recommendation for corrective action as to which, in the judgment of the Assistant Secretary, adequate progress is not being made shall be transmitted to Congress without further clearance or approval

- Reference: 20 U.S.C. § 3413(b)
- The Secretary shall provide an annual report to Congress on the progress of the Office of Correctional Education and the status of correctional education in the United States
 - Reference: 20 U.S.C. § 3423(d)(3)
- The Secretary may alter, consolidate, or discontinue any organizational entity continued within the Department or reallocate any function vested by statute in such entity, upon the expiration of a period of 90 days after the receipt by the appropriate congressional committees of notice given by the Secretary containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied on in support of such proposed action
 - Reference: 20 U.S.C. § 3473(b)(2)
- The Secretary shall as soon as practicable after the close of each fiscal year make a single, comprehensive report to the president for transmission to the Congress on the activities of the Department during such fiscal year
 - Reference: 20 U.S.C. § 3486(a)

Reporting Committees: Senate Labor and Human Resources; House Education and Labor

- Reference: 20 U.S.C. § 3473(b)(2)

Review Commissions: None

Advisory Commissions: There is established a Federal Interagency Committee on Education which shall assist the Secretary in providing a mechanism to assure that the procedures and actions of the Department and other Federal departments and agencies are fully coordinated

- Reference: 20 U.S.C. § 3424

Action Require Outside Approval: The Secretary, with the approval of the Director of the Office of Management and Budget, is authorized to establish for the Department a working capital fund

- Reference: 20 U.S.C. § 3483(a)

Legislative Veto: None

*Adjudication:*⁵⁷ None

Department of Energy

Date of Creation: August 4, 1977

Statute: 42 U.S.C. §§ 7101-7385s-15

Sub-agency Bureaus: Federal Energy Regulatory Commission; Energy Information Administration; Economic Regulatory Administration; Office of Science; Office of Minority Economic Impact; National Atomic Museum; National Atomic Testing Museum; American Museum of Science and Energy; National Nuclear Security Administration; Office of Intelligence; Office of Counterintelligence; Office of Arctic Energy; Office of Indian Energy Policy and Programs; Southeastern Power Administration; Southwestern Power Administration; Bonneville Power Administration; Western Area Power Administration

Commissioners/Board Members: None

Quorum Rules: N/A

Agency Specific Personnel: To the extent he deems such action necessary to the discharge of his functions, the Secretary may appoint not more than 200 of the scientific, engineering, professional, and administrative personnel without regard to civil service laws and may fix the compensation of such personnel not in excess of the maximum rate payable for GS-18

- Reference: 42 U.S.C. § 7231(d)
- All positions in the Department which the Secretary determines are devoted to intelligence related activities of the United States Government are excepted from competitive service
- Reference: 42 U.S.C. § 7231(f)

Limitation on Appointment: None

Party Balancing: N/A

Fixed Terms: None

Term Length: N/A

Staggered Terms: N/A

For Cause: None

Serve President: None

Continuation until Replacement: None

Acting Service Rules: The Deputy Secretary shall act for and exercise the functions of the Secretary during the absence or disability of the Secretary or in the event the office of Secretary becomes vacant. The Secretary shall designate the order in which the Under Secretary and other officials shall act for and perform the functions of the Secretary

⁵⁷ For provisions (including those outside of the authorizing statute) that explicitly reference adjudicatory proceedings under 5 U.S.C. § 554 see 20 U.S.C. § 6083 (2012) (civil penalty assessment hearings for violations of children's education or library services nonsmoking policy); 20 U.S.C. § 6083 (2012) (Office of Administrative Law Judges rules of proceedings).

during the absence or disability of both the Secretary and Deputy Secretary or in the event of vacancies in both of those offices

- Reference: 42 U.S.C. § 7132(a)

Who is Head of Agency: There shall be at the head of the Department a Secretary of Energy, who shall be appointed by the President by and with the advice and consent of the Senate

- Reference: 42 U.S.C. § 7131

OMB Review: None

Independent Litigating: Except as relating to litigation before the Supreme Court, attorneys designated by the Chairman of the Federal Energy Regulatory Commission may appear for and represent the Commission in any civil action brought in connection with any function carried out by the Commission

- Reference: 42 U.S.C. § 7171(i)
- Notwithstanding provisions relating to FERC, the litigation of the Department shall be subject to the supervision of the Attorney General. The Attorney General may authorize any attorney of the Department to conduct any civil litigation of the Department in any Federal court except the Supreme Court

- Reference: 42 U.S.C. § 7192(c)

Independent Sources of Funding: In operating the National Atomic Museum, the Secretary of Energy may accept and use donations of money or gifts if such gifts or money are designated in a written document signed by the donor as intended for the museum and such donations or gifts are determined by the Secretary to be suitable and beneficial for use by the museum; operate a retail outlet on the premises of the museum; and exhibit, perform, display, and public information and materials concerning museum mementos, items, memorabilia and replicas thereof in any media or place in the world at reasonable fees or charges where feasible and appropriate. The net proceeds of these activities may be used by the National Atomic Museum for activities of the museum

- Reference: 42 U.S.C. § 7142(c)
 - To carry out the activities of the American Museum of Science and Energy, the Secretary may accept and dispose of any gift, devise, or bequest of services or property, real or personal, that is designate in a written document by the person making the gift, devise, or bequest that it is intended for the Museum and determined by the Secretary to be suitable and beneficial for use by the museum; operate a retail outlet on the premises of the Museum; collect reasonable fees where feasible and appropriate; and use the proceeds to pay the costs of the Museum
- Reference: 42 U.S.C. § 7142b
 - The Federal Energy Regulatory Commission shall assess and collect fees and annual charges in any fiscal year in amounts equal to all of the costs incurred by the Commission in that fiscal year
- Reference: 42 U.S.C. § 7178(a)
 - Amounts obtained from leased property shall be retained in a separate fund established in the Treasury
- Reference: 42 U.S.C. § 7256(f)
 - Proceeds from reimbursements for providing for, constructing, or maintaining facilities for employees and their dependents in remote locations shall be deposited in the Treasury and may be withdrawn by the Secretary to pay directly the cost of such work or services,

to repay or make advances to appropriations of funds which will initially bear all or a part of such cost, or to refund excess sums when necessary

- Reference: 42 U.S.C. § 7258(c)
- Proceeds from reimbursement for permitted use of any real property or any facility, structure, or other improvement thereon under the custody of the Secretary for Department purposes shall be deposited in the Treasury and may be withdrawn by the Secretary or the head of the agency or instrumentality of the United States involved, as the case may be, to pay directly the costs of the equipment or facilities provided, to repay or make advances to appropriations or funds which do or will initially bear all or part of such costs, or to refund excess sums when necessary
 - Reference: 42 U.S.C. § 7259(c)
- The Secretary is authorized to establish a working capital fund, to be available without fiscal year limitation, for expenses necessary for the maintenance and operation of such common administrative services as he shall find to be desirable in the interests of economy and efficiency. The capital of the fund shall consist of any appropriations made for the purpose of providing capital and the fair and reasonable value of such stocks of supplies, equipment, and other assets and inventories on order as the Secretary may transfer to the fund, less related liabilities and unpaid obligations. The fund shall also be credited with receipts from sale or exchange of property and receipts in payment for loss or damage to property owned by the fund.
 - Reference: 42 U.S.C. § 7263
- Funds collected by WAPA from the sale of power and related services that are applicable to the repayment of the annual expenses of this account in this and subsequent fiscal years shall be credited to this account as discretionary offsetting collections for the sole purpose of funding such expenses
 - Reference: 42 U.S.C. § 7276f

Reporting Requirements: Not later than March 1 each year, the Director of the Office of Counterintelligence shall submit a report on the status and effectiveness of the counterintelligence programs and activities at each Department facility during the preceding year. Each report shall be submitted to the Secretary, Director of Central Intelligence, Director of the Federal Bureau of Investigation, and the appropriate congressional committees

- Reference: 42 U.S.C. § 7144b(d)
- The Secretary shall annually submit to the Congress a report on amounts retained and amounts used relating to leases of property
 - Reference: 42 U.S.C. § 7256(f)
- Whenever any contractor makes an invention or discovery to which the title vests in the Department of Energy, the Secretary may decide to waive the Government's rights and assign the rights in such invention or discovery. Such decision shall be made within 150 days after the date on which a complete request for waiver of such rights has been submitted to the Secretary by the contractor. If the Secretary fails to make a decision within such 150-day period, the Secretary shall submit to the appropriate committees in Congress, within 10 days after the end of the 150-day period, a report on the reasons for such failure. The Secretary shall, at the end of each 30-day period after submission of the first report during which the Secretary continues to fail to make the decision submit another report on the reasons for such failure

- Reference: 42 U.S.C. § 7261a(a)(3)
- The Secretary shall, as soon as practicable after the end of each fiscal year make a report to the President for submission to Congress on the activities of the Department during the preceding fiscal year
 - Reference: 42 U.S.C. § 7267
- Not later than January 31 each year, the Secretary shall submit to Congress a report on the annual assessment of the vulnerability of Department facilities to terrorist attack during the preceding year
 - Reference: 42 U.S.C. § 7270c(b)
- The Secretary may not proceed with the preparation of an environmental impact statement relating to the construction or operation of a defense facility of the Department of Energy if the estimated cost of preparing such statement exceeds \$250,000 unless the Secretary has notified the appropriate committees in Congress of his intent to prepare such a statement
 - Reference: 42 U.S.C. § 7274(1)(A)
- Not later than September 1 of each year, the Secretary of Energy shall issue a plan for environmental restoration and waste management activities to be conducted during the five year period beginning the next calendar year, at all facilities owned or operated by the Department of Energy except defense nuclear facilities. The Secretary shall submit the plan to the President and Congress.
 - Reference: 42 U.S.C. § 7274g(a)
- The Energy Information Administration shall issue a report quarterly and provide an annual summary of the quarterly reports to Congress on the status of United States coal imports
 - Reference: 42 U.S.C. § 7277(a)
- The Secretary of Energy shall submit to Congress each year, at the time that the President's budget is submitted to Congress that year, a future years energy program reflecting the estimated expenditures and proposed appropriations included in that budget
 - Reference: 42 U.S.C. § 7279a(a)
- Not later than April 1, 1979 and biennially thereafter, the President shall submit to Congress a proposed National Energy Policy Plan
 - Reference: 42 U.S.C. § 7321
- The Secretary shall report annually to the Congress on the status of activities of the Department of Energy to improve the effectiveness of federal information dissemination activities in the fields of renewable energy resources and energy conservation
 - Reference: 42 U.S.C. § 7373
- Not later than August 31 of each year in which Albert Einstein Distinguished Educator Fellowships are awarded, the Secretary shall prepare and submit an annual report and evaluation of the program to the appropriate congressional committees
 - Reference: 42 U.S.C. § 7382c(b)(5)

Reporting Committees: Senate Armed Services; Senate Intelligence; Senate Energy and Natural Resources; House Armed Services; House Intelligence; House Energy and Commerce

- Reference: See, e.g., 42 U.S.C. §§ 7144b(d)(1); 7257(a)(3)

Review Commissions: None

Advisory Commissions: The Secretary is authorized to establish such advisory committees as he may deem appropriate to assist in the performance of his functions

- Reference: 42 U.S.C. § 7234
- The governors of the various states may establish regional energy advisory boards for their regions. Each of these boards may make such recommendations as it determines to be appropriate to programs of the Department having direct effect on the region. If any Regional Advisory Board makes specific recommendations, the Secretary shall, if such recommendations are not adopted, notify the Board in writing of his reasons for not adopting such recommendations
 - Reference: 42 U.S.C. § 7265
- There is established a Commission on Safeguards, Security and Counterintelligence at Department of Energy Facilities which shall review the safeguards, security, and counterintelligence activities at the Department of Energy Facilities.
 - Reference: 42 U.S.C. § 7383
- The President shall establish and appoint an Advisory Board on Radiation and Worker Health. The Board shall advise the president on matters related to radiation and worker health in Department of Energy facilities.
 - Reference: 42 U.S.C. § 7384o

Action Require Outside Approval: Before entering into a lease of acquired real property and related personal property that is located at the facility of the Department of Energy to be closed or reconfigured, at the time the lease is entered into is not needed by the Department, and is under the control of the Department, the Secretary shall obtain the concurrence of the Administrator of the Environmental Protection Agency or the appropriate state official as the case may be.

- Reference: 42 U.S.C. § 7256(e)(2)

Legislative Veto: The Secretary may not proceed with the preparation of an environmental impact statement relating to the construction or operation of a defense facility of the Department of Energy if the estimated cost of preparing such statement exceeds \$250,000 unless the Secretary has notified the Committees on Armed Services of the Senate and House of his intent to prepare such statement and the Secretary has received from each committee, before the expiration of 30 days after such notice was received by the committees, a written notice that the committee agrees with the decision of the Secretary regarding the preparation of such statement

- Reference: 42 U.S.C. § 7274(1)(B)

*Adjudication (e.g.):*⁵⁸ In carrying out any of its functions, the Federal Energy Regulatory Commission shall have the powers authorized by the law under which such function is exercised to hold hearings, sign and issue subpoenas, administer oaths, examine witnesses, and receive evidence at any place in the United States as it may designate. The Commission may, by one or more of its member or by such agents as it may designate, conduct any hearing or other inquiry necessary or appropriate to its functions, except that nothing in this subsection shall be deemed to supersede the provisions of Title 5 relating to hearing examiners (section pertaining to administrative law judges)

- Reference: 42 U.S.C. § 7171(g)

⁵⁸ For provisions (including those outside of the authorizing statute) that explicitly reference adjudicatory proceedings under 5 U.S.C. § 554 see 42 U.S.C. § 6303 (civil penalty assessment hearings for violation of energy conservation program for consumer products other than automobiles); 42 U.S.C. § 8433 (powerplant and industrial fuel use provisions); 42 U.S.C. § 7920 (uranium mill tailings radiation remedial action program); 16 U.S.C. § 823b (water power and resources licenses and permits).

Department of Health and Human Services

Date of Creation: April 11, 1953⁵⁹

Statute: 42 U.S.C. §§ 3501-3515d

Sub-agency Bureaus: Office of Population Affairs; National Health Professional Shortage Clearinghouse; Public Health Service; Administration; Social and Rehabilitation Service

Commissioners/Board Members: None

Quorum Rules: None

Agency Specific Personnel: None

Limitation on Appointment: None

Party Balancing: N/A

Fixed Terms: None

Term Length: N/A

Staggered Terms: N/A

For Cause: None

Serve President: None

Continuation until Replacement: None

Acting Service Rules: None

Who is Head of Agency: Secretary of Health and Human Services incorporated through the provisions of Reorganization Plan 1 of 1953 (“There shall be at the head of the Department a Secretary of Health, Education, and Welfare. . .who shall be appointed by the President by and with the advice and consent of the Senate”)

- Reference: 42 U.S.C. § 3501

OMB Review: Not specified

Independent Litigating: None

Independent Sources of Funding: None

Reporting Requirements: Nonrecurring expenses fund may be obligated only after Committees on Appropriations in the House and Senate are notified at least 15 in advance of planned use of funds

- Reference: 42 U.S.C. § 3514a

Reporting Committees: Senate Appropriations; House Appropriations

- Reference: 42 U.S.C. § 3514a

Review Commissions: None

Advisory Commissions: None

Action Require Outside Approval: None

Legislative Veto: None

*Adjudication:*⁶⁰ None

⁵⁹ When the Department of Education Act was enacted, creating the Department of Education, the Department of Health, Education, and Welfare became the Department of Health and Human Services, effective May 4, 1980 (<http://www.hhs.gov/about/hhshist.html>, accessed July 18, 2012).

⁶⁰ For provisions (including those outside of the authorizing statute) that explicitly reference adjudicatory proceedings under 5 U.S.C. § 554 see 42 U.S.C.A § 262 (2012) (biological products presenting imminent or

Department of Homeland Security

Date of Creation: November 25, 2002

Statute: 6 U.S.C. §§ 101-613

Sub-agency Bureaus: Office of State and Local Coordination; Federal Emergency Management Agency; Bureau of Citizenship and Immigration Services; Office of Counternarcotics Enforcement; Coast Guard; Office of Civil Rights and Civil Liberties; Secret Service; Office of Intelligence and Analysis; Office of Infrastructure Protection; Bureau of Customs and Border Protection; Transportation Security Administration; Federal Law Enforcement Training Center; Rural Policing Institute; National Counterterrorism Center; Homeland Security Advanced Research Projects Agency; Plum Island Animal Disease Center; Homeland Security Institute; Office of Interoperability and Compatibility; National Biosurveillance Center; Science and Technology Homeland Security International Cooperative Programs Office; Office of Regulations and Rulings; Advanced Training Center; Office for Domestic Preparedness; Office of Cargo Security Policy; Office of the FBI Liaison; National Integration Center; United States Fire Administration; National Operations Center; Office of Program Analysis and Evaluation; Office of Geospatial Management; Office for State and Local Government Coordination; Office of International Affairs; Office for National Capital Region Coordination; Office of Emergency Communications; Emergency Communications Preparedness Center; Domestic Nuclear Detection Office

Commissioners/Board Members: None

Quorum Rules: N/A

Agency Specific Personnel: None⁶¹

Limitation on Appointment: None

Party Balancing: N/A

Fixed Terms: None

Term Length: N/A

Staggered Terms: N/A

For Cause: None

Serve President: None

Continuation until Replacement: None

Acting Service Rules: None

Who is Head of Agency: There is a Secretary of Homeland Security, appointed by the president, by and with the consent of the Senate

- Reference: 6 U.S.C. § 112(a)

OMB Review: None

substantial hazard to public health); 42 U.S.C. § 300gg-22 (2012) (health insurance portability and accountability enforcement and administrative review); 21 U.S.C. § 342 (2012) (declaration of imminent hazard to public safety by dietary supplement or ingredient); 21 U.S.C. § 360e (2012) (food and drugs premarket approval or proposed product development protocol orders); 21 U.S.C. § 333 (2012) (Federal Food, Drug and Cosmetic Act); 21 U.S.C. § 1041 (2012) (egg product inspection violators).

⁶¹ *But see* 6 U.S.C. § 9701 (2012) (the Secretary of Homeland Security may, in regulations prescribed jointly with the Director of OPM, establish a human resources management system for some or all of the organizational units of the Department of Homeland Security). In addition, some organizational units within the department have the authority to work outside of civil service provisions. *See, e.g.,* 5 U.S.C. §§ 10104-10105 (2012) (the Federal Emergency Management Agency has the authority to award recruitment and retention bonuses).

Independent Litigating: None

Independent Sources of Funding: U.S. Customs and Border Protection's Advanced Training Center is authorized to charge fees for any service and/or thing of value it provides to federal government or nongovernment entities or individuals, so long as the fees charged do not exceed the full costs associated with the service or thing of value provided. Fees collected under this section are to be deposited into the Advanced Training Center Revolving Fund and be available, without further appropriations, for necessary expenses of the Advanced Training Center Program and are to remain available until expended

- Reference: 6 U.S.C. § 222
- Fees imposed by the Bureau of Citizenship and Immigration Services and the Bureau of Border Security for a particular service, application, or benefit shall be deposited into separate accounts for each bureau with jurisdiction over the function to which the fee relates
 - Reference: 6 U.S.C. § 296
- The Secretary may accept and use gifts of property, both real and personal, for otherwise authorized activities of the Center for Domestic Preparedness that are related to efforts to prevent, prepare for, protect against, or respond to a natural disaster, act of terrorism, or other man-made disaster, including the use of a weapon of mass destruction
 - Reference: 6 U.S.C. 321n(a)
- The Federal Law Enforcement Training Center may accept and use gifts of property, both real and personal, and accept services for authorized purposes
 - Reference: 6 U.S.C. § 464(c)
- For fiscal year 2004 and thereafter, the Secretary of Homeland Security shall charge reasonable fees for providing credentialing and background investigations in the field of transportation, provided that such fees in the aggregate shall not exceed the costs incurred by DHS associated with providing the credential or performing the background checks, a fee may not be collected except to the extent such fee will be expended to pay for the costs of conducting or obtaining a criminal historic record check and a review of available law enforcement databases and commercial databases and records of other governmental and international agencies, reviewing and adjudicating requests for waiver and appeals of agency decisions with respect to providing the credential, performing the background record check, and denying requests for waiver and appeals, and any other costs related to providing the credential or performing the background record check and any fee collected shall be available for expenditure only to pay the costs incurred in providing services in connection with activity or item for which the fee is charged and shall remain available until expenditures
 - Reference: 6 U.S.C. § 469(a)
- The Secretary charge reasonable fees for providing credentialing and background investigations for aliens in connection with the process for recurrent training.
 - Reference: 6 U.S.C. § 469(b)(3)
- The Secretary of Homeland Security may collect fees from any non-federal participant in a conference, seminar, exhibition, symposium, or similar meeting conducted by DHS in advance of the conference, either directly or by contract, and those fees shall be credited to the appropriation or account from which the costs of conference, seminar, exhibition symposium, or similar meeting are paid and shall be available to pay the costs of DHS with respect to the conference

- Reference: 6 U.S.C. § 469a
- The Office for Domestic Nuclear Detection may direct that private sector entities utilizing government facilities pay an appropriate fee to the agency that owns or operates those facilities to defray additional costs to the government resulting from such use. Fees received for services shall not exceed the amount necessary to recoup the direct and indirect costs involved. Fees received for services made available may be credited to the appropriation from which funds were expended to provide such services

- Reference: 6 U.S.C. § 594

Reporting Requirements: Not later than January 31 of each succeeding year, starting on January 31, 2007, the Secretary shall provide annually to the appropriations committees a report on department-wide policies for designating, coordinating, and marking documents as sensitive security information (SSI), department-wide auditing and accountability procedures for documents designated and marked SSI, the total number of SSI Coordinators within the Department, and the total number of staff authorized to designate SSI documents within the Department

- Reference: 6 U.S.C. § 114
- The Secretary shall notify the appropriate congressional committees not later than 30 days prior to the finalization of any Department policies, initiatives, or actions that will have a major impact on trade and customs revenue functions. However, if the Secretary determines it is important to the national security interest of the United States to finalize any Department policies, initiatives, or actions prior to notifying the appropriate congressional committees 30 days prior to finalization, the Secretary shall notify and provide any recommendations of the Commercial Operations Advisory Committee received to the appropriate congressional committees not later than 45 days after the date on which the policies, initiatives, or actions are finalized.
 - Reference: 6 U.S.C. § 115(c)(2)
- Not less than 45 days prior to any change in the organization of any of the customs revenue functions of the Department, the Secretary shall notify the appropriate congressional committees of the specific assets, functions, or personnel to be transferred as part of such reorganization and the reason for such transfer
 - Reference: 6 U.S.C. § 115(d)(1)
- Not later than 1 year after any customs reorganization takes place, the Secretary shall submit a report to the appropriate committees in Congress. Such report shall include an assessment of the impact of and any suggested modifications to such reorganization
 - Reference: 6 U.S.C. § 115(d)(3)
- The responsibilities of the Secretary relating to intelligence and analysis and infrastructure protection include to prepare and submit to the appropriate congressional committees having jurisdiction over the critical infrastructure or key resources for each sector identified in the National Infrastructure Protection Plan a report on the comprehensive assessments carried out by the Secretary for the critical infrastructure and key resources of the United States, evaluating threat, vulnerability, and consequence
 - Reference: 6 U.S.C. § 115(d)(25)
- Not later than one year after August 3, 2007 and annually thereafter the Secretary shall submit to the appropriate congressional committees a report that includes a description of the consumer feedback on the quality and utility of intelligence products and, if

applicable, how the Department has adjusted its production of intelligence products in response to that customer feedback

- Reference: 6 U.S.C. § 124h(g)(2)
- Not later than 180 days after August 3, 2007, and at least annually thereafter, the ITACG program manager shall submit to the appropriate committees in Congress a report on the progress of the ITACG
 - Reference: 6 U.S.C. § 124k(c)(2)
- Not later than 180 days after August 3, 2007 and annually thereafter the Secretary shall submit to the appropriate congressional committees a report on the national asset database and the prioritized critical infrastructure list
 - Reference: 6 U.S.C. § 124l(d)(1)
- Privacy officer must prepare a report to Congress on an annual basis on the activities of the Department that affect privacy, including complaints of privacy violations, implementation of the Privacy Act, internal controls, and other matters
 - Reference: 6 U.S.C. § 142(a)(6)
- If the Secretary removes the privacy officer or transfers that official to another position or location within the Department, the Secretary shall promptly submit a written notification of the removal or transfer to both houses of Congress and include in any such notification the reasons for the removal or transfer
 - Reference: 6 U.S.C. § 142(d)
- The privacy officer shall inform the appropriate committees in Congress not later than 30 days after the Secretary disapproves of the privacy officer's request for a subpoena or the Secretary substantively modifies the requested subpoena or 45 days after the senior official's request for a subpoena if that subpoena has not either been approved or disapproved by the Secretary
 - Reference: 6 U.S.C. § 142(e)(2)
- The Secretary shall report annually from the date of enactment to Congress concerning the implementation of the conduct of research, development, demonstration, testing, and evaluation. That report shall indicate which centers have been designated and how the designation enhances homeland security, as well as report any decisions to revoke or modify such designations
 - Reference: 6 U.S.C. § 188(b)(2)(D)
- At least 180 days before any change in the biosafety level at the Plum Island Animal Disease Center, the president shall notify Congress of the change and describe the reasons for the change
 - Reference: 6 U.S.C. § 190(d)(1)
- In awarding grants to any state, region, local government, or Indian tribe for the purposes of enhancing interoperable communications capabilities for emergency response providers, the Secretary may commit to obligate federal assistance beyond the current fiscal year. The Secretary shall transmit a written notification to Congress no later than 3 days before the issuance of a letter of intent for this type of grant.
 - Reference: 6 U.S.C. § 194(e)
- Not later than one year after August 3, 2007 and every 5 years thereafter, the Under Secretary for Science and Technology shall submit to Congress a report containing a brief description of each grant, cooperative agreement, or contract made or entered into,

including the participants, goals, amount, and sources of funding and a list of international cooperative activities underway

- Reference: 6 U.S.C. § 195c(e)
- The Secretary shall notify the appropriate committees in Congress at least 90 days prior to taking any action which would result in any significant reduction in customs revenue services, including hours of operation, provided at any office within the Department or any port of entry, eliminate or relocate any office of the Department which provides customs revenue services or eliminate any port of entry
 - Reference: 6 U.S.C. § 217(b)
- The Secretary shall, on an annual basis, submit a report to Congress that describes the basis for each determination that an assignment of employees at a particular diplomatic or consular post would not promote homeland security
 - Reference: 6 U.S.C. § 236(e)(4)
- Not later than June 30 of each calendar year, the Citizenship and Immigration Services Ombudsman shall report to the appropriate congressional committees for the fiscal year beginning on such calendar year. Any such report shall contain full and substantive analysis in addition to statistical information
 - Reference: 6 U.S.C. § 272(c)
- One year after November 25, 2002 and each year thereafter the Secretary shall submit a report to the president and the appropriate congressional committees on immigration functions
 - Reference: 6 U.S.C. § 298
- The Secretary shall submit to the appropriate committees in Congress an annual report disclosing any gifts were accepted during the fiscal year for use of the Center for Domestic Preparedness, how the gifts contribute to the mission of the Center and the amount of federal savings that were generated from acceptance of the gifts
 - Reference: 6 U.S.C. § 321n(c)
- The Secretary shall submit to the President of the Senate, the Speaker of the House, and the appropriate committees and subcommittees of Congress on an annual basis a report on the implementation of the Office of Civil Rights and Civil Liberties, including the use of funds and detailing any allegations of abuses and any actions taken by the Department in response to such allegations
 - Reference: 6 U.S.C. § 345(b)
- In fiscal year 2009 and every 4 years thereafter the Secretary shall conduct a review of the homeland security of the nation. Not later than December 31 of the year in which a quadrennial homeland security review is conducted, the Secretary shall submit to Congress a report regarding that quadrennial homeland security review
 - Reference: 6 U.S.C. § 347(c)
- Not later than the date that is 7 days after the date of any determination in writing that the mission of the Department would be seriously impaired without the use of authorities for procurement, the Secretary shall submit to the appropriate committees in Congress notification of such determination and justification for such determination
 - Reference: 6 U.S.C. § 393(a)(3)
- An entity performing lead system integrator functions in the acquisition of a major system by the Department may have a direct financial interest in the development or construction of any individual system or element of a system of systems if the Secretary

certifies to the appropriate congressional committees that the entity was selected by the Department as a contractor to develop or construct the system or element concerned through the use of competitive procedures and the Department took appropriate steps to prevent any organizational conflict of interest in the selection process or the entity was selected by a subcontractor to serve as a lower-tier subcontractor through a process over which the entity exercised no control

- Reference: 6 U.S.C. § 396(b)
- Each budget request submitted to Congress for the Department shall, at or about the same time, be accompanied by a Future Years Homeland Security Program
 - Reference: 6 U.S.C. § 454
- The Director of the Office of Counternarcotics Enforcement shall, not later than 30 days after the submission by the President to Congress of any request for expenditures for the Department, submit to the authorizing committees and committees on appropriations a review and evaluation of such request
 - Reference: 6 U.S.C. § 458(f)(1)
- The Director of the Office of Counternarcotics Enforcement shall, not later than February 1 of each year submit to the committees on appropriations and the authorizing committees of jurisdiction a review and evaluation of the counternarcotics activities of the Department for the previous fiscal year
 - Reference: 6 U.S.C. § 458(f)(2)
- The Office for National Capital Region Coordination shall submit an annual report to Congress that includes the identification of the resources required to fully implement homeland security efforts in the National Capital Region, an assessment of the progress made by the National Capital Region in implementing homeland security efforts, and recommendations to Congress regarding the additional resources needed to fully implement homeland security efforts in the National Capital Region
 - Reference: 6 U.S.C. § 462(d)
- The Secretary shall provide a report to the committees of appropriations not later than January 5, 2011 and annually thereafter providing the level of collections and a summary by agency of the purposes and levels of expenditures for the prior fiscal year
 - Reference: 6 U.S.C. § 469a
- Not later than two years after December 17, 2004 and not later than June 30 of each year thereafter, the president shall submit to Congress a report on the state of the ISE and of information sharing across the federal government
 - Reference: 6 U.S.C. § 485(h)
- Not later than 1 year after October 4, 2006 and not less than every 5 years thereafter the Secretary, acting through the Director for Emergency Communications, shall conduct an assessment of federal, state, local, and tribal governments
 - Reference: 6 U.S.C. § 573(a)
- Not later than one year after October 4, 2006 and biennially thereafter the Secretary acting through the Director for Emergency Communications shall submit to Congress a report on the progress of the Department in achieving the goals of and carrying out its responsibilities under this subchapter
 - Reference: 6 U.S.C. § 573(d)
- At least once a year the Director of Emergency Communications shall submit to Congress a report on the use of grants awarded under the Interoperable Emergency

Communications Grant Program and any progress in implementing Statewide Interoperable Communications Plans and improving interoperability at the city, county, regional, state, and interstate level as a result of the award of such grants

- Reference: 6 U.S.C. § 579(m)(2)
- The Director for Domestic Nuclear Detection and the Under Secretary for Science and Technology shall jointly and annually notify Congress that the strategy and technology road map for nuclear and radiological detection is consistent with the national policy and strategic plan for identifying priorities, goals, objectives, and projects for coordinating the federal governments civilian efforts to identify and develop countermeasures to terrorist threats from weapons of mass destruction
 - Reference: 6 U.S.C. § 592a(d)
- Not later than March 31 of each year, the Secretary, the Attorney General, the Secretaries of State, Defense, and Energy, and the Director of National Intelligence shall jointly submit a report regarding the implementation and results of the joint annual interagency review of global nuclear detection architecture
 - Reference: 6 U.S.C. § 596a(b)
- At least once a year, the Director of Emergency Communications shall submit to Congress a report on the use of grants and any progress in implementing Statewide Interoperable Communications Plans and improving interoperability at the city, county, regional, state, and interstate level, as a result of the award of such grants
 - Reference: 6 U.S.C. § 579(m)(2)
- The Administrator of FEMA shall submit to the appropriate committees of Congress annually the Federal Preparedness report
 - Reference: 6 U.S.C. § 612(c)(1)
- The end of each fiscal year, the Administrator shall submit to the appropriate committees in Congress a report setting for the amount of funding provided during that fiscal year to Indian tribes under any grant program administered by the Department, whether provided directly or indirectly through a subgrant from a state or high-risk urban area
 - Reference: 6 U.S.C. § 612(c)(3)
- Not later than 1 year after the date on which the initial report is required and once every 2 years thereafter, the Administrator of FEMA shall submit to the appropriate committees of Congress a grants management report
 - Reference: 6 U.S.C. § 613(c)

Reporting Committees: Senate Appropriations; Senate Finance; Senate Homeland Security and Governmental Affairs; Senate Judiciary; Senate Foreign Relations; Senate Commerce, Science, and Transportation; Senate Intelligence; Senate Armed Services; House Appropriations; House Ways and Means; House Homeland Security; House Judiciary; House Oversight and Government Reform; House Foreign Affairs; House Transportation and Infrastructure; House Intelligence; House Armed Services; House Science and Technology

- Reference: See, e.g., 6 U.S.C. §§ 114; 115(b)(4); 236(g)(2); 396(b)(1); 483(b); 596a(b)(1)

Review Commissions: None

Advisory Commissions: The Secretary shall consult with representatives of the business community involved in international trade, including seeking the advice and recommendations of the Commercial Operations Advisory Committee, on department

policies and actions that have a significant impact on international trade and customs revenue functions

- Reference: 6 U.S.C. § 115(c)(1)
- There shall be an ITACG Advisory Council to set policy and develop processes for the integration, analysis, and dissemination of federally-coordinated information within the scope of the information sharing environment, including homeland security information, terrorism information, and weapons of mass destruction information
 - Reference: 6 U.S.C. § 124k(b)(1)
- The Secretary may establish a consortium to be known as the National Infrastructure Protection Consortium. The Consortium may advise the Secretary on the best way to identify, general, organize, and maintain any database or list of systems and assets established by the Secretary
 - Reference: 6 U.S.C. § 124l(f)
- There is established a Science and Technology Advisory Committee, which shall make recommendations with respect to the activities of the Under Secretary for Science and Technology, including identifying research areas of potential importance to the nation
 - Reference: 6 U.S.C. § 191
- The Secretary shall establish a Technology Advisory Committee to assist the Secretary in establishing a internet-based tracking system that will permit a person, employer, immigrant, or nonimmigrant who has filings with the Secretary for any benefit under the Immigration and Nationality Act, access to online information about the processing status of the filing involved
 - Reference: 6 U.S.C. § 278(c)
- Each FEMA Regional Administrator shall establish a Regional Advisory Council to advice the Regional Administrator on emergency management issues specific to that region
 - Reference: 6 U.S.C. § 317(e)
- The Secretary shall establish the National Advisory Council to ensure effective and ongoing coordination of federal preparedness, protection, response, recovery, and mitigation for natural disasters, acts of terrorism, and other man-made disasters
 - Reference: 6 U.S.C. § 318
- The Secretary may establish, appoint members of, and use the services of advisory committees as the Secretary may deem necessary
 - Reference: 6 U.S.C. § 451
- There is established an Information Sharing Council that shall assist the president and program manager in their duties to operate and manage the Information Sharing Environment and advise the president and program manager in developing policies, procedures, guidelines, roles, and standards necessary to establish, implement, and maintain the ISE
 - Reference: 6 U.S.C. § 485(g)

Action Require Outside Approval: None

Legislative Veto: None

*Adjudication (e.g.):*⁶² Subject to the approval of the Secretary, the senior official appointed as privacy officer may require by subpoena the production, by any person other than a federal agency, of all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence necessary to performance of the responsibilities of the privacy office and administer to or take from any person an oath, affirmation, or affidavit, whenever necessary to performance of the responsibilities of the senior official under this section

- Reference: 6 U.S.C. § 142(b)(1)(C)-(D)
- The Secretary may assess a civil penalty of not more than \$50,000 per violation of the prohibition against purchasing ammonium nitrate from an ammonium nitrate facility unless such person is registered or is an agency of a person registered. No civil penalty may be assessed under this part unless the person liable for the penalty has been given notice and an opportunity for a hearing on the violation for which the penalty is to be assessed in the county, parish, or incorporated city of residence of that person
 - Reference: 6 U.S.C. § 488e

Department of Housing and Urban Development

Date of Creation: September 9, 1965

Statute: 42 U.S.C. §§ 3531-3549

Sub-agency Bureaus: Federal Housing Administration; Office of the Assistant Secretary for Public and Indian Housing; Housing and Home Finance Agency; Public Housing Administration; Government National Mortgage Association; Office of Federal Housing Enterprise Oversight

Commissioners/Board Members: None

Quorum Rules: N/A

Agency Specific Personnel: None

Limitation on Appointment: None

Party Balancing: N/A

Fixed Terms: None

Term Length: N/A

Staggered Terms: N/A

For Cause: None

Serve President: None

Continuation until Replacement: None

Acting Service Rules: None

Who is Head of Agency: There shall be at the head of the Department a Secretary of Housing and Urban Development who shall be appointed by the president by and with the advice and consent of the Senate

- Reference: 42 U.S.C. § 3532(a)

OMB Review: Not specified

Independent Litigating: None

Independent Sources of Funding: The Secretary is authorized to establish a working capital fund to be available without fiscal year limitation, for expenses necessary for the maintenance and operation of such common administrative services as he shall find to be desirable in

⁶² For provisions (including those outside of the authorizing statute) that explicitly reference adjudicatory proceedings under 5 U.S.C. § 554 see 46 U.S.C.A § 7702 (2012) (merchant seaman licensing).

the interest of economy and efficiency in the Department. In addition to amounts appropriated to provide capital for said fund, the fund shall be capitalized by transfer to it of such stock of supplies and equipment on hand or on order as the Secretary shall direct.

- Reference: 42 U.S.C. § 3535(f)
- The Secretary is authorized to foreclose on any property or commence any action to protect or enforce any right conferred upon him by any law, contract, or other agreement and bid for and purchase at any foreclosure or any other sale any property in connection with which he has made a loan or grant. In the event of such acquisition, the Secretary may complete, administer, remodel and convert, dispose of, lease, and otherwise deal with such property
 - Reference: 42 U.S.C. § 3535(i)(1)
- The Secretary is authorized to sell or exchange at public or private sale, or lease, real or personal property, and sell or exchange any securities or obligations, upon such terms as he may fix
 - Reference: 42 U.S.C. § 3535(i)(3)
- The Secretary is authorized to establish fees and charges, chargeable against program beneficiaries and project participants which shall be adequate to cover over the long run costs of inspection, project review and financing service, audit by federal or federally authorized auditors, and other beneficial rights, privileges, licenses, and services. Such fees and charges shall remain available for operating expenses of the Department in providing similar services on a consolidated basis
 - Reference: 42 U.S.C. § 3535(j)
- The Secretary is authorized to accept, hold, administer, and utilize gifts and bequests of property, both real and personal, for the purpose of aiding or facilitating the work of the Department.
 - Reference: 42 U.S.C. § 3535(k)
- The Secretary is authorized to establish or provide for the establishment of appropriate fees and charges to be chargeable against HUD employees or others who are beneficiaries of services provided by any day care center.
 - Reference: 42 U.S.C. § 3535(n)

Reporting Requirements: The Secretary shall, not later than December 1 of each year, submit to Congress an annual report which shall include a description of his actions during the current year and a projection of his activities during the succeeding years, estimates of the cost of projected activities for succeeding fiscal years, a statistical report on the conditions of the Indian and Alaska Native housing, and recommendations for such legislative, administrative, and other actions as appropriate

- Reference: 42 U.S.C. § 3533(e)(2)
- The Secretary shall transmit to the appropriate committees in Congress an agenda of all rules or regulations which are under development or review by the Department. Such an agenda shall be transmitted to such committees within 30 days of October 31, 1978 and at least semiannually thereafter
 - Reference: 42 U.S.C. § 3535(o)(1)
- The Secretary shall, as soon as practicable after the end of each calendar year, make a report to the president for submission to the Congress on the activities of the Department during the preceding calendar year
 - Reference: 42 U.S.C. § 3536

- The Secretary shall submit semi-annually to the committees on appropriations a list of all contracts and task orders issued under such contracts in excess of \$250,000 which were entered into during the prior 6 month period by the Secretary, the Government National Mortgage Association and the Office of Federal Housing Enterprise Oversight

- Reference: 42 U.S.C. § 3548

Reporting Committees: Senate Banking, Housing, and Urban Affairs; Senate Appropriations; House Banking, Finance, and Urban Affairs; House Appropriations

- Reference: 42 U.S.C. §§ 3535(o)(1); 3548

Review Commissions: None

Advisory Commissions: The Secretary is authorized to appoint such advisory committees as shall be appropriate for the purpose of consultation with and advice to the Department

- Reference: 42 U.S.C. § 3535(l)

Action Require Outside Approval: None

Legislative Veto: None

Adjudication (e.g.): Whenever an employee knowingly violates provisions prohibiting advance disclosure of funding decisions, the Secretary may impose a civil penalty on the employee not to exceed \$10,000 for each violation. The Secretary shall provide for the imposition of a penalty only after the employee has been given an opportunity for a hearing on the record and may provide for review of any determination or order, or interlocutory ruling, arising from a hearing

- Reference: 42 U.S.C. § 3537a (similar provisions exist for disclosure of information with respect to any application for assistance within the jurisdiction of the Department (42 U.S.C. § 3545))

Department of Justice

Date of Creation: June 22, 1870

Statute: 28 U.S.C. §§ 501-599B

Sub-agency Bureaus: National Security Division; Office of Intelligence Policy and Review; Criminal Division; Office to enforce human rights; Public Integrity Section; Office of Justice Programs; Office of Community Oriented Policing Services; Federal Bureau of Investigation; United States Marshals Service; Bureau of Alcohol, Tobacco, Firearms and Explosives; Drug Enforcement Administration; Federal Prison System; United States Trustees

Commissioners/Board Members: None

Quorum Rules: N/A

Agency Specific Personnel: All positions in the Federal Bureau of Investigation are excepted from the competitive service and the incumbents of such positions occupy positions in the excepted service

- Reference: 28 U.S.C. § 536

Limitation on Appointment: None

Party Balancing: N/A

Fixed Terms: None

Term Length: N/A

Staggered Terms: N/A

For Cause: None

Serve President: None

Continuation until Replacement: None

Acting Service Rules: In case of a vacancy in the office of Attorney General, or of his absence or disability, the Deputy Attorney General may exercise all the duties of that office

- Reference: 28 U.S.C. § 508(a)
- When by reason of absence, disability, or vacancy in office, neither the Attorney General nor the Deputy Attorney General is available to exercise the duties of the office of Attorney General, the Associate Attorney General shall act as Attorney General
 - Reference: 28 U.S.C. § 508(b)
- The Attorney General may appoint a United States attorney for the district in which the office of US attorney is vacant but shall not appoint as U.S. attorney a person to whose appointment by the President to that office the Senate refused to give advice and consent. A person appointed as US attorney under this section may serve until the earlier of the qualification of a U.S. attorney for such district appointment by the President, or the expiration of 120 days after appointment by the Attorney General under this section. If an appointment expires, the district court of the district may appoint a U.S. attorney to serve until the vacancy is filled
 - Reference: 28 U.S.C. § 546
- In the case of a vacancy in the office of a U.S. marshal, the Attorney General may designate a person to perform the functions of and act as marshal, except that the Attorney General may not designate to act as marshal any person who was appointed by the President to that office but with respect to such appointment the Senate has refused to give its advice and consent. A person designated by the Attorney General under this section may serve until the earliest of the entry into office of a US marshal appointed by the President, the expiration of the 30th day following the end of the next session of the Senate
 - Reference: 28 U.S.C. § 562
- The Attorney General may appoint an acting U.S. trustee for a region in which the office of the United States trustee is vacant. The individual so appointed may serve until the date on which the vacancy is filled by appointment.
 - Reference: 28 U.S.C. § 585

Who is Head of Agency: The President shall appoint, by and with the advice and consent of the Senate, an Attorney General of the United States. The Attorney General is the head of the Department of Justice.

- Reference: 28 U.S.C. § 503

OMB Review: Not specified

Independent Litigating: The Attorney General or any other officer of the Department of Justice, or any attorney specially appointed by the Attorney General under law may, when specifically directed by the Attorney General, conduct any kind of legal proceeding, civil or criminal, including grant jury proceedings and proceedings before magistrate judges, which the United States attorneys are authorized by law to conduct

- Reference: 28 U.S.C. § 515
- Except as otherwise authorized by law, the conduct of litigation in which the United States, an agency, or an officer thereof is a party, or is interest, and securing evidence therefor, is reserved to the officers of the Department of Justice under the direction of the Attorney General

- Reference: 28 U.S.C. § 516.⁶³

Independent Sources of Funding: There is established in the United States Treasury a special fund to be known as the Department of Justice Assets Forfeiture Fund which shall be available to the Attorney General without fiscal year limitation for certain law enforcement purposes. There shall be deposited in the fund all amounts from the forfeiture of property under any law enforced or administered by the Department of Justice; all amounts representing the Federal equitable share from the forfeiture of property under any Federal, State, local or foreign law for any Federal agency participating in the Fund; all amounts transferred by the Secretary of the Treasury pursuant to 31 U.S.C. § 9703(g)(4)(A)(ii); all amounts collected by the US pursuant to a reimbursement or restitution order under the Controlled Substances Act. Any excess unobligated balance remaining in the fund shall be available to the Attorney General, without fiscal year limitation, for any Federal law enforcement, litigative/prosecutive, and correctional activities, or any other authorized purpose of the Department of Justice

- Reference: 28 U.S.C. § 524(c)
- The Attorney General may accept, hold, administer, and use gifts, devises, and bequests of any property or services for the purpose of aiding or facilitating the work of the Department of Justice. Gifts, devises and bequests of money, the proceeds of sale or liquidation of any other property accepted hereunder, and any income accruing from any property accepted hereunder shall be deposited in the Treasury in a separate fund, held in trust by the Secretary of the Treasury for the benefit of the Department of Justice, and are hereby appropriated, without fiscal year limitation, and shall be disbursed on order of the Attorney General
 - Reference: 28 U.S.C. § 524(d)
- There is established a working capital fund for the Department of Justice which shall be available, without fiscal year limitation, for expenses and equipment necessary for the maintenance and operations of such administrative services as the Attorney General (with the approval of OMB) determines may be performed more advantageously as central services. In addition to advance payments from applicable appropriations and funds of the DOJ, other federal agencies, or other sources authorized by law, the fund shall be reimbursed or credited with receipts from sale or exchange of property or in payment for loss or damage to property held by the fund.
 - Reference: 28 U.S.C. § 527
- There is established in the Treasury a special fund to be known as the United States Trustee System Fund and monies in the Fund shall be available to the Attorney General without fiscal year limitation in connection with the operations of U.S. trustees. There shall be deposited in the fund various percentages of the fees collected by the Trustees, interest earned on Fund investment, and fines imposed.
 - Reference: 28 U.S.C. § 589a

Reporting Requirements: The Attorney General, by April 1 of each year, shall report to Congress on the business of the Department of Justice for the last preceding fiscal year, and on any other matters pertaining to the Department that he considered proper

- Reference: 28 U.S.C. § 522(a)

⁶³ See also 28 U.S.C. § 517-520 (2012).

- The Attorney General shall transmit to Congress and make available to the public, no later than 4 months after the end of each fiscal year, detailed reports on the DOJ Assets Forfeiture Fund for the prior fiscal year.
 - Reference: 28 U.S.C. § 522(a)(6)(A)
- The Attorney General shall transmit to Congress and make available to the public, no later than 2 months after final issuance, the audited financial statements for each fiscal year for the DOJ Assets Forfeiture Fund
 - Reference: 28 U.S.C. § 522(a)(6)(B)
- At the beginning of each regulator session of Congress, the Attorney General shall report to Congress on the activities and operations of the Public Integrity Section or any other unit of the Department of Justice designated to supervise the investigation and prosecution of violations of Federal criminal law by officers or employees of the federal government, any violation of federal criminal law relating to lobbying, conflict of interest, campaigns and elections, and any other such matters as the Attorney General may deem appropriate
 - Reference: 28 U.S.C. § 529(a)
- The Attorney General shall, not later than May 2 of every year, prepare and provide to the Committees on the Judiciary and Appropriations of each House of Congress a report identifying, describing, and reviewing every grant, cooperative, or programmatic services contract that was made, entered into, awarded, or for which additional or supplemental funds were provided by or on behalf of the Office of Justice Programs
 - Reference: 28 U.S.C. § 529(b)
- The Attorney General shall submit to the Congress a report of any instance in which the Attorney General or any officer of the Department of Justice establishes or implements a formal or informal policy to refrain from enforcing, applying, or administering any provision of any federal statute, rule, regulation, program, etc.; adhering to, enforcing or complying with any standing rule of decision decided by a final decision of any court; determines to content affirmatively the constitutionality of any provision of any federal statute, rule, regulation, etc.; etc.
 - Reference: 28 U.S.C. § 530D
- The Attorney General shall transmit to the Congress, not later than 120 days after each fiscal year, a detailed report on the amounts deposited in the United States Trustee System Fund and a description of expenditures made
 - Reference: 28 U.S.C. § 589a(d)

Reporting Committees: Senate Judiciary; Senate Appropriations; House Judiciary; House Appropriations

- Reference: 28 U.S.C. §§ 522(a)(6)(D); 529(b)

Review Commissions: None

Advisory Commissions: None

Action Require Outside Approval: None

Legislative Veto: None

*Adjudication (e.g.):*⁶⁴ A United States trustee whose appointment is terminated or who ceases to be assigned to cases filed under Title 11 may obtain judicial review of the final agency

⁶⁴ For provisions (including those outside of the authorizing statute) that explicitly reference adjudicatory proceedings under 5 U.S.C. § 554 see 21 U.S.C. § 844a (2012) (civil penalty assessment hearings for controlled

decision after first exhausting all administrative remedies, which if the trustee so elects, shall also include an administrative hearing on the record

- Reference: 28 U.S.C. § 586(d)(2)

Department of Labor

Date of Creation: March 4, 1913⁶⁵

Statute: 29 U.S.C. § 551-600

Sub-agency Bureaus: Bureau of Employees' Compensation; Bureau of Labor Standards; Bureau of Labor Statistics; Division of Public Contracts; Employees Compensation Appeal Board; United States Employment Service; Wage and Hour Division; Women's Bureau; Mine Safety and Health Administration; Occupational Safety and Health

Commissioners/Board Members: None

Quorum Rules: N/A

Agency Specific Personnel: None

Limitation on Appointment: None

Party Balancing: None

Fixed Terms: None

Term Length: None

Staggered Terms: None

For Cause: None

Serve President: None

Continuation until Replacement: None

Acting Service Rules: Deputy Secretary shall (1) in case of the death, resignation, or removal from office of the Secretary, perform the duties of the secretary until a successor is appointed and (2) in case of the absence or sickness of the Secretary, perform the duties of the Secretary until such absence or sickness shall terminate

- Reference: 29 U.S.C. § 552

Who is Head of Agency: The Secretary of Labor shall be the head of the Department of Labor, to be appointed by the president and with the advice and consent of the Senate

- Reference: 29 U.S.C. § 551

OMB Review: Not specified

Independent Litigating: None

Independent Sources of Funding: Funds received for services rendered to any entity or person for use of Departmental facilities, including associated utilities and security services, shall be credited to and merged with this fund

- Reference: 29 U.S.C. § 563a
- Secretary of Labor is authorized to accept in name of the Department and employ or dispose of in furtherance of authorized activities of the Department any money or property, real, personal, or mixed, tangible or intangible, received by gift, devise, bequest or otherwise

substance possession in small amounts); 8 U.S.C. § 1324c (2012) (defrauders or documents to meet immigration requirements); 8 U.S.C. § 1324a (2012) (employers of unauthorized aliens); 42 U.S.C. § 3783 (justice system improvement assistance recipients prior to termination); 42 U.S.C. § 3789d (2012) (state or local justice system improvement programs discrimination prohibition policy compliance hearings).

⁶⁵ The Department of Labor was created as an independent agency in 1888, became part of the Department of Labor and Commerce in 1903, and was named an executive department in 1913.

- Reference: 29 U.S.C. § 568

Reporting Requirements: Financial statements of the Department that have been audited

- Reference: 29 U.S.C. § 560

Reporting Committees: None

Review Commissions: None

Advisory Commissions: None

Action Require Outside Approval: None

Legislative Veto: None

*Adjudication:*⁶⁶ None

Department of State⁶⁷

Date of Creation: July 27, 1789

Statute: 22 U.S.C. §§ 2651-2734a

Sub-agency Bureaus: Bureau of Oceans and International and Environmental and Scientific Affairs; Nonproliferation Bureau; Political Military Affairs Bureau; Foreign Service Institute; Office of Ombudsman for Civil Service Employees; Diplomatic Telecommunications Service Program Office; Office of Defense Trade Controls; George P. Shultz National Foreign Affairs Training Center; Office to Monitor and Combat Anti-Semitism; Office of the Coordinator for Reconstruction and Stabilization; Response Readiness Corps; Civilian Reserve Corps

Commissioners/Board Members: None

Quorum Rules: N/A

Agency Specific Personnel: None

Limitation on Appointment: None

Party Balancing: N/A

Fixed Terms: None

Term Length: N/A

Staggered Terms: N/A

For Cause: None

Serve President: None

Continuation until Replacement: None

Acting Service Rules: None

Who is Head of Agency: The Secretary of State shall be the head of the Department of State and be appointed by the president, by and with the advice and consent of the Senate

⁶⁶ For provisions (including those outside of the authorizing statute) that explicitly reference adjudicatory proceedings under 5 U.S.C. § 554 see 29 U.S.C. § 216 (2012) (civil penalty assessment hearings for violations of child labor standards); § 214 (2012) (special minimum wage rates for handicapped workers review); 29 U.S.C. § 1853 (2012) (migrant and seasonal agricultural worker protection); 29 U.S.C. § 1813 (2012) (farm labor contractors certificate of registration hearings); 30 U.S.C. § 811 (2012) (mine safety and health mandatory standards exemption hearings); 30 U.S.C. § 938 (2012) (miners suffering from pneumoconiosis discharge or discrimination hearings); 33 U.S.C. § 919 (2012) (longshore and harbor workers' compensation hearings); 33 U.S.C. § 1367 (2012) (employee discharge or alleged discrimination review hearings for water pollution prevention and control violations); 42 U.S.C. § 6971 (2012) (employee discharge or alleged discrimination review hearings for solid waste disposal provision violations).

⁶⁷ Data on employment come from the Department of State annual report for 2011 (<http://www.state.gov/documents/organization/177397.pdf>) (accessed October 16, 2012). We use data from the annual report because Office of Personnel Management does not include foreign service officers or foreign nationals working overseas. Office of Personnel Management, FedScope, *Data Definitions: About EHRI-SDM*, July 14, 2011, available at <http://www.fedscope.opm.gov/datadefn/DataDefinitions.pdf>.

- Reference: 22 U.S.C. §§ 2651; 2651a(a)(2)

OMB Review: Not specified

Independent Litigating: None

Independent Sources of Funding: The Secretary of State is authorized to accept reimbursement from corporations, firms, and individuals for the expenses of travel, translation, printing, special experts, and other extraordinary expenses (including such expenses as salaries and other personnel expenses) incurred in pursuing a claim on their behalf against a foreign government or other foreign entity. Such reimbursements shall be credited to the appropriation account against which expense was initially charged

- Reference: 22 U.S.C. § 2661
- Whenever the Secretary of State, in his discretion, procures information on behalf of corporations, firms, and individuals, the expense of cablegrams and telephone service involved may be charged against the respective appropriations for the service utilized and reimbursement therefor shall be required from those for whom the information was procured and, when made, be credited to the appropriation under which the expenditure was charged
 - Reference: 22 U.S.C. § 2661
- The exchange allowances or proceeds derived from the exchange or sale of passenger motor vehicles in possession of the Foreign Service abroad shall be available without fiscal year limitation for replacement of an equal number of such vehicles
 - Reference: 22 U.S.C. § 2674
- There is established a working capital fund for the Department of State, which shall be available without fiscal year limitation for expenses and equipment necessary for the maintenance and operation in the city of Washington and elsewhere of central reproduction, editorial, data processing, audiovisual, library and administrative support services; central services for supplies and equipment such other administrative services as the Secretary determines may be performed more advantageously and more economically as central services; and medical health care services. The fund shall be credited with other receipts from sale or exchange of property or in payment for loss or damage to property held by the fund.
 - Reference: 22 U.S.C. § 2684
- The Secretary of State is authorized to require the payment of an appropriate fee, surcharge, or reimbursement for providing other Federal agencies with foreign language translation and interpretation services
 - Reference: 22 U.S.C. § 2695a
- The Secretary of State may accept on behalf of the United States gifts made unconditionally by will or otherwise for the benefit of the Department of State (including the Foreign Service) or for the carrying out of any of its functions. Any unconditional gift of money, the income from any gift property, the net proceeds from the liquidation of gift property, and the proceeds of insurance on any gift property which are not used for its restoration shall be deposited in the Treasury. Such funds are appropriated and shall be held in trust by the Secretary of the Treasury for the benefit of the Department of State.
 - Reference: 22 U.S.C. § 2697
- If, upon the expiration of a period of 5 fiscal years beginning on October 1 after a consular officer takes possession of a personal estate, no legal claimant for such estate

has appeared, title to the estate shall be conveyed to the United States, the property in the estate shall be under the custody of the Department of State, and the Secretary shall dispose of the estate in the same manner as surplus United States government-owned property is disposed of or by such means as may be appropriate in light of the nature and value of the property involved

- Reference: 22 U.S.C. § 2715c(b)
- For each fiscal year, 100 percent of the registration fees collected by the Office of Defense Trade Controls of the Department of State shall be credited to the Department of State account, to be available without fiscal year limitation
 - Reference: 22 U.S.C. § 2717
- Funds received by the Department of State in connection with the use of Blair House may be credited to the appropriate appropriation account of the Department of State. Such funds shall be available only for maintenance and other expenses of Blair House.
 - Reference: 22 U.S.C. § 2718
- The Secretary of State is authorized to charge a fee to cover the actual or estimated cost of providing any person, firm, or organization with commercial services at posts abroad on matters within the authority of the Department of State. Funds collected under this authority shall be deposited as an offsetting collection to any Department of State appropriation to recover the costs of providing commercial services. Funds deposited shall remain available for obligations through September 30 of the fiscal year following the fiscal year in which the funds were deposited.
 - Reference: 22 U.S.C. § 2724
- The Secretary is authorized to charge a fee for the use of the George P. Shultz National Foreign Affairs Training Center. Amounts collected under this section shall be deposited as an offsetting collection to a Department of State appropriation to recover the costs of such use and shall remain available for obligation until expended
 - Reference: 22 U.S.C. § 2725
- The Secretary is authorized the charge a fee for use of the diplomatic reception rooms of the Department of State. Amounts collected under this section shall be deposited as an offsetting collection to ay Department of State appropriation to recover the costs of such use and shall remain available for obligation until expended
 - Reference: 22 U.S.C. § 2726

Reporting Requirements: If the Assistant Secretary's participation would not be in the national security interests of the United States, the president may waive the requirement that the Assistant Secretary for Verification and compliance, or his designee, shall participate in all interagency groups or organizations within the executive branch that assess, analyze, or review United States planned or ongoing policies, programs, or actions that have a direct bearing on verification or compliance matters. Any waiver of participation shall be transmitted in writing to the appropriate committees of Congress.

- Reference: 22 U.S.C. § 2652c(c)(2)(C)(iii)
- The Secretary of State shall promptly advise the Congress whenever the Department of State issues a travel advisory, or other public warning notice for United States citizens traveling abroad because of a terrorist or other security concern
 - Reference: 22 U.S.C. § 2656e

- The Secretary of State shall transmit to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate, by April 30 of each year, a full and complete report providing detailed assessments with respect to terrorism
 - Reference: 22 U.S.C. § 2656f
- Beginning 180 days after October 28, 1991 and annually thereafter, the Secretary of State, in consultation with the Secretary of the Treasury, shall submit a report to the Chairman of the Foreign Relations Committee of the Senate and the Speaker of the House showing actual repayments by country and by program to the United States Government for the previous 5 years and the scheduled repayments to the United States Government for the next 5 years
 - Reference: 22 U.S.C. § 2656h(b)
- No later than February 15 of each year subsequent to the submission of the strategy to carry out the counterdrug responsibilities of the Department of State, the Secretary shall submit to Congress an update of the strategy
 - Reference: 22 U.S.C. § 2656i(a)(3)
- The Secretary of State may waive the requirements of the section on prohibition on discriminatory contracts on a country-by-country basis for a period not to exceed one year upon certification to Congress by the Secretary that the waiver is in the national interest and is necessary to carry on diplomatic functions of the United States
 - Reference: 22 U.S.C. § 2679c(b)
- An offeror would not be required to include the certification that the offeror is not taking or knowingly agreeing to take any action with respect to the boycott of Israel by Arab League Countries, if the Offeror is deemed not to comply with the boycott by the Secretary of State or his designee on the basis of available information. Certification by the Secretary of State or his designee may occur only 30 days after notice has been given to the Congress that this certification procedure will be utilized at a specific overseas mission
 - Reference: 22 U.S.C. § 2679c(c)(2)
- The Department of State shall keep the Senate Foreign Relations and House Foreign Affairs committees fully and currently informed with respect to all activities and responsibilities within the jurisdiction of these committees.
 - Reference: 22 U.S.C. § 2680(b)
- An officer or employee of the Department of State to whom a written or oral question is addressed by any member of specified congressional committees, acting in his official capacity, shall respond to such question within 21 days unless the Secretary of State submits a letter to such member explaining why a timely response cannot be made
 - Reference: 22 U.S.C. § 2680-1
- Whenever the Secretary finds that the operation of the facilities for international broadcasting is no longer necessary or desirable, he shall report such fact to Congress with his recommendations for the disposition of such facilities
 - Reference: 22 U.S.C. § 2682
- The Secretary of State shall annually transmit to the Speaker of the House and the chairman on the Committee on Foreign Relations of the Senate a report containing details on any gifts of more than minimal value purchased with appropriated funds which were given to a foreign individual during the previous fiscal year and any other gifts of more

than minimal value given by the U.S. government to a foreign individual which were not obtained using appropriated funds

- Reference: 22 U.S.C. § 2694(2)
- Unless the appropriate committees in Congress are notified 15 days in advance of the proposed reprogramming, funds appropriated for the Department of State shall not be available for obligation or expenditures through any reprogramming of funds which creates new programs, eliminates a program, project, or activity, increases the funds or personnel by any means for any project or activity which has been denied or restricted by the Congress, relocates an office or employees, reorganizes offices, programs, or activities, involves contracting out functions which had been performed by federal employees or which involves a programming in excess of \$1 million. This notification may be waived if the Secretary follows certain provisions.
 - Reference: 22 U.S.C. § 2706(a)
- Not later than 30 days after the payment of any reward, the Secretary shall submit a report to the appropriate congressional committees with respect to such reward
 - Reference: 22 U.S.C. § 2708(g)(1)
- Not later than 60 days after the end of each fiscal year the Secretary shall submit a report to the appropriate congressional committees with respect to the operation of the rewards program, the Secretary of State shall transmit the proposed regulations to Congress
 - Reference: 22 U.S.C. § 2708(g)(1)
- Not less than 30 days before issuing any regulations to impose controls on the provision of services that would aid and abet international terrorism
 - Reference: 22 U.S.C. § 2712(g)(1)
- Not less than once every six months, the Secretary of State shall report to the Congress concerning the number and character of licenses granted and denied during the previous reporting period, and such other information as the Secretary may find to be relevant
 - Reference: 22 U.S.C. § 2712(g)(2)
- Not less than 45 days before the closing of any United States consular or diplomatic post abroad, the Secretary of State shall notify the appropriate committees of Congress
 - Reference: 22 U.S.C. § 2720(b)
- The Secretary shall report, on a timely basis, to the appropriate committees of the Congress each time a consular post denies a visa on the grounds of terrorist activities or foreign policy.
 - Reference: 22 U.S.C. § 2723(a)
- 180 days after October 21, 1998 and annually thereafter the Secretary of State shall prepared and submit to Congress a report concerning diplomatic immunity
 - Reference: 22 U.S.C. § 2728(a)
- None of the funds made available to the Department of State, or the United States Emergency Refugee and Migration Assistance Fund, may be available to effect the involuntary return by the United States of any person to any country unless the Secretary first notifies the appropriate congressional committees, except that in the case of an emergency involving a threat to human life, the secretary shall notify the appropriate congressional committees as soon as practicable
 - Reference: 22 U.S.C. § 2730(b)

Reporting Committees: Senate Foreign Relations; Senate Appropriations; Senate Judiciary; House Foreign Affairs; House Appropriations; House Judiciary

- Reference: See, e.g., 22 U.S.C. §§ 2656f; 2656i(c)(3); 2669a(d); 2723(c)

Review Commissions: None

Advisory Commissions: None

Action Require Outside Approval: None

Legislative Veto: None

Adjudication: None

Department of the Interior

Date of Creation: March 3, 1849

Statute: 43 U.S.C. §§ 1451-1475b

Sub-agency Bureaus: Alaska Railroad; Alaska Road Commission; Bureau of Land Management; United States Bureau of Mines; Bureau of Reclamation; Division of Territories and Island Possessions; Fish and Wildlife Service; United States Geological Survey; National Park Service; Bureau of Indian Affairs; Office of the Solicitor; Office of Surface Mining Reclamation and Enforcement; Office of Territorial Affairs; Minerals Management Service; North Pacific Research Board; Natural Resources Library; Office of Inspector General

Commissioners/Board Members: None

Quorum Rules: N/A

Agency Specific Personnel: None

Limitation on Appointment: None

Party Balancing: N/A

Fixed Terms: None

Term Length: N/A

Staggered Terms: N/A

For Cause: None

Serve President: None

Continuation until Replacement: None

Acting Service Rules: None

Who is Head of Agency: A Secretary of the Interior shall be the head of the Department of Interior

- Reference: 43 U.S.C. § 1451

OMB Review: Not specified

Independent Litigating: None

Independent Sources of Funding: Refunds or rebates received on an on-going basis from a credit card services provider under the Department of interior's charge card programs may be deposited to and retained without fiscal year limitation in the Departmental Working Capital Fund and used to fund management initiatives of general benefit to the Department of Interior's bureaus and offices as determined by the Secretary or his designee

- Reference: 43 U.S.C. § 1467a
- There shall be established a working capital fund to assist in the management of certain support activities of the Bureau of Reclamation and the fund shall be available without fiscal year limitation for expenses necessary for furnishing materials, supplies, equipment, work, and services in support of Bureau programs. There are authorized to be transferred to the fund (at fair and reasonable value at time of transfer) the inventories,

equipment, receivables, and other assets, less the liabilities, related to the functions to be financed by the fund as determined by the Secretary of the Interior.

- Reference: 43 U.S.C. § 1472
- The Minerals Management Service is authorized to accept land, buildings, equipment and other contributions, from public and private sources, which shall be available for the purposes provided for in this account, including contributions of money and services to conduct work in support of the orderly exploration and development of Outer Continental Shelf resources.
 - Reference: 43 U.S.C. § 1473
- The Secretary is authorized to accept lands, buildings, equipment, other contributions and fees to be deposited in the contributed funds account from public and private sources and to prosecute such projects using such contributions.
 - Reference: 43 U.S.C. § 1473a
- The Secretary may accept donations and bequests of money, services, or other personal property for the management and enhancement of the Department's Natural Resources Library. The Secretary may hold, use, and administer such donations until expended and without further appropriation
 - Reference: 43 U.S.C. § 1473e
- All receipts from fees established by the Secretary of the Interior for processing of actions relating to the administration of the General Mining Laws shall be available for program operations in Mining Law Administration by the Bureau of Land Management to supplement funds otherwise available, to remain available until expended
 - Reference: 43 U.S.C. § 1474
- Sums provided by any party, including sums provided in advance or as a reimbursement for natural resource damage assessments, may be credited to the Natural Resource Damage Assessment and Restoration Fund and shall remain available until expended
 - Reference: 43 U.S.C. § 1474b
- Sums received by the Bureau of Land Management for the sale of seeds or seedlings may be credited to the appropriation from which funds were expended to acquire or grow the seed or seedlings and are available without fiscal year limitation
 - Reference: 43 U.S.C. § 1474e

Reporting Requirements: Annual reports of the department and of all its bureaus and establishments, including the Bureau of Reclamation, shall not exceed a total of one thousand two hundred and fifty pages.

- Reference: 43 U.S.C. § 1465
- The Secretary shall submit with the annual budget submission to Congress a list of high priority maintenance and modernization projects for congressional consideration
 - Reference: 43 U.S.C. § 1474d(c)(1)

Reporting Committees: Not specified

Review Commissions: None

Advisory Commissions: None

Action Require Outside Approval: None

Legislative Veto: None

*Adjudication:*⁶⁸ None

Department of the Treasury

Date of Creation: September 2, 1789

Statute: 31 U.S.C. §§ 301-333

Sub-agency Bureaus: Bureau of Engraving and Printing; United States Mint; Bureau of Government Financial Operations; Bureau of the Public Debt; Office of the Comptroller of the Currency; United States Customs Service; Office of Thrift Supervision; Financial Crimes Enforcement Network; Office of Intelligence and Analysis; Office of Terrorism and Financial Intelligence; Office of Foreign Assets Control; Executive Office for Asset Forfeiture; Office of Terrorist Financing; Office of Compliance; Office of Intelligence Support; Federal Insurance Office; Internal Revenue Service

Commissioners/Board Members: None

Quorum Rules: N/A

Agency Specific Personnel: Without regard to those provisions governing appointment in the competitive service, the Secretary may appoint not more than 5 Assistant General Counsels

- Reference: 31 U.S.C. § 301(f)(1)

Limitation on Appointment: The Secretary of the Treasury and the Treasurer may not be involved in trade or commerce, own any part of a vessel (except a pleasure vessel), buy or hold as a beneficiary in trust public property, be involved in buying or disposing of obligations of a state or the United States government, and personally take or use a benefit gained from conducting business of the Department of Treasury except as authorized by law

- Reference: 31 U.S.C. § 329(a)(1)

Party Balancing: N/A

Fixed Terms: None

Term Length: N/A

Staggered Terms: N/A

For Cause: None

Serve President: None

Continuation until Replacement: When a term of office of an officer of the Department of Treasury ends, the officer may continue to serve until a successor is appointed and qualified

- Reference: 31 U.S.C. § 315

⁶⁸ For provisions (including those outside of the authorizing statute) that explicitly reference adjudicatory proceedings under 5 U.S.C. § 554 see 16 U.S.C. § 1536 (2012) (exemption applications for actions likely to jeopardize endangered or threatened species); 16 U.S.C. § 470ff (2012) (civil penalty assessment hearings for violation of archaeological resources protection); 16 U.S.C. § (civil penalty assessment hearings for violation of endangered species protection laws); 16 U.S.C. § 429b-1 (2012) (land owners within Manassas National Battlefield Park review of proposed acquisition); 16 U.S.C. § 3142 (2012) (Arctic National Wildlife Refuge coastal plain resource assessment exploratory plans); 43 U.S.C. § 1766 (2012) (rights of way and easements through federal lands); 30 U.S.C. §§ 1264; 1275 (2012) (surface coal mine permits); 30 U.S.C. § 185 (2012) (pipeline rights of way through federal lands suspension or termination proceedings); 30 U.S.C. § 1293 (2012) (surface mining control and reclamation violations); 16 U.S.C. § 3373 (2012) (fish and wildlife taking controls); 30 U.S.C. § 1268 (2012) (surface coal mining permit conditions); 43 U.S.C. § 1656 (2012) (Trans-Alaska pipeline discharges of oil regulation);

Acting Service Rules: The Deputy Secretary shall carry out the duties and powers of the Secretary when the Secretary is absent or unable to serve or when the office of Secretary is vacant

- Reference: 31 U.S.C. § 301(c)(2)

Who is Head of Agency: The head of the Department is the Secretary of the Treasury. The Secretary is appointed by the president, by and with the advice and consent of the Senate

- Reference: 31 U.S.C. § 301(b)

OMB Review: Not specified

Independent Litigating: None

Independent Sources of Funding: The Secretary of the Treasury may accept, hold, administer, and use gifts and bequests of property, both real and personal, for the purpose of aiding or facilitating the work of the Department of the Treasury. Gifts and bequests of money and the proceeds from sales of other property received as gifts or bequests shall be deposited in the Treasury in a separate fund and shall be disbursed on order of the Secretary of the Treasury

- Reference: 31 U.S.C. § 321(d)(1)
- The Secretary of the Treasury may invest and reinvest the fund in public debt securities with maturities suitable for the needs of the fund and bearing interest at rates determined by the Secretary. Income accruing from the securities and from any other property shall be deposited into the credit of the fund, and shall be disbursed on order of the Secretary
 - Reference: 31 U.S.C. § 321(d)(3)
- The Department of the Treasury has a working capital fund. Amounts in the fund are available for expenses of operating and maintaining common administrative services of the Department that the Secretary of the Treasury, with the approval of the Director of OMB, decides may be carried out more advantageously and more economically as central services. The fund consists of amounts appropriated to the fund, the reasonable value of supply inventories, equipment, and other assets and inventories on order for providing services out of amounts in the fund, less related liabilities and unpaid obligations, amounts received from the sale or exchange of property, and payments received for loss or damage to property of the fund.
 - Reference: 31 U.S.C. § 322

Reporting Requirements: The Undersecretary for Terrorism and Financial Crimes and the Assistant Secretary for Terrorist Financing shall report to the appropriate congressional committees not later than 72 hours after proposing by rule, regulation, order, or otherwise, any measure to reorganize the structure of the Department for combating money and terrorist financing before any such proposal becomes effective

- Reference: 31 U.S.C. § 312(a)(5)
- Beginning September 30, 2011, the Director of the Federal Insurance Office shall submit a report on or before September 30 of each calendar year to the president and to the appropriate congressional committees on any actions taken by the Officer regarding preemption of inconsistent state insurance measures
 - Reference: 31 U.S.C. § 313(n)(1)
- Beginning September 30, 2011, the Director of the Federal Insurance Office shall submit a report on or before September 30 of each calendar year to the president and appropriate committees in Congress on the insurance industry and any other information as deemed relevant by the Director or requested by such committees

- Reference: 31 U.S.C. § 313(n)(2)
- Before initiating negotiations to enter into a covered agreement on behalf of the United States, the Secretary and the United States Trade Representative shall jointly consult with the appropriate committees in Congress. A covered agreement may enter into force with respect to the United States only if the Secretary and the United States Trade Representative jointly submit to the appropriate congressional committees a copy of the final legal text of the agreement and a period of 90 calendar days has expired
 - Reference: 31 U.S.C. § 314
- The Secretary of the Treasury shall submit each fiscal year to the appropriate committees a report detailing the investment of operating cash for the preceding fiscal year.
 - Reference: 31 U.S.C. § 323(d)(1)
- The Secretary of the Treasury shall submit to Congress each year an annual report
 - Reference: 31 U.S.C. § 331(a)
- On the first day of each regular session of Congress, the Secretary shall submit to Congress a report for the prior fiscal year on the total and individual amounts of contingent liabilities and unfunded liabilities of the U.S. Government; trust fund liabilities, liabilities of Government corporations, indirect liabilities not included as a part of the public debt, and liabilities of insurance and annuity programs; and collateral pledged and assets available as security for the liabilities and other assets specifically available to liquidate the liabilities of the government.
 - Reference: 31 U.S.C. § 331(b)
- On the first day of each regular session of Congress, the Secretary shall submit to Congress a report for the prior fiscal year on the total amount of public receipts and public expenditures listing receipts when practicable by ports, districts, and states and the expenditures by each appropriation
 - Reference: 31 U.S.C. § 331(c)
- The Secretary shall report to either house of Congress in person or in writing on matters referred to the Secretary by that house.
 - Reference: 31 U.S.C. § 331(d)
- Not later than March 31 of 1998 and each year thereafter, the Secretary of the Treasury in coordination with the Director of OMB shall annually prepare and submit to the President and Congress an audited financial statement for the preceding fiscal year, covering all accounts and associated activities of the executive branch
 - Reference: 31 U.S.C. § 331(e)

Reporting Committees: Senate Banking, Housing, and Urban Affairs; Senate Finance; House Financial Services; House Ways and Means

- Reference: See, e.g., 31 U.S.C. §§ 312(a)(5); 313(n)(1)

Review Commissions: None

Advisory Commissions: None

Action Require Outside Approval: Amounts in the working capital fund are available for expenses of operating and maintaining common administrative services of the Department that the Secretary of the Treasury, with the approval of the Director of OMB, decides may be carried out more advantageously and more economically as central services

- Reference: 31 U.S.C. § 322

Legislative Veto: None

Adjudication: None

Department of Transportation

Date of Creation: October 15, 1966

Statute: 49 U.S.C. §§ 101-727

Sub-agency Bureaus: Office of Climate Change; Federal Railroad Administration; Federal Highway Administration; National Highway Traffic Safety Administration; Federal Aviation Administration; Aviation Safety Whistleblower Investigation Office; Federal Transit Administration; Pipeline and Hazardous Materials Safety Administration; Maritime Administration; Saint Lawrence Seaway Development Corporation; Bureau of Transportation Statistics; Research and Innovative Technology Administration; National Transportation Library; Research and Innovative Technology Administration; Federal Motor Carrier Safety Administration; Transportation Systems Center; Minority Resource Center; Office of the Director of Intelligence and Security; Surface Transportation Board

Commissioners/Board Members: None

Quorum Rules: N/A

Agency Specific Personnel: The Chief Operating Officer of the FAA shall be paid at an annual rate of basic pay to be determined by the Administrator (with approval of the Air Traffic Services Committee)

- Reference: 49 U.S.C. § 106(r)(2)(A)
- The Chief NextGen officer shall be paid at an annual rate of basic pay to be determined by the Administrator
 - Reference: 49 U.S.C. § 106(s)(2)(A)

Limitation on Appointment: None

Party Balancing: N/A

Fixed Terms: None

Term Length: N/A

Staggered Terms: N/A

For Cause: None

Serve President: None

Continuation until Replacement: None

Acting Service Rules: The Deputy Secretary acts for the Secretary when the Secretary is absent or unable to serve or when the office of Secretary is vacant

- Reference: 49 U.S.C. § 102(c)(2)
- The Under Secretary for Policy acts for the Secretary when the Secretary and the Deputy Secretary are absent or unable to serve, or when the offices of Secretary and Deputy Secretary are vacant
 - Reference: 49 U.S.C. § 102(d)

Who is Head of Agency: The head of the Department is the Secretary of Transportation. The Secretary is appointed by the President, by and with the advice and consent of the Senate

- Reference: 49 U.S.C. § 102(b)

OMB Review: Not specified

Independent Litigating: Attorneys designated by the Chairman of the Surface Transportation Board may appear for and represent the Board in any civil action brought in connection with any function carried out by the Board

- Reference: 49 U.S.C. § 703(d)

Independent Sources of Funding: Funds received by the Bureau of Transportation Statistics from the sale of data products, for necessary expenses incurred, may be credited to the Highway Trust Fund for the purpose of reimbursing the Bureau for the expenses

- Reference: 49 U.S.C. § 111(n)
- The Department has a fund in the treasury. Disbursements from the fund are made by order of the Secretary and the fund consists of gifts of money, income from property accepted as conditional or unconditional gifts and proceeds from the sale of that property, and income from securities reinvested by the Secretary of the Treasury, on request of the Secretary of Transportation
 - Reference: 49 U.S.C. § 326
- The Department of Transportation has an administrative working capital fund which is available without regard to fiscal year limitation. The fund consists of amounts appropriated to the fund, the reasonable value of stocks, supplies, equipment, and other assets and inventories on order that the Secretary transfers to the fund, amounts received from the sale or exchange of property, and payments received for loss or damage to property of the fund.
 - Reference: 49 U.S.C. § 327
- Transportation Systems Center working capital fund is available without regard to fiscal year limitation for financing the activities of the Center. The capital of the fund consists of amounts appropriated to the fund, net assets of the Center as of October 1, 1980, and the reasonable value or property and other assets donated to the fund.
 - Reference: 49 U.S.C. § 328

Reporting Requirements: Beginning with fiscal year 2010 and each fiscal year thereafter, the Secretary shall submit to the appropriate congressional committees at the same time as the President's budget submission the Federal Railroad Administration's performance goals and schedule

- Reference: 49 U.S.C. § 103(k)(3)
- If the FAA Administrator overturns a recommendation from the Air Traffic Services Committee, the Administrator shall report such action to the appropriate congressional committees
 - Reference: 49 U.S.C. § 106(p)(7)(H)(iii)
- Chief Operating Officer of the FAA shall prepare and transmit to the Secretary and appropriate congressional committees an annual management report containing such information as may be prescribed by the Secretary
 - Reference: 49 U.S.C. § 106(r)(4)
- Chief NextGen Officer of the FAA shall prepare and transmit to the Secretary and appropriate congressional committees an annual management report containing such information as may be prescribed by the Secretary
 - Reference: 49 U.S.C. § 106(s)(4)
- Not later than October 1 of each year, the Director of the Aviation Safety Whistleblower Investigation Office shall submit to Congress a report containing information on submissions of complaints, summaries of investigations, corrective actions, and responses.
 - Reference: 49 U.S.C. § 106(t)(7)
- The Director of the Bureau of Transportation Statistics shall submit to the President and Congress a transportation statistics annual report

- Reference: 49 U.S.C. § 111(l)
- The Secretary of Transportation, with the Secretary of Housing and Urban Development shall report on April 1 of each year to the President, for submission to Congress on their studies and other activities, including legislative recommendations, on joint planning, research, and other activities on urban transportation systems
 - Reference: 49 U.S.C. § 304(b)
- As soon as practicable after the end of each fiscal year, the Secretary of Transportation shall report to the President, for submission to Congress, on the activities of the Department of Transportation during the prior fiscal year
 - Reference: 49 U.S.C. § 308(a)
- The Secretary shall submit to the President and Congress each year a report on the aviation activities of the Department
 - Reference: 49 U.S.C. § 308(b)
- The Secretary shall submit to Congress each year a report on the conditions of the ports of the United States
 - Reference: 49 U.S.C. § 308(c)
- The Secretary shall submit to Congress in March of every evenly numbered year after 1998 a report of estimates by the Secretary on the current performance and condition of public mass transportation systems with recommendations for necessary administrative or legislative changes
 - Reference: 49 U.S.C. § 308(e)
- The Surface Transportation Board shall transmit to Congress copies of budget estimates, requests, and information (including personnel needs), legislative recommendations, prepared testimony for congressional hearings, and comments on legislation at the same time they are sent to the Secretary of Transportation
 - Reference: 49 U.S.C. § 703(g)
- The Surface Transportation Board shall annually transmit to Congress a report on its activities
 - Reference: 49 U.S.C. § 704

Reporting Committees: Senate Commerce, Science and Transportation; House Transportation and Infrastructure; House Science, Space, and Technology

- Reference: 49 U.S.C. §§ 103(k)(3); 106(s)(4)

Review Commissions: The Federal Aviation Administrator shall establish a committee that is independent of the Federal Aviation Management Advisory Council called the Air Traffic Services Committee. The Committee shall oversee the administration, management, conduct, direction, and supervision of the air traffic control system. The Committee shall review and approve the FAA administrator's appointment of a Chief Operating Officer; review the Administrator's selection, evaluation, and compensation of senior executives in the administration who have program management responsibility over significant functions of the air traffic control system; review and approve the Administrator's plans for any major reorganization of the Administration that would impact on the management of the air traffic control system; review and approve the Administrator's cost accounting and financial management structure and technologies

- Reference: 49 U.S.C. § 106(p)(7)

Advisory Commissions: Federal Aviation Management Advisory Council may submit comments, recommended modifications, and dissenting views to the Administrator of the Federal

Aviation Administration. The Council shall function as an oversight resource for management, policy, spending, and regulatory matters under the jurisdiction of the Administration

- Reference: 49 U.S.C. § 106(p)
- The Director of the Bureau of Transportation Statistics shall establish an advisory council on transportation statistics to advise the Director on the quality, reliability, consistency, objectivity, and relevance of transportation statistics and analyses collected, supported, or disseminated by the Bureau or the Department
 - Reference: 49 U.S.C. § 111(o)
- The Secretary of Transportation may appoint advisory committees to consult with and advise the Secretary in carrying out the duties and powers of the Secretary
 - Reference: 49 U.S.C. § 325
- Minority Resource Center has an advisory committee
 - Reference: 49 U.S.C. § 332(c)
- There is established the Railroad-Shipper Transportation Advisory Council which shall advise the Secretary, the Senate Committee on Commerce, Science, and Transportation and the House Transportation and Infrastructure Committee with respect to rail transportation policy issues it considers significant
 - Reference: 49 U.S.C. § 726

Action Require Outside Approval: The Air Traffic Services Committee shall review and approve the FAA administrator's appointment of a Chief Operating Officer; review the Administrator's selection, evaluation, and compensation of senior executives in the administration who have program management responsibility over significant functions of the air traffic control system; review and approve the Administrator's plans for any major reorganization of the Administration that would impact on the management of the air traffic control system; review and approve the Administrator's cost accounting and financial management structure and technologies

- Reference: 49 U.S.C. § 106(p)(7)

Legislative Veto: None

*Adjudication (e.g.):*⁶⁹ A decision of the Administrator of the Federal Railroad Administration in carrying out the duties powers of the Administration and involving notice and hearing required by law is administratively final

- Reference: 49 U.S.C. § 103(h)
- A decision of the Administrator of the Federal Motor Carrier Safety Administration involving a jury or power related to motor carriers or motor carrier safety vested in the Secretary and involving notice and hearing required by law is administratively final
 - Reference: 49 U.S.C. § 113(h)
- After notice and an opportunity for a hearing, a person found by the Secretary of Transportation to have violated a provision of law that the Secretary carries out through the Maritime Administrator or the Commandant of the Coast Guard or a regulation prescribed under that law by the Secretary for which a civil penalty is provided, is liable

⁶⁹ For provisions (including those outside of the authorizing statute) that explicitly reference adjudicatory proceedings under 5 U.S.C. § 554 see 49 U.S.C. § 521 (2012) (imposition of civil penalties); 46 U.S.C. § 9303 (2012) (Great Lakes pilot service certificates of registration); 49 U.S.C. § 20104 (2012) (rail programs safety emergency orders review); 45 U.S.C. § 905 (2012) (Milwaukee Railroad employer or employee-shipper ownership plan feasibility findings); 50 App. U.S.C. § 16 (2012) (Trading with the Enemy Act of 1917).

to the United States Government for the civil penalty provided. The amount of the civil penalty shall be assessed by the Secretary my written notice

- Reference: 49 U.S.C. § 336(a)
- If the Secretary finds that a violation of commercial motor vehicle safety regulation and operation has occurred, the Secretary shall afford such violator an opportunity for a hearing, pursuant to 5 U.S.C. § 554 (relating to adjudication) following which the Secretary shall issue an order affirming, modifying, or vacating the notice of violation
 - Reference: 49 U.S.C. § 521(b)(1) (similar provisions exist for violations of other transportation regulations)
- The Surface Transportation Board may subpoena witnesses and records related to a proceeding of the Board from any place in the United States, to the designated place of the proceeding
 - Reference: 49 U.S.C. § 701(c)(1)
- The Surface Transportation Board may, at any time on its own initiative because of material error, new evidence, or substantially changed circumstances reopen a proceeding, grant rehearing, reargument, or reconsideration of an action of the Board, or change an action of the Board
 - Reference: 49 U.S.C. § 722(c)

Department of Veterans Affairs

Date of Creation: July 3, 1930

Statute: 38 U.S.C. §§ 301-322

Sub-agency Bureaus: Office of the Secretary; Veterans Health Administration; Veterans Benefits Administration; National Cemetery Administration; Board of Veterans' Appeals; Veterans Canteen Service; Board of Contract Appeals; Office of General Counsel; Office of Inspector General; Construction and Facilities Management; Center for Minority Veterans; Center for Women Veterans; Office of Employment Discrimination Complaint Adjudication; Office of Survivors Assistance; Office of National Veterans Sports Programs and Special Events

Commissioners/Board Members: N/A

Quorum Rules: N/A

Agency Specific Personnel: None

Limitation on Appointment: None

Party Balancing: N/A

Fixed Terms: None

Term Length: N/A

Staggered Terms: N/A

For Cause: None

Serve President: None

Continuation until Replacement: None

Acting Service Rules: Unless the President designates another officer of the Government, the Deputy Secretary shall be Acting Secretary of Veterans Affairs during the absence of disability of the Secretary or in the event of a vacancy in the office of Secretary

- Reference: 38 U.S.C. § 304

Who is Head of Agency: There is a Secretary of Veterans Affairs, who is the head of the Department and is appointed by the President, by and with the advice and consent of the Senate

- Reference: 38 U.S.C. § 303

OMB Review: Not specified

Independent Litigating: None

Independent Sources of Funding: None

Reporting Requirements: The Secretary shall at least 10 days before the issuance or other publication of the invitation to collocate submit a copy of the invitation to the Committees on Veterans Affairs of the Senate and House Representatives

- Reference: 38 U.S.C. § 316(f)(3)(A)
- The Secretary shall at least 30 days before entering into an agreement to collocate submit a copy to the Committees on Veterans Affairs of the Senate and the House of Representatives of the proposals selected by the Secretary from those received in response to the invitation issued
 - Reference: 38 U.S.C. § 316(f)(3)(B)
- The Secretary shall include in documents submitted to Congress by the Secretary in support of the President's budget for each fiscal year a report on the Center for Minority Veterans
 - Reference: 38 U.S.C. § 317(f)
- The Secretary shall include in document submitted to Congress by the Secretary in support of the President's budget for each fiscal year a report on the Center for Women Veterans
 - Reference: 38 U.S.C. § 318(f)
- Department of Veterans Affairs-Department of Defense Joint Executive Committee shall submit to the two secretaries and to Congress an annual report containing such recommendations as the Committee considers appropriate
 - Reference: 38 U.S.C. § 320(c)(2)
- The Secretary shall include in each annual performance and Accountability report submitted by the Secretary to Congress a description of the activities of the Office of Survivors Assistance during the Fiscal Year covered by such report
 - Reference: 38 U.S.C. § 321(e)

Reporting Committees: Senate Committee on Veterans Affairs; House Committee on Veterans Affairs

- Reference: See, e.g., 38 U.S.C. § 316(f)(3)

Review Commissions: None

Advisory Commissions: Whenever a vacancy in the position of Under Secretary for Health occurs or is anticipated, the Secretary shall establish a commission to recommend individuals to the President for appointment to the position

- Reference: 38 U.S.C. § 305(c)
- Whenever a vacancy in the position of Under Secretary for Benefits occurs or is anticipated, the Secretary shall establish a commission to recommend individuals to the President for appointment to the position
 - Reference: 38 U.S.C. § 306(c)
- There is established an interagency committee to be known as the Department of Veterans Affairs-Department of Defense Joint Executive Committee

- Reference: 38 U.S.C. § 320
- Veterans' Advisory Committee on Education
 - Reference: 38 U.S.C. § 306(c)(2)(E)
- Advisory Committee on Disabled Veterans
 - Reference: 38 U.S.C. § 317(d)(11)
- Advisory Committee on Women Veterans
 - Reference: 38 U.S.C. § 318(d)(11)

Action Require Outside Approval: None

Legislative Veto: None

Adjudication: None

Environmental Protection Agency

Date of Creation: December 4, 1970

Statute: 5 U.S.C. Reorg Plan 3 1970⁷⁰; EPA Order 1110.2

Sub-agency Bureaus: Office of Standards and Compliance; Office of General Counsel; Water Quality Office; Air Pollution Control Office; Pesticides Office; Radiation Office; Solid Wastes Office

Commissioners/Board Members: None

Quorum Rules: N/A

Agency Specific Personnel: None

Limitation on Appointment: None

Party Balancing: N/A

Fixed Terms: None

Term Length: N/A

Staggered Terms: N/A

For Cause: None

Serve President: None

Continuation until Replacement: None

Acting Service Rules: The Deputy Administrator shall act as Administrator during the absence or disability of the Administrator or in the event of a vacancy in the office of Administrator

- Reference: §1(c)

Who is Head of Agency: There shall be at the head of the agency the Administrator of the Environmental Protection Agency who shall be appointed by the president, by and with the advice and consent of the Senate

- Reference: §1(b)

OMB Review: Not specified

Independent Litigating: None

Independent Sources of Funding: None

Reporting Requirements: None

Reporting Committees: None

Review Commissions: None

Advisory Commissions: None

Action Require Outside Approval: None

Legislative Veto: None

⁷⁰ Never incorporated into other sections of the U.S. Code.

*Adjudication:*⁷¹ None

Equal Employment Opportunity Commission

Date of Creation: July 2, 1964

Statute: 42 U.S.C. § 2000e-2000e-17

Sub-agency Bureaus: Technical Assistance Training Institute

Commissioners/Board Members: The Commission shall be composed of 5 members appointed by the president by and with the advice and consent of the Senate

- Reference: 42 U.S.C. § 2000e-4(a)

Quorum Rules: Three members of the commission shall constitute a quorum

- Reference: 42 U.S.C. § 2000e-4(c)

Agency Specific Personnel: None

Limitation on Appointment: None

Party Balancing: Not more than three commissioners may be members of the same party

- Reference: 42 U.S.C. § 2000e-4(a)

Fixed Terms: Yes

- Reference: 42 U.S.C. § 2000e-4(a)

Term Length: Members of the Commission shall be appointed for a term of five years

- Reference: 42 U.S.C. § 2000e-4(a)

Staggered Terms: None⁷²

For Cause: None

Serve President: None

Continuation until Replacement: All members of the commission shall continue to serve until their successors are appointed and qualified, except that no such member of the Commission shall continue to serve for more than 60 days when Congress is in session unless a nomination to fill such vacancy shall have been submitted to the Senate, or after the adjournment sine die of the session of the Senate in which such nomination was submitted

- Reference: 42 U.S.C. § 2000e-4(a)

Acting Service Rules: None

Who is Head of Agency: The president shall designate one member to serve as Chairman

- Reference: 42 U.S.C. § 2000e-4(a)

OMB Review: Not specified

⁷¹ For provisions (including those outside of the authorizing statute) that explicitly reference adjudicatory proceedings under 5 U.S.C. 554 see 42 U.S.C. §§ 7407; 7607 (2012) (air pollution and air quality control); 42 U.S.C. § 7502 (2012) (air quality nonattainment areas); 42 U.S.C. § 7413 (2012) (civil penalty assessment hearings for violations or air quality or emission standards); 42 U.S.C. § 300g-3 (2012) (safe drinking water enforcement); 42 U.S.C. § 7419 (2012) (primary nonferrous smelter requirement to use continuous emission reduction technology waiver hearings); 42 U.S.C. § 7511a (2012) (state clean-fuel vehicle program); 42 U.S.C. § 7524 (2012) (motor vehicle emission fuel standards); 42 U.S.C. § 4910 (2012) (noise control violators prior to order necessary to protect the public health and welfare); 15 U.S.C. § 2605 (2012) (hazardous chemical substance and mixture manufacturers, processors, or distributors ordered to limit or end product in commerce); 42 U.S.C. § 300g-3 (2012) (drinking water regulations); 15 U.S.C. § 2615 (2012) (toxic substances and lead exposure regulations).

⁷² While the current statute does not provide for staggered terms, the commissioners' terms are staggered due to the continuation of the structure set up by Pub L. 92-291 § 8(d) (1972).

Independent Litigating: Attorneys appointed may, at direction of the Commission, appear for and represent the Commission in any case in court, provided that the Attorney General shall conduct all litigation to which the Commission is a party in the Supreme Court⁷³

- Reference: 42 U.S.C. § 2000e-4(b)(2)

Independent Sources of Funding: Commission shall charge fees to offset the costs of education, technical assistance, and training provided with monies from the EEOC Education, Technical Assistance, and Training Revolving Fund. These fees shall be deposited back in the fund.

Reference: 42 U.S.C. § 2000e-4(k)(2)

Reporting Requirements: Commission shall at the close of each fiscal year report to Congress concerning the action it has taken and the moneys it has disbursed

- Reference: 42 U.S.C. § 2000e-4(e)
- On or before October 1 of each year, the EEOC shall transmit to Congress a report of its activities, together with such recommendations for legislative or administrative changes as it concludes are desirable to further promote its purposes
 - Reference: 42 U.S.C. § 2000e-14(k)(2)(c)

Reporting Committees: None

Review Commissions: None

Advisory Commissions: None

Action Require Outside Approval: None

Legislative Veto: None

Adjudication (e.g.): For the purpose of all hearings and investigations conducted by the Commission or its duly authorized agents or agencies 29 U.S.C. § 161 (involving investigatory powers) shall apply

- Reference: 42 U.S.C. § 2000e-9
- Government contractors with affirmative action plans prior to denial, termination, etc. of contract under any equal employment opportunity law (explicit reference to 5 U.S.C. § 554)
 - Reference: 42 U.S.C. § 2000e-17

Export-Import Bank of the United States

Date of Creation: February 2, 1934

Statute: 12 U.S.C. §§ 635-635t

Sub-agency Bureaus: Small Business Division; Small Business Committee; Office of financing for socially and economically disadvantaged small business concerns and small business concerns owned by women

Commissioners/Board Members: There shall be a Board of Directors of the Bank consisting of the President of the Export-Import Bank of the United States, the First Vice President, and three additional persons appointed by the President by and with the advice and consent of the Senate

- Reference: 12 U.S.C. § 635a(c)(1)

Quorum Rules: A quorum of the Board of Directors shall consist of at least three members

- Reference: 12 U.S.C. § 625a(c)(6)

⁷³ The grant litigating authority to the EEOC has been highly contested at the Department of Justice. *See, e.g.*, Department of Justice, Office of Legal Couns. Mem. “Memorandum Opinion for the Assistant Attorney General Civil Rights Division” (Sept. 8, 2003), *available at* http://www.justice.gov/olc/eecoc_authority_opinion_final.htm.

Agency Specific Personnel: None

Limitation on Appointment: Of the five members of the Board appointed by the president, not less than one such member shall be selected from among the small business community and shall represent the interests of small business

- Reference: 12 U.S.C. § 635a(c)(8)(B)

Party Balancing: Of the five members of the Board, not more than three shall be members of any one political party

- Reference: 12 U.S.C. § 635a(c)(2)

Fixed Terms: Yes

- Reference: 12 U.S.C. § 635a(c)(8)

Term Length: The terms of the directors, including the President and First Vice President of the Bank, shall be four years

- Reference: 12 U.S.C. § 635a(c)(8)

Staggered Terms: Of the directors first appointed to serve beginning on or after January 21, 1985, two directors (other than the President and First Vice President of the Bank) shall be appointed for terms of two years, as designated by the president at time of appointment

- Reference: 12 U.S.C. § 635a(c)(8)(A)(iii)

For Cause: None

Serve President: During their terms of office, the directors shall serve at the pleasure of the President

- Reference: 12 U.S.C. § 635a(c)(8)(A)(i)

Continuation until Replacement: Any director whose term has expired may continue to serve on the Board of Directors until the earlier of the date on which such director's successor is qualified or the end of the 6-month period beginning on the date such director's term expires

- Reference: 12 U.S.C. § 635a(c)(8)(E)

Acting Service Rules: None

Who is Head of Agency: The President of the Export-Import Bank of the United States, who shall be appointed by the President by and with the advice and consent of the Senate, shall serve as the chief executive officer of the bank and chairman of the Board of Directors of the Bank. The term of the President shall be four years, except that during his term of office, the director shall serve at the pleasure of the president.

- Reference: 12 U.S.C. § 635a(b)-(c)

OMB Review:

Independent Litigating: The Bank is authorized to sue and be sued, to complain and to defend in any court of competent jurisdiction, to represent or contract for representation in all legal and arbitral proceedings outside the U.S.

- Reference: 12 U.S.C. § 635(a)(1)

Independent Sources of Funding: In connection with and in furtherance of its objectives and purposes, the bank is authorized and empowered to do a general banking business except that of circulation; to receive deposits; to purchase, discount, rediscount sell, and negotiate, with or without its endorsement or guaranty, and to guarantee notes, drafts, checks, bills of exchange, acceptances, including bankers' acceptances, cable transfers and other evidences of indebtedness; to guarantee, insure, coinsure, and reinsure against

political and credit risks of loss; to purchase, sell; and guarantee securities; to accept bills and drafts drawn upon it; to issue letters of credit; to purchase and sell bullion and exchange; to borrow and lend money;

- Reference: 12 U.S.C. § 635(a)(1)
- The Bank may impose and collect reasonable fees to cover the costs of conferences and seminars sponsored by, and publications provided by, the bank and may accept reimbursement for travel and subsistence expenses incurred by a director, officer, or employee of the bank. These amounts shall be credited to the fund which initially paid for such activities and shall be offset against the expenses of the Bank for such activities
 - Reference: 12 U.S.C. § 635(a)(1)
- The Bank is authorized to use all of its assets and moneys which have been or may hereafter be allocated to or borrowed by it in the exercise of its functions. Net earnings of the bank after reasonable provision for losses shall be used for payment of dividends on capital stock and deposited into the Treasury as miscellaneous receipts
 - Reference: 12 U.S.C. § 635(a)(1)

Reporting Requirements: Any determination by the President that guarantees, insurance, or extensions of credit to a Marxist-Leninist country are in the national interest shall be reported to the Congress

- Reference: 12 U.S.C. § 635(b)(2)(D)
- No loan or financial guarantee or general guarantee or insurance facility or combination thereof in an amount which exceeds \$100 million or for the export of technology, fuel, equipment, materials or services to be used in the construction, alteration, operation, or maintenance of nuclear power, enrichment, reprocessing, research, or heavy water production facilities, shall be approved by the Board of Directors of the Bank, unless in each case the Bank has submitted it to Congress at least 25 days of continuous session of the Congress prior to the date of final approval
 - Reference: 12 U.S.C. § 635(b)(3)
- If any country has agreed to International Atomic Energy Agency nuclear safeguards materially violates, abrogates, or terminates such safeguards; any country that has entered into an agreement for cooperation concerning the civil use of nuclear energy with the U.S. materially violates, abrogates, or terminates such agreement; any country that is not a nuclear-weapon state detonates a nuclear explosive device; any country willfully aids or abets any non-nuclear-weapon state to acquire such nuclear explosive device; or any person knowingly aids or abets any non-nuclear-weapon state to acquire such nuclear explosive device, the Board of Directors of the Bank shall not give approval to guarantee, insure, or extend credit, or participate in the extension of credit in support of U.S. exports that that country or person. However, if the President determines it is in the national interests for the Bank to do so and certifies in writing to Congress not less than 45 days prior to the date of first approval then the bank may make such guarantees
 - Reference: 12 U.S.C. § 635(b)(4)
- The Board shall not give approval to guarantee or insure a sale of defense articles or services unless the President determines it is in the national interest of the U.S. for the Bank to provide such guarantee or insurance and such determinations have been reported to the Speaker of the House and appropriate congressional committees not less than 25 days of continuous session of the Congress before the date of such approval
 - Reference: 12 U.S.C. § 635(b)(6)(D)

- The Bank must provide notice of a transaction involving defense articles or services at least 15 calendar days before the date on which the Board of Directors of the Bank gives final approval to Bank participation in the transaction the Bank provides notice of the transaction to the appropriate congressional committees
 - Reference: 12 U.S.C. § 635(b)(6)(I)
- That Bank may not guarantee, insure, or extend (or participate in the extension of) credit in connection with any export of any good (other than food or an agricultural commodity) or service to the People's Republic of Angola until the President certifies to the Congress and free and fair elections have been held in Angola in which all participants were afforded free access and that the government of Angola follows certain human rights provisions. The president may make multiple reports
 - Reference: 12 U.S.C. § 635(b)(11)
- The President and the Bank shall review on an annual basis thereafter the list of sensitive commercial sectors and products and the Bank shall submit an updated list to the appropriate congressional committees of such products and sectors
 - Reference: 12 U.S.C. § 635(e)(5)
- The Export-Import Bank of the United States shall transmit to the Congress annually and detailed report of its operations. Such report shall be as of the close of business on the last day of each fiscal year
 - Reference: 12 U.S.C. § 635g(a)
- The Bank shall include its annual report to the Congress a report on the allocation of sums set aside for small business exports. This shall be transmitted to the Small Business committees in both houses of Congress
 - Reference: 12 U.S.C. § 635g(b)
- Not later than March 31 of each year, the Bank shall submit to the appropriate congressional committees reports on the extent to which the Bank has been able to use the authority provided to support small business, the extent to which financing has been made available to small business, specific measures the Bank will take in the upcoming year to achieve small business objectives, and other small business concerns
 - Reference: 12 U.S.C. § 635g(f)
- The Bank shall, not less frequently than quarterly calculate the rate of default and submit to the appropriate congressional committees a report on each rate and any information the bank deems relevant
 - Reference: 12 U.S.C. § 635g(g)(2)
- Within 45 days after a rate of default equals or exceeds 2 percent the Bank shall submit to Congress a written report that explains the circumstances that have caused the default rate to be at least 2 percent, and includes a plan to reduce the default rate to less than 2 percent
 - Reference: 12 U.S.C. § 635g(g)(3)
- For so long as the default rate is at least 2 percent, the Bank shall submit monthly reports to the Congress describing the specific actions taken during such period to reduce the default rate
 - Reference: 12 U.S.C. § 635g(g)(5)
- Not later than June 30 of each year the Bank shall submit to the appropriate congressional committees a report that includes the actions of the bank in providing financing on a competitive basis and to minimize competition in government-support export financing

- Reference: 12 U.S.C. § 635g-1(a)
- The Secretary of the Treasury and the Bank jointly should update and revise as needed the principals, process, and standards developed pursuant to provisions relating to the Tied Aid Credit Fund and, on doing so, shall submit to the appropriate congressional committees a copy of the principles, process, and standards so updated and revised
 - Reference: 12 U.S.C. § 635i-3(b)(5)(E)
- The Bank, in consultation with the Secretary of the Treasury, shall submit an annual report on tied aid credits to the appropriate congressional committees
 - Reference: 12 U.S.C. § 635i-3(g)

Reporting Committees: Senate Banking, Housing, and Urban Affairs; Senate Foreign Relations; Senate Finance; Senate Small Business; Senate Appropriations; House Financial Services; House Appropriations; House Committee on Ways and Means; House Small Business

- Reference: See, e.g., 12 U.S.C. §§ 635(b)(1)(B); 635(b)(6)(A); 635(b)(6)(I)(II); 635(e)(2)(D); 635g(b)(3)

Review Commissions: None

Advisory Commissions: The Board of Directors shall establish and use an advisory committee to advise the Board of Directors on the development and implementation of policies and programs designed to support the expansion of the Bank's financial commitments in sub-Saharan Africa. The advisory committee shall make recommendations to the Board on how the Bank can facilitate greater support by U.S. commercial banks for trade with sub-Saharan Africa and shall terminate on September 30, 2014.

- Reference: 12 U.S.C. § 635(c)(9)(B)
- There is established an Advisory Committee to advise the Bank on its programs and consider ways to promote the financing of Bank transactions for the textile industry
 - Reference: 12 U.S.C. § 635a(d)

Action Require Outside Approval: Extensions, guarantees, or extensions of credit to Marxist-Leninist countries must get prior approval from other officers within the administration

- Reference: 12 U.S.C. § 635(b)(2)
- If any country over person materially violates, abrogates, or terminates atomic energy safeguards or agreements or aids or abets any non-nuclear weapon state to acquire a nuclear explosive device, the Board of Directors shall not give approval unless the President determines it is in the national interest
 - Reference: 12 U.S.C. § 635(b)(4)
- The Board shall not give approval to guarantee or insure a sale of defense articles or services unless the President determines it is in the national interest
 - Reference: 12 U.S.C. § 635(b)(g)(D)

Legislative Veto: No loan or guarantee in an amount of \$100 million or relating to nuclear power shall be approved by the Board of the Directors unless Congress gives prior approval

- Reference: 12 U.S.C. § 635(b)(3)

Adjudication: None

Farm Credit Administration

Date of Creation: March 27, 1933

Statute: 12 U.S.C. §§ 1141-1141j; 2241-2277a-14

Sub-agency Bureaus: None

Commissioners/Board Members: The Board shall consist of three members appointed by the President, by and with the advice and consent of the Senate

- Reference: 12 U.S.C. § 2242(a)

Quorum Rules: A quorum shall consist of two members of the Board

- Reference: 12 U.S.C. § 2242(c)

Agency Specific Personnel: The Chairman shall fix the compensation and number of, and appoint and direct, employees of the Administration. The Chairman may set and adjust the rates of basic pay for employees of the Administration without regard to the provisions of chapter 51 or subchapter III of chapter 53 of Title 5.

- Reference: 12 U.S.C. § 2245(c)(2)(A)

Limitation on Appointment: It shall be unlawful for the governor, or any officer or employee of the Farm Credit Administration to speculate directly or indirectly, in any agricultural commodity or product thereof or in contracts relating thereto, or in the stock or membership interests of any association or corporation engaged in handling, processing, or disposing of any such commodity or product

- Reference: 12 U.S.C. § 1141j(b)
- The Board members shall be citizens of the United States and broadly representative of the public interest
 - Reference: 12 U.S.C. § 2242(a)
- Members of the Board shall be ineligible during the time they are in office and for two years thereafter to hold any office, position, or employment in any institution of the Farm Credit System
 - Reference: 12 U.S.C. § 2242(a)
- The President shall appoint members of the Board who are experienced or knowledgeable in agricultural economics and financial reporting and disclosure, are experienced or knowledgeable in the regulation of financial entities, or have a strong financial, legal, or regulatory background
 - Reference: 12 U.S.C. § 2242(e)

Party Balancing: Not more than two members of the Board shall be members of the same political party

- Reference: 12 U.S.C. § 2242(a)

Fixed Terms: Yes

- Reference: 12 U.S.C. § 2242(b)

Term Length: The term of office of each member of the Board shall be six years

- Reference: 12 U.S.C. § 2242(b)

Staggered Terms: The terms of the two members, other than the Chairman, first appointed shall expire, one on the expiration of two years after the date of the appointment, and one on the expiration of four years after the date of the appointment

- Reference: 12 U.S.C. § 2242(b)

For Cause: None

Serve President: None

Continuation until Replacement: Any member of the Board shall continue to serve as such for the expiration of the member's term until a successor has been appointed and qualified

- Reference: 12 U.S.C. § 2242(b)

Acting Service Rules: None

Who is Head of Agency: Of the persons appointed to the Board, one shall be designated by the President to serve as Chairman of the Board for the duration of the member's term

- Reference: 12 U.S.C. § 2242(a)

OMB Review: Not specified

Independent Litigating: The Farm Credit Administration may in its discretion apply to the United States district court, or the United States court of any territory, within the jurisdiction of which the home office of the institution is located, for the enforcement of any effective and outstanding notice or order issued and such courts shall have jurisdiction and power to order and require compliance herewith

- Reference: 12 U.S.C. § 2267
- Upon the filing of a petition for review of an order of the Farm Credit Administration, the court shall have jurisdiction to affirm, modify, terminate, or set aside, in whole or in part, the order of the Farm Credit Administration. The Administration shall be a party in these proceedings
 - Reference: 12 U.S.C. § 2266
- Any system institution or person against whom an order imposing a civil monetary penalty has been entered after a Farm Credit Administration hearing under this section may obtain review by the United States court of appeals for the circuit in which the home office of the system institution is located, or the United States Court of Appeals for the District of Columbia Circuit. The Farm Credit Administration shall promptly certify and file in such Court the record upon which the penalty was imposed.
 - Reference: 12 U.S.C. § 2268(d)
- If any system institution or person fails to pay an assessment after it has become a final and unappealable order, the Farm Credit Administration shall refer the matter to the Attorney General, who shall recover the amount assessed by action in the appropriate US district court.
 - Reference: 12 U.S.C. § 2268(e)

Independent Sources of Funding: The Farm Credit Administration may sell at public or private sale to the highest responsible bidder, upon such terms and after such public advertisement as the Farm Credit Administration may deem in the public interest, any property, real or personal, or any interest therein, acquired by the US on account of or as a result of any loans made from the revolving fund authorized; may lease any such property, pending its sale, on such terms and for such period, not in excess of five years, as the Farm Credit Administration may deem in the public interest and may incur and pay from said revolving fund obligations and expenses for the operation, upkeep, maintenance, repair, disposition, insurance, and protection of any such property

- Reference: 12 U.S.C. § 1141b(7)
- Any and all funds derived from the sale, lease, operation, or other disposition of any property, real or personal, acquired by the US on account of or as a result of any loan made pursuant to the provisions, shall be covered into and become part of the Revolving Fund.
 - Reference: 12 U.S.C. § 1141d
- Payments of principal or interest upon any loan or advance shall be paid to the revolving fund
 - Reference: 12 U.S.C. § 1141f

- The assessments collected by the Farm Credit Administration shall be deposited in the Farm Credit Administration Administrative Expense Account. The funds contained in the Expense Account shall not be construed to be federal government funds or appropriated moneys

- Reference: 12 U.S.C. § 2250

Reporting Requirements: The Farm Credit Administration shall make an annual report to Congress upon the administration of this chapter and any other matter relating to the better effectuation of the policy declared in this title, including recommendations for legislation

- Reference: 12 U.S.C. §§ 1151b(3); 2252(a)(3)

Reporting Committees: Not specified

Review Commissions: None

Advisory Commissions: The Chairman of the Board, subject to the approval of the Board, may establish one or more advisory committees in accordance with the Federal Advisory Committee Act

- Reference: 12 U.S.C. § 2246

Action Require Outside Approval: None

Legislative Veto: None

*Adjudication:*⁷⁴ None

Federal Agricultural Mortgage Corporation

Date of Creation: January 6, 1988

Statute: 12 U.S.C. §§ 2279aa-1-2279aa-14

Sub-agency Bureaus: None

Commissioners/Board Members: The permanent board shall consist of 15 members of which 5 members shall be elected by holders of common stock that are insurance companies, banks, or other financial institutions or entities; 5 members shall be elected by holders of common stock that are Farm Credit System institutions; and 5 members shall be appointed by the President, by and with the advice and consent of the Senate

- Reference: 12 U.S.C. § 2279aa-2(b)(2)

Quorum Rules: 8 members of the permanent board shall constitute a quorum

- Reference: 12 U.S.C. § 2279aa-2(b)(7)

Agency Specific Personnel: The Board may appoint, employ, fix the pay of, and provide other allowances and benefits for such officers and employees of the Corporation as the Board determines are appropriate

- Reference: 12 U.S.C. § 2279aa-2(c)

Limitation on Appointment: PAS members shall not be, or have been, officers or directors of any financial institutions or entities, shall be representatives of the general public, and at least 2 shall be experienced in farming or ranching

- Reference: 12 U.S.C. § 2279aa-2(b)(2)(C)

Party Balancing: Not more than 3 of the PAS members shall be members of the same political party

- Reference: 12 U.S.C. § 2279aa-2(b)(2)(C)(iii)

⁷⁴ For provisions (including those outside of the authorizing statute) that explicitly reference adjudicatory proceedings under 5 U.S.C. 554 see 12 U.S.C. § 2268 (2012) (cease and desist orders).

Fixed Terms: Yes

- Reference: 12 U.S.C. § 2279aa-2(b)(6)

Term Length: The elected members shall each be elected annually for a term ending on the date of the next annual meeting of the common stockholders of the Corporation and shall serve until their successors are elected and qualified

- Reference: 12 U.S.C. § 2279aa-2(b)(6)(B)

Staggered Terms: None

For Cause: The members appointed by the president shall serve at the pleasure of the president

- Reference: 12 U.S.C. § 2279aa-2(b)(6)(A)

Serve President:

Continuation until Replacement: If any member of the permanent board who was appointed or elected to the permanent board from among persons who are representatives of banks, other financial institutions or entities, insurance companies, or Farm Credit System institutions ceases to be such a representative or any member who was appointed from persons who are not or have not been directors or officers of any financial institution or entity becomes a director or an officer of any financial institution of entity such member may continue as a member for not longer than the 45-day period beginning on the date such member ceases to be such a representative, officer, or employee or becomes such a director or officer as the case may be

- Reference: 12 U.S.C. § 2279aa-2(b)(5)
- A member may serve after the expiration of the term of the member until the successor of the member has taken office
 - Reference: 12 U.S.C. § 2279aa-2(b)(6)(D)

Acting Service Rules: None

Who is Head of Agency: The President shall designate one of the members of the permanent board who are appointed by the president as the chairman of the permanent board

- Reference: 12 U.S.C. § 2279aa-2(b)(9)

OMB Review: Not specified

Independent Litigating: The Corporation shall have the power to sue and be sued in its corporate capacity and to complain and defend in any jurisdiction any action brought by or against the Corporation in any state or federal court of competent jurisdiction

- Reference: 12 U.S.C. § 2279aa-3(c)(10)

Independent Sources of Funding: The Corporation shall have the power to acquire, hold, lease, mortgage or dispose of, at public or private sale, real and personal property, purchase or sell any securities or obligations, and otherwise exercise all the usual incidents of ownership of property necessary and convenient to the business of the Corporation

- Reference: 12 U.S.C. § 2279aa-3(c)(12)
- The Corporation shall have the power to purchase, hold, sell, or assign a qualified loan, to issue a guaranteed security, representing an interest in or an obligation backed by the qualified loan, and to perform all the functions and responsibilities of an agricultural mortgage marketing facility operating as a certified facility
 - Reference: 12 U.S.C. § 2279aa-3(c)(13)
- The Corporation shall issue voting common stock having such par value as may be fixed by the Board from time to time
 - Reference: 12 U.S.C. § 2279aa-4

- The Corporation may require each originator and each certified facility to make, or commit to make, such nonrefundable capital contributions to the Corporation as are reasonable and necessary to meet the administrative expenses of the Corporation
 - Reference: 12 U.S.C. § 2279aa-4(b)(1)
- At the time a guarantee is issued by the Corporation the Corporation shall assess the certified facility a fee of not more than ½ of 1 percent of the initial principal amount of each pool of qualified loans. Beginning in the second year after the date the guarantee is issued, the Corporation may, at the end of each year, assess the certified facility an annual fee of not more than ½ of 1 percent of the principal amount of the loans then constituting the pool. The Corporation shall establish such fees on the amount of risk incurred by the Corporation in providing the guarantees with respect to which such fee is assessed and shall be established on an actuarially sound basis. So much of the fees assessed under this section as the Boards determines to be necessary shall be set aside by the Corporation in a segregated account as a reserve against losses arising out of the guarantee activities of the Corporation.
 - Reference: 12 U.S.C. § 2279aa-10

Reporting Requirements: None

Reporting Committees: Not specified

Review Commissions: None

Advisory Commissions: None

Action Require Outside Approval: None

Legislative Veto: None

Adjudication: None

Federal Communications Commission

Date of Creation: June 19, 1934

Statute: 47 U.S.C. §§ 151-621

Sub-agency Bureaus: Field Engineering and Monitoring Bureau; Private Radio Bureau; Mass Media Bureau; Common Carrier Bureau

Commissioners/Board Members: The Federal Communications Commission shall be composed of five commissioners appointed by the President, by and with the advise and consent of the Senate

- Reference: 47 U.S.C. § 154(a)

Quorum Rules: Three members of the Commission shall constitute a quorum.

- Reference: 47 U.S.C. § 154(h)

Agency Specific Personnel: Without regard to the civil service laws, each commissioner may appoint three professional assistants and a secretary, each of whom shall perform such duties as such commissioner shall direct. In addition, the chairman of the Commissioner may appoint, without regard to the civil service laws an administrative assistant who shall perform such duties as the chairman shall direct

- Reference: 47 U.S.C. § 154(f)(2)

Limitation on Appointment: Each member of the Commission shall be a citizen of the United States

- Reference: 47 U.S.C. § 154(b)(1)
- No member of the Commission or person employed by the Commission shall be financially interested in any company or other entity engaged in the manufacture or sale

of telecommunications equipment which is subject to regulation by the Commission, be financially interested in any company or other entity engaged in the business of communication by wire or radio or in the use of the electromagnetic spectrum, be financially interested in any company or other entity which controls any company or other entity specified or which derives a significant income from ownership of stocks, bonds, or other securities of any such company or other entity or be employed by, hold any official relation to, or own any stocks, bonds, or other securities of, any person significantly regulated by the Commission under this chapter

- Reference: 47 U.S.C. § 154(b)(2)(A)

Party Balancing: The maximum number of commissioners who may be members of the same political party shall be a number equal to the least number of commissioners which constitute a majority of the full membership of the commission

- Reference: 47 U.S.C. § 154(b)(5)

Fixed Terms: Yes

- Reference: 47 U.S.C. § 154(c)

Term Length: Commissioners shall be appointed for terms of five years

- Reference: 47 U.S.C. § 154(c)

Staggered Terms: None⁷⁵

For Cause: None

Serve President: None

Continuation until Replacement: Commissioners shall continue until their successors are appointed and have been confirmed and taken the oath of office, except that they shall not continue to serve beyond the expiration of the next session of Congress subsequent to the expiration of said fixed term of office

- Reference: 47 U.S.C. § 154(c)

Acting Service Rules: In the case of a vacancy in the office of chairman of the Commission, or the absence or inability of the chairman to serve, the Commission may temporarily designate one of its members to act as chairman until the cause or circumstance requiring such designation shall have been eliminated or corrected

- Reference: 46 U.S.C. § 155(a)

Who is Head of Agency: President shall designate one of the commissioners as chairman

- Reference: 47 U.S.C. 154

OMB Review: None⁷⁶

Independent Litigating: None

Independent Sources of Funding: None

Reporting Requirements: The Commissions shall make an annual report to Congress, copies of which shall be distributed as are other reports transmitted to Congress

- Reference: 47 U.S.C. § 154(k)

⁷⁵ While the current statute does not provide for staggered terms, the commissioners' terms are staggered due to the continuation of the structure set up by Pub L. 97-259 § 103(a) (1982).

⁷⁶ Breger and Edles, *supra* note 4, indicate that the Commission does not ordinarily submit legislation, reports, or testimony to OMB for clearance. This was different than what was reported in OFFICE OF MGMT. & BUDGET, EXECUTIVE OFFICE OF THE PRESIDENT, OMB CIRCULAR A-11 (2001); Memorandum from Jim Jukes, Assistant Director for Legislative Reference, Office of Management and Budget, on Agencies with Legislative and Budget "Bypass" Authorities (Feb. 20, 2001), available at <http://www.citizen.org/documents/OMBDocument1.pdf>.

- In any case in which the Commission waives the employee qualification requirements because the financial interests of the person are minimal, the Commission shall furnish notice of such action to the appropriate committees of each house of Congress.
 - Reference: 47 U.S.C. § 154(b)(2)(B)(ii)
- The Commission shall submit to the appropriate committees of the Congress quarterly reports specifying reimbursements which the Commission has excepted for expenditures.
 - Reference: 47 U.S.C. § 154(g)(2)(C)
- The Commission shall transmit to Congress notification of any adjustment made to the Schedule of Regulatory Fees immediately upon the adoption of such adjustment
 - Reference: 47 U.S.C. § 159(b)(4)(A)
- The Commission shall transmit to the Congress notification of any amendment made to the Schedule of Regulatory Fees not later than 90 days before the effective date of such amendment
 - Reference: 47 U.S.C. § 159(b)(4)(B)
- The Commission shall report to Congress whether any transactions entered into by any common carrier which relate to the furnishing of equipment, supplies, research, services, credit, or personnel to such carrier and/or which may affect the charges made or to be made and/or the services rendered or to be rendered by such carrier have affected or are likely to affect adversely the ability of the carrier to render adequate service to the public or may result in any undue or unreasonable increase in charges or in the maintenance of undue or unreasonable charges for such service
 - Reference: 47 U.S.C. § 215(a)
- The Commission shall investigate the methods by which and the extent to which wire telephone companies are furnishing wire telegraph service and wire telegraph companies are furnishing wire telephone service and shall report its findings to Congress, together with its recommendations as to whether additional legislation on this subject is desirable
 - Reference: 47 U.S.C. § 215(b)
- The Commission shall examine all contracts of common carriers subject to this chapter which prevent the other party thereto from dealing with another common carrier subject to this chapter and shall report its findings to Congress, together with its recommendations as to whether additional legislation on this subject is desirable
 - Reference: 47 U.S.C. § 215(c)
- The Commission shall investigate and report to Congress as to the need for legislation to define further or harmonize the powers of the Commission and of State commissions with respect to regulation of carriers
 - Reference: 47 U.S.C. § 220(j)
- During the pendency of a proceeding to review rulemaking to protect customers from unfair and deceptive practices relating to their use of operator services to place interstate telephone calls and not later than 5 months after its commencement, the Commission shall provide Congress with an interim report on the Commission's activities and progress to date
 - Reference: 47 U.S.C. § 226(h)(3)(B)(i)
- Not later than 11 months after the commencement of a proceeding to review rulemaking to protect customers from unfair and deceptive practices relating to their use of operator services to place interstate telephone calls, the Commission shall report to the Congress on its interim findings as a result of the proceedings

- Reference: 47 U.S.C. § 226(h)(3)(B)(ii)
- Not later than 23 months after the commandment of a proceeding to review rulemaking to protect customers from unfair and deceptive practices relating to their use of operator services to place interstate telephone calls the Commission shall submit a final report to the Congress on its findings and conclusions
 - Reference: 47 U.S.C. § 226(h)(3)(B)(iii)
- Every 3 years the Commission shall review and report to Congress on any regulation prescribed to eliminate market entry barriers for entrepreneurs and other small businesses within its jurisdiction and that can be prescribed consistent with the public interest, convenience, and necessity and statutory barriers of the same variety that the Commission recommends be eliminated, constituent with the public interest, convenience, and necessity
 - Reference: 47 U.S.C. § 257(c)
- At least 3 months before any incentive auction, the Chairman of the Commission, in consultation with the Director of OMB shall notify the appropriate committees of Congress of the methodology for calculating the amounts that will be shared with licensees.
 - Reference: 47 U.S.C. § 309(j)(8)(G)(iv)
- The Commission shall annually advise Congress on the amounts collected pursuant to Broadcast spectrum flexibility fees.
 - Reference: 47 U.S.C. § 336(e)(4)
- The Commission shall submit a report annually detailing the status in each State of the collection and distribution of such fees or charges, and including findings on the revenues obligated or expended by each State or political subdivision thereof for any purpose other than the purpose for which any such fees or charges are specified (regarding the implementation of 9-1-1)
 - Reference: 47 U.S.C. § 615a-1(f)(2)
- Every two years that Commission shall submit a report to that discusses accessibility barriers
 - Reference: 47 U.S.C. § 618(b)(1)

Reporting Committees: Senate Appropriations; Senate Commerce, Science, and Transportation; House Appropriations; House Energy and Commerce

- Reference: 47 U.S.C. § 309(j)(8)(G)(v)

Review Commissions: None

Advisory Commissions: None

Action Require Outside Approval: None

Legislative Veto: None

*Adjudication (e.g.):*⁷⁷ In any case, where a hearing is conducted for revocation of any instrument of authorization held by any entity that has failed to make a payment of a regulatory fee, the hearing shall be based on written evidence only, and the burden of proceeding with the introduction of evidence and the burden of proof shall be on the licensee

- Reference: 47 U.S.C. §159(c)(3)

⁷⁷ For provisions (including those outside of the authorizing statute) that explicitly reference adjudicatory proceedings under 5 U.S.C. § 554 see 47 U.S.C. § 503 (2012) (forfeiture penalties for violation of wire or radio communications provisions).

Federal Deposit Insurance Corporation

Date of Creation: June 16, 1933

Statute: 12 U.S.C. §§ 1811-1835a

Sub-agency Bureaus: Asset disposition

Commissioners/Board Members: 5 members, one of whom shall be the Comptroller of the Currency, 1 of whom shall be the Director of the Consumer Financial Protection Bureau, and 3 of whom shall be PAS

- Reference: 12 U.S.C. § 1812(a)(1)

Quorum Rules: None

Agency Specific Personnel: None

Limitation on Appointment: All 3 PAS members must be citizens of the United States and one shall have state bank supervisory experience

- Reference: 12 U.S.C. § 1812(1)(a)(C)
- No member may hold any office, position, or employment in any insured depository institution or any depository institution holding company during time in office and 2 year period afterward
 - Reference: 12 U.S.C. § 1812(e)(1)
- No member of the Board may be an officer or director of any insured depository institution, depository institution holding company, Federal Reserve bank, or Federal home loan bank or hold stock in any insured depository institution or holding company
 - Reference: 12 U.S.C. § 1812(e)(2)

Party Balancing: Not more than 3 of the members of the Board of Directors may be members of the same political party

- Reference: 12 U.S.C. § 1812(a)(2)

Fixed Terms: Yes

- Reference: 12 U.S.C. § 1812(c)

Term Length: Each appointed member shall be appointed for a term of 6 years

- Reference: 12 U.S.C. § 1812(c)(1)

Staggered Terms: None

For Cause: None

Serve President: None

Continuation until Replacement: The Chairperson, Vice Chairperson, and each appointed member may continue to serve after the expiration of the term of office to which such member was appointed until a successor has been appointed and qualified

- Reference: 12 U.S.C. § 1812(c)(3)

Acting Service Rules: In event of a vacancy in the position of Chairperson or during the absence or disability of Chairperson, Vice Chairperson shall act as Chairperson

- Reference: 12 U.S.C. § 1812(b)(3)
- In the event of a vacancy in the office of Comptroller of the Currency or the office of Director of the Consumer Financial Protection Bureau and pending the appointment of a successor, or during absence or disability of the Comptroller of the Currency or the Director of the Consumer Financial Protection Bureau, the acting Comptroller or acting Director shall be a member of the Board in place of the Comptroller or Director.
 - Reference 12 U.S.C. § 1812(d)(2)

Who is Head of Agency: 1 of the PAS members shall be designated by the President by and with advice and consent of the Senate to serve as Chairperson of the Board of Directors for a term of 5 years

- Reference: 12 U.S.C. § 1812(b)(1)

OMB Review: None

Independent Litigating: Corporation shall have power to sue and be sued, and complain and defend, by and through its own attorneys, in any court of law or equity, state or federal

- Reference: 12 U.S.C. § 1819(a)

Independent Sources of Funding: Any institution that becomes insured by the Corporation, and any noninsured branch that becomes insured by the Corporation, shall pay the Corporation any fee which the Corporation may be regulation prescribe. The fees shall be credited to the Deposit Insurance Fund

- Reference: 12 U.S.C. § 1815(d)
- The Corporation may assess penalties on banks for failing to follow statutory requirements
 - Reference: 12 U.S.C. § 1817(a)
- The Board of Directors shall set assessments for insured depository institutions in such amounts as the Board of Directors may determine to be necessary or appropriate
 - Reference: See, e.g., 12 U.S.C. § 1817(b)
- Civil money penalties may be assessed for violations of statutory provisions
 - Reference: See, e.g., 12 U.S.C. §§ 1817(j)(16); 1818(i)(2)
- There is established a separate fund to be designated as the FSLIC Resolution Fund which shall be managed by the Corporation and separately maintained and not commingled. The Fund shall be funded from the following sources: income earned on assets of the FSLIC Resolution Fund; liquidating dividends and payments made on claims received from receiverships to the extent such funds are not required by the Resolution Funding Corporation; amounts borrowed by the Financing Corporation
 - Reference: 12 U.S.C. § 1821a
- Funds held in the Deposit Insurance Fund or the FSLIC Resolution Fund that are not otherwise employed shall be invested in obligations of the United States or in obligations guaranteed to principal and interest by the United States
 - Reference: 12 U.S.C. § 1823(a)
- The Corporation is authorized to issue notes, debentures, bonds, and other such obligations
 - Reference: See, e.g., 12 U.S.C. § 1825

Reporting Requirements: Federal banking agencies shall annually submit a joint report regarding the progress of the agencies in implementing the system and indicating areas in which enhancements to the system

- Reference: 12 U.S.C. § 1820(d)(8)
- No later than April 5 of any calendar year in which an inflation adjustment for standard maximum deposit insurance amount is required the Board and the National Credit Union Administration Board shall jointly submit a report to Congress containing amounts
 - Reference: 12 U.S.C. § 1821(a)(1)(F)(iii)(II)
- Annual report on acquisitions during the preceding year
 - Reference: 12 U.S.C. § 1823(f)(10)

- If borrowing authority of Corporation is increased about \$100,000,000,000, Corporation shall promptly submit a report
 - Reference: 12 U.S.C. § 1824(a)(3)(B)
- Annual report of operations, activities, budget receipts, and expenditures for the preceding 12 month period
 - Reference: 12 U.S.C. § 1827(A)
- Joint report with other banking agencies a description of any difference between accounting or capital standards used by such agency and any accounting or capital standard used by any other agency
 - Reference: 12 U.S.C. § 1831n(c)
- Biannual report containing Corporation’s findings and conclusions with respect to the biannual survey on efforts by insured depository institutions to bring those individuals and families who have rarely, if ever, held a checking account, savings account or other type of transaction or check cashing account at an insured depository institution
 - Reference: 12 U.S.C. § 1831z(b)

Reporting Committees: Senate Banking, Housing, and Urban Affairs; House Financial Services

- Reference: See, e.g., 12 U.S.C. § 1820(d)(8)

Review Commissions: None

Advisory Commissions: None

Action Require Outside Approval: None

Legislative Veto: None

*Adjudication (e.g.):*⁷⁸ The Corporation shall prescribe regulation and establish administrative procedures which provide for a hearing on the record for the review of the amount of any loss incurred by the corporation in connection with any insured depository institution, the liability of individual commonly controlled depository institutions for the amount of such loss, and the schedule of payments to be made by such commonly controlled depository institutions

- Reference: 12 U.S.C. § 1815(e)(3)(B)
- If, on the basis of the evidence presented at a hearing before the Board of Directors (or any person designated by the Board for such purpose), in which all issues shall be determined on the record pursuant to section 554 of Title 5 and the written findings of the Board of Directors (or such person) with respect to such evidence (which shall be conclusive), the Board of Directors finds that any unsafe or unsound practice or condition or any violation specified in the notice to an insured depository institution has been established, the Board of Directors may issue an order terminating the insured status of such depository institution effective as of a date subsequent to such finding
 - Reference: 12 U.S.C. § 1818(a)(3)

Federal Election Commission

Date of Creation: October 15, 1974

Statute: 2 U.S.C. §§ 431-457

Sub-agency Bureaus: None

⁷⁸ For provisions (including those outside of the authorizing statute) that explicitly reference adjudicatory proceedings under 5 U.S.C. A. § 554 see 12 U.S.C.A § 1817 (2012) (federal banking agency hearings on insured depository institution acquisitions); 12 U.S.C. § 1818 (2012) (hearings on insured status of depository institutions).

Commissioners/Board Members: The Commission is composed of the Secretary of the Senate and the Clerk of the House of Representatives or their designees, ex officio and without the right to vote, and 6 members appointed by the President by and with the advice and consent of the Senate.

- Reference: 2 U.S.C. § 437c(a)(1)

Quorum Rules: All decisions of the Commission with respect to the exercise of its duties and powers under the provisions of this act shall be made by a majority vote of the members of the Commission.

- Reference: 2 U.S.C. § 437c(c)

Agency Specific Personnel: None

Limitation on Appointment: Members shall be chosen on the basis of their experience, integrity, impartiality, and good judgment and members (other than Secretary of Senate and Clerk of the House) shall be individuals who at the time appointed to the Commission are not elected or appointed officers or employees in the executive, legislative or judicial branch of the Federal Government.

- Reference: 2 U.S.C. § 437c(a)(3)

Party Balancing: No more than 3 members of the Commission appointed under this paragraph may be affiliated with the same political party

- Reference: 2 U.S.C. § 437c(a)(1)

Fixed Terms: Yes

- Reference: 2 U.S.C. § 437c(a)(2)(A)

Term Length: Members of the Commission shall serve for a single term of 6 years

- Reference: 2 U.S.C. § 437c(a)(2)(A)

Staggered Terms: Of the members first appointed, two of the members, not affiliated with the same political party, shall be appointed for terms ending on April 30, 1977; two of the members, not affiliated with the same political party, shall be appointed for terms ending on April 30, 1979; two of the members, not affiliated with the same political party, shall be appointed for terms ending on April 30, 1981

- Reference: 2 U.S.C. § 437c(a)(2)(A)

For Cause: None

Serve President: None

Continuation until Replacement: A member of the Commission may serve on the Commission after the expiration of his or her term until his or her successor has taken office as a member of the Commission

- Reference: 2 U.S.C. § 437c(a)(2)(B)

Acting Service Rules: The vice chairman shall act as chairman in the absence or disability of the chairman or in the event of a vacancy in such office

- Reference: 2 U.S.C. § 437c(A)(5)

Who is Head of Agency: The Commission shall elect a chairman from among its members (other than the Secretary of the Senate and the Clerk of the House of Representatives) for a term of one year. A member may serve as chairman only once during any term of office to which such member is appointed

- Reference: 2 U.S.C. § 437c(a)(5)

OMB Review: No officer or agency of the United States shall have any authority to require the Commission to submit its legislative recommendations, testimony, or comment on legislation, to any office or agency of the United States for approval, comments, or

review, prior to the submission of such recommendations, testimony, or comments to the Congress

- 2 U.S.C. § 437d(d)(2)
- Whenever the Commission submits any budget estimate or request to the president or OMB, it shall currently transmit a copy of such estimate or request to Congress
 - Reference: 2 U.S.C. § 437d(d)(2)
- Whenever the Commission submits any legislative recommendation or testimony or comments on legislation to the president or OMB, it shall concurrently transmit a copy thereof to the Congress or to the member requesting the same
 - Reference: 2 U.S.C. § 437d(d)(2)

Independent Litigating: The Commission is authorized to appear in and defend against any action instituted under this Act either by attorneys employed in its office or by counsel whom it may appoint on a temporary basis as may be necessary for such purpose.

- Reference: 2 U.S.C. § 437c(f)(4)

Independent Sources of Funding: None

Reporting Requirements: None

Reporting Committees: None specified

Review Commissions: None

Advisory Commissions: None

Action Require Outside Approval: None

Legislative Veto: None

Adjudication (e.g.): The Commission has the power to require, by subpoena, signed by the chairman or the vice chairman, the attendance and testimony of witnesses and the production of all documentary evidence relating to the execution of its duties.

- Reference: 2 U.S.C. § 437d(a)(3)
- The Commission has the power to in any proceeding or investigation, to order testimony to be taken by deposition before any person who is designated by the Commission and has the power to administer oaths and, in such instances, to compel testimony and the production of evidence in the same manner as authorized above
 - Reference: 2 U.S.C. § 437d(1)(4)

Federal Energy Regulatory Commission (Department of Energy)

Date of Creation: August 4, 1977

Statute: 42 U.S.C. §§ 7171-7178

Sub-agency Bureaus: None

Commissioners/Board Members: The Commission shall be composed of five members appointed by the president, by and with the advice and consent of the Senate.

- Reference: 42 U.S.C. § 7171(b)(1)

Quorum Rules: A quorum for the transaction of business shall consist of at least three members present

- Reference: 42 U.S.C. § 7171(e)

Agency Specific Personnel: None

Limitation on Appointment: None

Party Balancing: Not more than three members of the Commission shall be members of the same political party

- Reference: 42 U.S.C. § 7171(b)(1)

Fixed Terms: Yes

- Reference: 42 U.S.C. § 7171(b)(1)

Term Length: Members shall hold office for a term of 5 years

- Reference: 42 U.S.C. § 7171(b)(1)

Staggered Terms: The terms of the members first taking office after April 11, 1990 shall expire as follows: in the case of members appointed to succeed members whose terms expire in 1991, one such member's term shall expire on June 30, 1994 and one such member's term shall expire on June 30, 1995 as designated by the president at time of appointment. In the case of members appointed to succeed members whose terms expire in 1992, one such member's term shall expire on June 30, 1996 and one such member's term shall expire on June 30, 1997 as designated by the president at time of appointment. In the case of the member appointed to succeed the member whose term expires in 1993, such member's term shall expire June 30, 1998.

- Reference: 42 U.S.C. § 7171(b)(2)

For Cause: Members may be removed by the president only for inefficiency, neglect of duty, or malfeasance in office

- Reference: 42 U.S.C. § 7171(b)(1)

Serve President: None

Continuation until Replacement: A Commissioner may continue to serve after the expiration of his term until his successor is appointed and has been confirmed and taken the oath of Office, except that such Commissioner shall not serve beyond the end of the session of the Congress in which his term expires.

- Reference: 42 U.S.C. § 7171(b)(1)

Acting Service Rules: The Chairman of the Commission may designate any other member of the Commission as Acting Chairman to act in the place and stead of the Chairman during his absence.

- Reference: 42 U.S.C. § 7171(e)

Who is Head of Agency: One of the members shall be designated by the president as Chairman

- Reference: 42 U.S.C. § 7171(b)(1)

OMB Review: Whenever the Commission submits to the Secretary, the President, or the Office of Management and Budget, any legislative recommendation or testimony, or comments on legislation, prepared for submission to Congress, the Commission shall concurrently transmit a copy thereof to the appropriate committees of Congress

- Reference: 42 U.S.C. § 7171(j)

Independent Litigating: Except relating to litigation before the Supreme Court, attorneys designated by the Chairman of the Commission may appear for and represent the Commission in any civil action brought in connection with any function carried out by the Commission

- Reference: 42 U.S.C. § 7171(i)

Independent Sources of Funding: Beginning in fiscal year 1987 and each fiscal year thereafter, the Federal Energy Regulatory Commission shall assess and collect fees and annual charges in any fiscal year in amounts equal to all of the costs incurred by the Commission in that fiscal year

- Reference: 42 U.S.C. § 7178(a)

Reporting Requirements: None

Reporting Committees: Not specified

Review Commissions: None

Advisory Commissions: None

Action Require Outside Approval: None

Legislative Veto: None

Adjudication (e.g.): In carrying out any of its functions, the Commission shall have the powers authorized by the law under which such function is exercised to hold hearings, sign and issue subpoenas, administer oaths, examine witnesses, and receive evidence at any place in the United States it may designate. The Commission may, by one or more of its members or by such agents as it may designate, conduct any hearing or other inquiry necessary or appropriate to its functions, except that nothing in this subsection shall be deemed to supersede the provisions of Title 5 relating to hearing examiners.

- Reference: 42 U.S.C. § 7171(g)
- The Commissions shall have jurisdiction to hear and determine any other matter arising under any other function of the Secretary involving any agency determination required by law to be made on the record after an opportunity for an agency hearing or involving any other agency determination which the Secretary determines shall be made on the record after an opportunity for an agency hearing.
 - Reference: 42 U.S.C. § 7172(d)

Federal Hospital Insurance Trust Fund

Date of Creation: August 14, 1935

Statute: 42 U.S.C. §§ 1395i-1395i-1

Sub-agency Bureaus: Health Care Fraud and Abuse Control Account

Commissioners/Board Members: Board of Trustees of the Trust Fund composed of the Commissioner of Social Security, the Secretary of the Treasury, the Secretary of Labor, the Secretary of Health and Human Services (all ex officio), and of two members of the public who shall be PAS

- Reference: 42 U.S.C. § 1395i(b)

Quorum Rules: None

Agency Specific Personnel: None

Limitation on Appointment: None

Party Balancing: Two public members cannot be of the same party

- Reference: 42 U.S.C. § 1395i(b)

Fixed Terms: Yes, for two public members

- Reference: 42 U.S.C. § 1395i(b)

Term Length: Two public members serve for a term of four years

- Reference: 42 U.S.C. § 1395i(b)

Staggered Terms: None

For Cause: None

Serve President: None

Continuation until Replacement: An individual nominated and confirmed as member of the public may serve in such position after expiration of such members term until the earlier time at which the members successor takes office or the time at which an annual report of the Board is first issued after the expiration of the members term

- Reference: 42 U.S.C. § 1395i(b)

Acting Service Rules: None

Who is Head of Agency: Secretary of Treasury shall be Managing Trustee

- Reference: 42 U.S.C. § 1395i(b)

OMB Review: None

Independent Litigating: None

Independent Sources of Funding: Interest on and the proceeds from the sale or redemption of any obligations held in the Trust Fund shall be credited to and from a part of the Trust Fund

- Reference: 42 U.S.C. § 1395i(e)
- Trust Fund is authorized to accept on behalf of the United States money gifts and bequests made unconditionally to the Trust Fund for the benefit of the Health Care Fraud and Abuse Control Account or any activity financed through the Account
 - Reference: 42 U.S.C. § 1395i(k)(2)(B)

Reporting Requirements: Shall report to Congress not later than the first day of April of each year on the operation and status of the Trust Fund during the preceding fiscal year and on its expected operation and status during the current fiscal year and the next 2 fiscal years

- Reference: 42 U.S.C. § 1395i(b)(2)
- Report to Congress immediately whenever the Board is of the opinion that the amount of the Trust Fund is unduly small
 - Reference: 42 U.S.C. § 1395i(b)(3)

Reporting Committees: Not specified

Review Commissions: None

Advisory Commissions: None

Action Require Outside Approval: None

Legislative Veto: None

Adjudication: None

Federal Housing Finance Agency

Date of Creation: July 30, 2008

Statute: 12 U.S.C. §§ 4511-4526

Sub-agency Bureaus: Division of Enterprise Regulation; Division of Federal Home Loan Bank Regulation

Commissioners/Board Members: None

Quorum Rules: N/A

Agency Specific Personnel: The Director may appoint and fix the compensation of such officers and employees of the Agency as the Director considers necessary to carry out the functions of the Director and the Agency. Officers and Employees may be paid without regard to civil service provisions relating to classification and General Schedule pay rates

- Reference: 12 U.S.C. § 4515(a)

Limitation on Appointment: The Director shall be appointed from among individuals who are citizens of the United States, have a demonstrated understanding of financial management or oversight, and have a demonstrated understanding of capital markets, including the mortgage securities markets and housing finance

- Reference: 12 U.S.C. § 4512(b)
- The Director may not have any director or indirect financial interest in any regulated entity or entity-affiliated party, hold any office, position, or employment in any regulated entity or entity-affiliated party, or have served as an executive officer or director of any

regulated entity or entity-affiliated party at any time during the 3 year period preceding the date of appointment or designation of such individual as Director

- Reference: 12 U.S.C. § 4512(g)

Party Balancing: N/A

Fixed Terms: Yes

- Reference: 12 U.S.C. § 4512(b)(2)

Term Length: The Director shall be appointed for a term of 5 years

- Reference: 12 U.S.C. § 4512(b)(2)

Staggered Terms: N/A

For Cause: The Director shall serve his 5 year term unless removed before the end of such term for cause by the president

- Reference: 12 U.S.C. § 4512(b)(2)

Serve President: None

Continuation until Replacement: An individual may serve as the Director after the expiration of the term for which appointed until a successor has been appointed

- Reference: 12 U.S.C. § 4512(b)(4)

Acting Service Rules: In the event of the death, resignation, sickness, or absence of the Director, the president shall designate either the Deputy Director of the Division of Enterprise Regulation, the Deputy Director of the Division of Federal Home Loan Bank Regulation, or the Deputy Director for Housing Mission and Goals

- Reference: 12 U.S.C. § 4512(f)

Who is Head of Agency: There is established the position of the Director of the Agency, who shall be the head of the agency and shall be appointed by the president by and with the advice and consent of the Senate

- Reference: 12 U.S.C. § 4512(a)-(b)

OMB Review: Not specified

Independent Litigating: In enforcing any provision of this chapter, any regulation or order prescribed under this chapter, or any other provision, law, rule, regulation, or order or in any other action, suit or proceeding to which the Director is a party or in which the Director is interested, and in the administration of conservatorships and receiverships, the Director may act in the Director's own name and through the Director's own attorneys

- Reference: 12 U.S.C. § 4513(c)(1)

Independent Sources of Funding: The Director shall establish and collect from the regulated entities annually assessments in an amount not exceeding the amount sufficient to provide for reasonable costs and expenses of the agency. These amounts received by the Director are not construed to be Government or public funds or appropriated money. The Director may use any amounts received by the Director from assessments for compensation of the Director and other employees of the Agency and for all other expenses of the Director and the Agency

- Reference: 12 U.S.C. § 4516

- The Director may request the Secretary of the Treasury to invest such portions of amounts received by the Director from assessments paid that, in the Director's discretion, are not required to meet the current working needs of the agency

- Reference: 12 U.S.C. § 4516(f)(6)(A)

Reporting Requirements: The Director shall annually submit a report to Congress on the results of the ongoing study of fees charged by enterprises for guaranteeing a mortgage, based

on the aggregated data collected for the subject year, regarding the amount of such fees and the criteria used by the enterprises to determine such fees

- Reference: 12 U.S.C. § 4514a(b)
- The Director shall submit to the appropriate committees in Congress, not later than June 15 of each year, a written report, which shall include a description of actions taken, and being undertaken, by the Director
 - Reference: 12 U.S.C. § 4521(a)
- Not later than March 15 of each year, the Director shall submit to the appropriate committees in Congress a written report describing, for the preceding calendar year, the requests by the Director to the Attorney General for enforcement actions and describing the disposition of each request
 - Reference: 12 U.S.C. § 4521(b)

Reporting Committees: Senate Banking, Housing, and Urban Affairs; House Financial Services

- Reference: 12 U.S.C. § 4521(a)

Review Commissions: None

Advisory Commissions: There is established a Federal Housing Finance Oversight Board which shall advise the Director with respect to overall strategies and policies in carrying out his duties

- Reference: 12 U.S.C. § 4513a

Action Require Outside Approval: None

Legislative Veto: None

Adjudication (e.g.): All hearings on the record with respect to any action of the Director or notice of charges issued by the Director shall be open to the public, unless the Director, in the Director's discretion, determines that holding an open hearing would be contrary to the public interest

- Reference: 12 U.S.C. § 4522(b)
- In the course of or in connection with any proceeding, examination, or investigation, the Director or any designated representative thereof, including any person designated to conduct any hearing shall have the authority to administer oaths and affirmations, to take and preserve testimony under oath, to issue subpoenas and subpoenas duces tecum and to revoke, quash, or modify subpoenas and subpoenas duces tecum
 - Reference: 12 U.S.C. § 4517(g) § (incorporating 12 U.S.C. § 4641)

Federal Labor Relations Authority

Date of Creation: October 13, 1978

Statute: 5 U.S.C. §§ 7104-7105

Sub-agency Bureaus: None

Commissioners/Board Members: The Federal Labor Relations Authority is composed of three members appointed by the president by and with the consent of the Senate

- Reference: 5 U.S.C. § 7104(a)

Quorum Rules: None⁷⁹

Agency Specific Personnel: None

Limitation on Appointment: None

⁷⁹ Breger and Edles, *supra* note 4, indicate that two members make up a quorum. We could find no statutory provision that determined quorum requirements. The quorum may be the subject of administrative determination or practice.

Party Balancing: Not more than 2 of the members may be adherents of the same political party

- Reference: 5 U.S.C. § 7104(b)

Fixed Terms: Yes

- Reference: 5 U.S.C. § 7104(c)

Term Length: A member of the authority shall be appointed for a term of 5 years

- Reference: 5 U.S.C. § 7104(c)

Staggered Terms: None⁸⁰

For Cause: Members may be removed by the president only upon notice and hearing and only for inefficiency, neglect of duty, or malfeasance in office

- Reference: 5 U.S.C. § 7104(b)

Serve President: None

Continuation until Replacement: The term of any member shall not expire before the earlier of the date on which the member's successor takes office or the last day of the Congress beginning after the date on which the member's term of office would expire

- Reference: 5 U.S.C. § 7104(c)

Acting Service Rules: None

Who is Head of Agency: The president shall designate one member to serve as Chairman of the Authority

- Reference: 5 U.S.C. § 7104(b)

OMB Review: Not specified

Independent Litigating: Except litigation before the Supreme Court, attorneys designated by the Authority may appear for the Authority and represent the Authority in any civil action brought in connection with any function carried out by the Authority

- Reference: 5 U.S.C. § 7105(h)

Independent Sources of Funding: None

Reporting Requirements: The Authority shall make an annual report to the president for transmittal to the Congress which shall include information as to the cases it has heard and the decision it has rendered

- Reference: 5 U.S.C. § 7104(e)

Reporting Committees: Not specified

Review Commissions: None

Advisory Commissions: None

Action Require Outside Approval: None

Legislative Veto: None

Adjudication (e.g.): In order to carry out its functions under this chapter, the Authority may hold hearings, administer oaths, take the testimony or deposition of any person under oath, and issue subpoenas and may require an agency or a labor organization to cease and desist from violations of this chapter and require it to take any remedial action it considers appropriate to carry out the policies of this chapter

- Reference: 12 U.S.C. § 7105(g)

Federal Maritime Commission

Date of Creation: August 12, 1961

⁸⁰ While the current statute does not provide for staggered terms, the commissioners' terms are staggered due to the continuation of the structure set up by Pub L. 98-224 §3(b) (1984).

Statute: 46 U.S.C. §§ 301-307

Sub-agency Bureaus: None

Commissioners/Board Members: The Commission is composed of 5 Commissioners, appointed by the president by and with the advice and consent of the Senate

- Reference: 46 U.S.C. § 301(b)(1)

Quorum Rules: The affirmative vote of a majority of Commissioners serving on the Commission is required to dispose of any matter before the Commission

- Reference: 46 U.S.C. § 302

Agency Specific Personnel: None

Limitation on Appointment: None

Party Balancing: Not more than 3 Commissioners may be appointed from the same political party

- Reference: 46 U.S.C. § 301(b)(1)

Fixed Terms: Yes

- Reference: 46 U.S.C. § 301(b)(2)

Term Length: The term of each Commissioner is 5 years

- Reference: 46 U.S.C. § 301(b)(2)

Staggered Terms: The term of each Commissioner is 5 years with each term beginning one year apart

- Reference: 46 U.S.C. § 301(b)(2)

For Cause: The President may remove a Commissioner for inefficiency, neglect of duty, or malfeasance in office

- Reference: 46 U.S.C. § 301(b)(3)

Serve President: None

Continuation until Replacement: When the term of a Commissioner ends, the Commissioner may continue to serve until a successor is appointed and qualified

- Reference: 46 U.S.C. § 301(b)(2)

Acting Service Rules: None

Who is Head of Agency: The President shall designate one of the Commissioners as Chairman

- Reference: 46 U.S.C. § 301(c)(1)

OMB Review: None

Independent Litigating: None

Independent Sources of Funding: None

Reporting Requirements: Not later than April 1 of each year the Federal Maritime Commission shall submit a report to Congress

- Reference: 46 U.S.C. § 306

Reporting Committees: Not specified

Review Commissions: None

Advisory Commissions: None

Action Require Outside Approval: None

Legislative Veto: None

Adjudication: None

Federal Mediation and Conciliation Service

Date of Creation: June 23, 1947

Statute: 29 U.S.C. § 172

Sub-agency Bureaus: None

Commissioners/Board Members: None

Quorum Rules: N/A

Agency Specific Personnel: The Director may, without regard to the provisions of civil service laws, appoint such conciliators and mediators as may be necessary to carry out the functions of the Service

- Reference: 29 U.S.C. § 172(b)

Limitation on Appointment: None

Party Balancing: N/A

Fixed Terms: None

Term Length: N/A

Staggered Terms: N/A

For Cause: None

Serve President: None

Continuation until Replacement: None

Acting Service Rules: None

Who is Head of Agency: The Service shall be under the direction of a Federal Mediation and Conciliation Director, who shall be appointed by the president by and with the advice and consent of the Senate

- Reference: 29 U.S.C. § 172(a)

OMB Review: None

Independent Litigating: None

Independent Sources of Funding: None

Reporting Requirements: The Director shall make an annual report in writing to Congress at the end of the fiscal year

- Reference: 29 U.S.C. § 172(c)

Reporting Committees: Not specified

Review Commissions: None

Advisory Commissions: None

Action Require Outside Approval: None

Legislative Veto: None

Adjudication: None

Federal Mine Safety and Health Review Commission

Date of Creation: November 9, 1977

Statute: 30 U.S.C. § 823-823a

Sub-agency Bureaus: None

Commissioners/Board Members: The Commission shall consist of five members, appointed by the President by and with the advice and consent of the Senate

- Reference: 30 U.S.C. § 823(a)

Quorum Rules: The Commission is authorized to delegate to any group of three or more members any or all the powers of the Commission, except that two members shall constitute a quorum of any group designated pursuant to this paragraph

- Reference: 30 U.S.C. § 823(c)

Agency Specific Personnel: None

Limitation on Appointment: The Commission shall be appointed from among persons who by reason of training, education, or experience are qualified to carry out the functions of the Commission

- Reference: 30 U.S.C. § 823(a)

Party Balancing: None

Fixed Terms: Yes

- Reference: 30 U.S.C. § 823(b)

Term Length: The terms of the members of the Commission shall be six years

- Reference: 30 U.S.C. § 823(b)(1)

Staggered Terms: Members of the Commission first taking office after November 9, 1977 shall serve, as designated by the president at the time of appointed, one for a term of two years, two for a term of four years, and two for a term of six years

- Reference: 30 U.S.C. § 823(b)(1)(A)

For Cause: Any member of the Commission may be removed by the President for inefficiency, neglect of duty, or malfeasance in office

- Reference: 30 U.S.C. § 823(b)(1)

Serve President: None

Continuation until Replacement: None

Acting Service Rules: None

Who is Head of Agency: The President shall designate one of the members of the Commission to serve as Chairman

- Reference: 30 U.S.C. § 823(a)

OMB Review: None

Independent Litigating: None⁸¹

Independent Sources of Funding: None

Reporting Requirements: None

Reporting Committees: None

Review Commissions: None

Advisory Commissions: None

Action Require Outside Approval: None

Legislative Veto: None

*Adjudication (e.g.):*⁸² In connection with hearings before the Commission or its administrative law judges, the Commission and its administrative law judges may compel the attendance and testimony of witnesses and the production of books, paper, or documents or objects and order testimony to be taken by deposition at any stage of the proceedings before them.

- Reference: 30 U.S.C. § 823(e)

⁸¹ Breger and Edles, *supra* note 4, indicate that the Commission has an understanding with DOJ that should the Commission wish to file a brief or otherwise defend its decisions in court, the Commission would coordinate with the Department.

⁸² For provisions (including those outside of the authorizing statute) that explicitly reference adjudicatory proceedings under 5 U.S.C. § 554 see 30 U.S.C. §§ 817, 818 (2012) (presence or abatement of imminent dangers); 30 U.S.C. § 821 (2012) (miners entitled to compensation upon closed for health and safety); 30 U.S.C. § 821 (2012) (mine employers and employees safety and health complaints).

Federal Reserve Board⁸³

Date of Creation: August 23, 1935

Statute: 12 U.S.C. §§ 241-262

Sub-agency Bureaus: None

Commissioners/Board Members: The Board of Governors of the Federal Reserve System shall be composed of seven members, to be appointed by the president by and with the advice and consent of the Senate

- Reference: 12 U.S.C. § 241

Quorum Rules: Any action that this chapter provides may be taken only upon the affirmative vote of 5 members of the Board and may be taken upon the unanimous vote of all members then in office if there are fewer than 5 members in office at the time of the action. Any action that the board is otherwise authorized to take under the section on discount of obligations arising out of actual commercial transactions may be taken upon the unanimous vote of all available members in office if at least 2 members are available and all available members participate in the action

- Reference: 12 U.S.C. § 248(r)

Agency Specific Personnel: The Board shall have the power to employ such attorneys, experts, assistants, clerks, and other employees as may be deemed necessary to conduct the business of the board. All salaries and fees shall be fixed in advance by said board and shall be paid in the same manner as the salaries of the members of said board. All such attorneys, experts, assistants, clerks, and other employees shall be appointed without regard to the provisions of the Act of Jan. 16, 1883 or amendments thereto

- Reference: 12 U.S.C. § 248(l)

Limitation on Appointment: In selecting members of the Board, not more than one of whom shall be selected from any one federal reserve district, the president shall have due regard to a fair representation of the financial, agricultural, industrial, and commercial interests and geographical divisions of the country

- Reference: 12 U.S.C. § 241

Party Balancing: None

Fixed Terms: Yes

- Reference: 12 U.S.C. § 241

Term Length: The members shall be appointed for terms of fourteen years

- Reference: 12 U.S.C. § 241

Staggered Terms: Upon the expiration of the term of any appointive members of the Board on August 23, 1935, the President shall fix the term of the successor to such member not to exceed 14 years, as designated by the president at the time of nomination, but in such a manner as to provide for the expiration of the term of not more than one member in any two-year period, and thereafter each member shall hold office for a term of 14 years after the expiration of the term of his predecessor

- Reference: 12 U.S.C. § 242

For Cause: Each member shall hold office for a term of 14 years, unless sooner removed for cause by the president

- Reference: 12 U.S.C. § 242

⁸³ Research team obtained employment numbers through agency contact. Email from Federal Reserve Board to Mark Richardson, Graduate Student, Political Science, Vanderbilt University (July 12, 2012) (on file with authors).

Serve President: None

Continuation until Replacement: Upon the expiration of their terms of office, members of the Board shall continue to serve until their successors are appointed and qualified

- Reference: 12 U.S.C. § 242

Acting Service Rules: One of the Vice Chairmen shall serve in the absence of the Chairman. In the absence of the chairman and the vice chairman, the Board shall elect a member to act as chairman pro tempore

- Reference: 12 U.S.C. §§ 242; 244
- The President shall have the power to fill all vacancies that may happen on the Board during recess of the Senate by granting commissions which shall expire with the next session of the Senate
 - Reference: 12 U.S.C. § 245

Who is Head of Agency: Of the persons appointed, one shall be designated by the president, by and with the advice and consent of the Senate, to serve as Chairman of the Board for a term of 4 years

- Reference: 12 U.S.C. § 242

OMB Review: Not specified

Independent Litigating: The Board may act in its own name and through its own attorneys in enforcing any provision of this title, regulations promulgated hereunder, or any other law or regulation, or in any action, suit, or proceeding to which the Board is a party which involves the Board's regulation or supervision of any bank, bank holding company, or other entity, or the administration of its operations

- Reference: 12 U.S.C. § 248(p)

Independent Sources of Funding: The Board shall have the power to levy semiannually upon the Federal reserve banks, in proportion to their capital stock and surplus, an assessment sufficient to pay its estimated expenses and the salaries of its members and employees for the half year succeeding the levying of such assessment, together with any deficit carried forward from the preceding half year. Funds derived from such assessments shall not be construed to be government funds or appropriated moneys

- Reference: 12 U.S.C. § 243; 244
- The Board shall collect a total amount of assessments, fees, and other charges from all holding bank companies having total consolidated assets of \$50 billion or more, all savings and loan companies having total consolidated assets of \$50 billion or more, and all nonbank financial companies supervised by the board that is equal to the total expenses the Board estimates are necessary or appropriate to carry out the supervisory and regulatory responsibilities of the Board with respect to such companies
 - Reference: 12 U.S.C. § 248(s)

Reporting Requirements: The Board of Governors shall annually make a full report of its operations to the Speaker of the House, who shall cause the same to be printed for the information of the Congress

- Reference: 12 U.S.C. § 246
- The Vice Chairman for Supervision shall appear before the appropriate committees in congress at semi-annual hearings regarding the efforts, activities, objectives, and plans of the Board with respect to the conduct of supervision and regulation of depository institution holding companies and other financial firms supervised by the Board
 - Reference: 12 U.S.C. § 247b

- The available members of the Board shall document in writing the determinations required by the section relating to unanimous determinations for discount of obligations arising out of actual commercial transactions and such written findings shall be included in the record of the action and the official minutes of the Board and copies of such record shall be provided as soon as practicable to the members of the Board who were not available to participate in the action and to the chairmen of the appropriate congressional committees
 - Reference: 12 U.S.C. § 248(s)
- Not later than 12 months after September 30, 1996 and once every 60 months thereafter, the Board, in consultation with the Director of the Office of Thrift Supervision, the Comptroller of the Currency, the Board of Directors of the Corporation, the Administrator of the National Credit Union Administration, the Administrator of the Small Business Administration, and the Secretary of Commerce, shall conduct a study and submit a report to the Congress detailing the extent of small business lending by all creditors
 - Reference: 12 U.S.C. § 252(a)(1)

Reporting Committees: Senate Banking, Housing, and Urban Affairs; House Financial Services

- Reference: See, e.g., 12 U.S.C. § 247b

Review Commissions: None

Advisory Commissions: There is created a Federal Advisory Council which shall consist of as many members as there are Federal reserve districts. The Council shall have power to confer directly with the Board of Governors on general business conditions, to make oral or written representations concerning matters within the jurisdiction of said board, to call for information and to make recommendations in regard to general affairs of the reserve banking system

- Reference: 12 U.S.C. § 261-262

Action Require Outside Approval: None

Legislative Veto: None

Adjudication: None⁸⁴

Federal Retirement Thrift Investment Board

Date of Creation: June 6, 1986

Statute: 5 U.S.C. §§ 8471-8480

Sub-agency Bureaus: None

Commissioners/Board Members: The Board shall be composed of 3 members appointed by the President and 2 members appointed by the president of whom 1 shall be appointed by the president after taking into consideration the commendation made by the Speaker of the House in consultation with the minority leader of the House and 1 shall be appointed by the President after taking into consideration the recommendation made by the majority leader of the Senate in consultation with the minority leader of the Senate. All appointments shall be made by and with the advice and consent of the Senate

⁸⁴ The Federal Reserve Board's authorizing statute does not explicitly reference hearings with combined with the power to subpoena, hear evidence, etc. However, all of the Board's hearings operate under Rules of Procedure in the Code of Federal Regulations that regulate Board hearings. See 12 C.F.R. § 262 (rules issued pursuant to 5 U.S.C. § 552, which requires that every agency publish rules of procedure) and § 263 (rules of practice for hearings).

- Reference: 5 U.S.C. § 8472(b)-(c)

Quorum Rules: Three members of the Board shall constitute a quorum for the transaction of business

- Reference: 5 U.S.C. § 8476(c)

Agency Specific Personnel: The Board shall appoint, without regard to the provisions of law governing appointments in the competitive service, an Executive Director by action agreed to by a majority of the members of the Board

- Reference: 5 U.S.C. § 8474(a)(1)

Limitation on Appointment: Members of the Board shall have substantial experience, training, and expertise in the management of financial investments and pension benefit plans

- Reference: 5 U.S.C. § 8472(d)

Party Balancing: None

Fixed Terms: Yes

- Reference: 5 U.S.C. § 8472(e)

Term Length: A member of the Board shall be appointed for a term of 4 years

- Reference: 5 U.S.C. § 8472(e)(1)

Staggered Terms: Of the members first appointed, the Chairman shall be appointed for a term of four years, the members appointed in consultation with the leaders of the House and Senate shall be appointed for terms of 3 years and the remaining members shall be appointed for terms of 2 years

- Reference: 5 U.S.C. § 8472(e)(1)

For Cause: None

Serve President: None

Continuation until Replacement: The term of any member shall not expire before the date on which the member's successor takes office

- Reference: 5 U.S.C. § 8472(e)(3)

Acting Service Rules: None

Who is Head of Agency: 1 of the three members appointed by the President (not the two appointed with consideration of the recommendations of the House and Senate leaders) shall be designated by the President as Chairman

- Reference: 5 U.S.C. § 8472(b)(1)

OMB Review: The Board shall prepare and submit to the President and, at the same time, to the appropriate committees of Congress, an annual budget of the expenses and other items relating to the Board which shall be included as a separate item in the budget required to be transmitted to Congress

- Reference: 5 U.S.C. § 8472(i)
- The Board may submit to the President and, at the same time, shall submit to each House of Congress, any legislative recommendations of the Board relating to any of its functions
 - Reference: 5 U.S.C. § 8472(j)

Independent Litigating: None

Independent Sources of Funding: None

Reporting Requirements: Not specified

Reporting Committees: Not specified

Review Commissions: None

Advisory Commissions: The Board shall establish an Employee Thrift Advisory Council to advise the Board and Executive Director on matters relating to investment policies for the Thrift Savings Fund and the administration of this Board's functions

- Reference: 5 U.S.C. 8473

Action Require Outside Approval: None

Legislative Veto: None

Adjudication: None

Federal Supplementary Medication Insurance Trust Fund Board

Date of Creation: August 14, 1935

Statute: 42 U.S.C. § 1395t

Sub-agency Bureaus: None

Commissioners/Board Members: Board of Trustees of the Trust Fund is composed of the Commissioner of Social Security, the Secretary of the Treasury, the Secretary of Labor, and the Secretary of Health and Human Services, all ex officio, and of two members of the public who shall be nominated by the President and subject to confirmation by the Senate

- Reference: 42 U.S.C. § 1395t(b)

Quorum Rules: None

Agency Specific Personnel: None

Limitation on Appointment: None

Party Balancing: The two members of the public on the board may not be from the same party

- Reference: 42 U.S.C. § 1395t(b)

Fixed Terms: Yes, for the two members of the public on the board

- Reference: 42 U.S.C. § 1395(b)

Term Length: The two members of the public shall be nominated by the President for a term of four years

- Reference: 42 U.S.C. § 1395t(b)

Staggered Terms: None

For Cause: None

Serve President: None

Continuation until Replacement: An individual nominated and confirmed as a member of the public may serve in such position after the expiration of such member's term until the earlier of the time at which the member's successor takes office or the time at which an annual report of the Board is first issued after the expiration of the member's term

- Reference: 42 U.S.C. § 1395t(b)

Acting Service Rules: None

Who is Head of Agency: The Secretary of the Treasury is the Managing Trustee of the Board of Trustees

- Reference: 42 U.S.C. § 1395t(b)

OMB Review: Not specified

Independent Litigating: None

Independent Sources of Funding: The Managing Trustee may purchase interest-bearing obligations of the United States or obligations guaranteed as to both principal and interest by the United States on original issue or at market price where he determines that the purchase of such obligations is in the public interest

- Reference: 42 U.S.C. § 1395t(c)
- Any obligations acquired by the Trust Fund (except public-debt obligations issued exclusively to the Trust Fund) may be sold by the Managing Trustee at the market price, and such public-debt obligations may be redeemed at par plus accrued interest
 - Reference: 42 U.S.C. § 1395t(d)
- Interest on and the proceeds from the sale or redemption of any obligations held in the Trust Fund shall be credited to and form part of the Trust Fund
 - Reference: 42 U.S.C. § 1395t(e)

Reporting Requirements: It shall be the duty of the Board of Trustees to report to the Congress not later than the first day of April of each year on the operation and status of the Trust Fund during the preceding fiscal year and on its expected status during the current fiscal year and the next 2 fiscal years

- Reference: 42 U.S.C. § 1395t(b)(2)
- It shall be the duty of the Board of Trustees to report immediately to Congress whenever the Board is of the opinion that the amount of the Trust Fund is unduly small
 - Reference: 42 U.S.C. § 1395t(b)(3)

Reporting Committees: Not specified

Review Commissions: None

Advisory Commissions: None

Action Require Outside Approval: None

Legislative Veto: None

Adjudication: None

Federal Trade Commission

Date of Creation: September 26, 1914

Statute: 15 U.S.C. §§ 41-58

Sub-agency Bureaus: None

Commissioners/Board Members: 5 Commissioners who shall be appointed by the President, by and with the advice and consent of the Senate

- Reference: 15 U.S.C. § 41

Quorum Rules: Not specified

Agency Specific Personnel: None

Limitation on Appointment: None

Party Balancing: No more than three of the Commissioners shall be members of the same political party

- Reference: 15 U.S.C. § 41

Fixed Terms: Yes

- Reference: 15 U.S.C. § 41

Term Length: Commissioners shall be appointed for terms of 7 years

- Reference: 15 U.S.C. § 41

Staggered Terms: The first Commissioners appointed shall continue in office for terms of three, four, five, six, and seven years respectively from September 26, 1914, the term of each to be designated by the president, but their successors shall be appointed for terms of seven years

- Reference: 15 U.S.C. § 41

For Cause: Any commissioner may be removed by the president for inefficiency, neglect of duty, or malfeasance in office

- Reference: 15 U.S.C. § 41

Serve President: None

Continuation until Replacement: Upon the expiration of his term of office a commissioner shall continue to serve until his successor shall have been appointed and qualified

- Reference: 15 U.S.C. § 41

Acting Service Rules: None

Who is Head of Agency: President shall choose a chairman from the Commission's membership

- Reference: 15 U.S.C. § 41

OMB Review: Not specified

Independent Litigating: Except as otherwise provided, before commencing, defending, or intervening in any civil action which the Commission or the Attorney General on behalf of the Commission is authorized to commence, defend, or intervene in, the Commission gives written notification and undertakes to consult with the Attorney General with respect to such action and the Attorney General fails within 45 days after receipt of such notification to commend, defend, or intervene in such action, the Commission may commend, defend, or intervene in and supervise the litigation of such action and any appeal of such action in its own name by any of its attorneys designated by it to such purpose

- Reference: 15 U.S.C. § 56(a)
- In any civil action relating to injunctive relief, consumer redress, judicial review of a rule prescribed by the Commission, a cease and desist order, the enforcement of a subpoena, or investigations, the Commission shall have exclusive authority to commence or defend and supervise the litigation of such action and any appeal of such action in its own name by any of its attorneys unless the Commission authorizes the Attorney General to do so.
 - Reference: 15 U.S.C. § 56(b)

Independent Sources of Funding: Commission may accept payment or reimbursement, in cash or in kind, from a domestic or foreign law enforcement agency, or payment or reimbursement made on behalf of such agency for expenses incurred by the commission, its members, or employees in carrying out any activity pursuant to a statute administered by the Commission without regard to any other provision of law. Any such payments or reimbursements shall be considered a reimbursement to the appropriated funds of the Commission

- Reference: 15 U.S.C. § 57c-2
- The Commission may accept payment or reimbursement, in cash or in kind from a foreign government agency to which this section is applicable, or payment or reimbursement made on behalf of such agency, for expenses incurred by the Commission, its members, and employees in carrying out such arrangements
 - Reference: 15 U.S.C. § 57c-1(b)
- The Commission may charge a reasonable fee for the copying and mailing of regulatory analyses.
 - Reference: 15 U.S.C. § 57b-3(b)(3)(B)

Reporting Requirements: The Commission shall have the power to make annual and special reports to Congress and to submit therewith recommendations for additional legislation

- Reference: 15 U.S.C. § 46(f)

- The Commission shall have the power to investigate, from time to time, trade conditions in and with foreign countries where associations, combinations, or practices of manufacturers, merchants, or traders, or other conditions, may affect the foreign trade of the United States and to report to Congress thereon, with such recommendations as it deems advisable
 - Reference: 15 U.S.C. § 46(h)
- Commission shall submit advance notice of proposed rulemaking with respect to unfair or deceptive acts or practices in or affecting commerce to Senate Commerce, Science, and Transportation Committee and House Energy and Commerce Committee
 - Reference: 15 U.S.C. § 57a(b)(2)(B)
- Commission shall, 30 days before the publication of a notice of proposed rulemaking, submit such notice to Senate Commerce, Science, and Transportation Committee and House Energy and Commerce Committee
 - Reference: 15 U.S.C. § 57a(b)(2)(C)

Reporting Committees: Senate Commerce, Science, and Transportation; House Energy and Commerce

- Reference: 15 U.S.C. § 57a(b)(2)

Review Commissions: None

Advisory Commissions: None

Action Require Outside Approval: None

Legislative Veto: None

Adjudication (e.g.): Whenever the Commission shall have reason to believe that any such person, partnership, or corporation has been or is using any unfair method of competition or unfair or deceptive act or practice in or affecting commerce, and if it shall appear to the Commission that a proceeding by it in respect thereof would be in the interest of the public, it shall issue and serve upon such person, partnership, or corporation a complaint stating its charges in that respect and containing a notice of a hearing upon a day and place therein fixed at least 30 days after the service of said complaint. . . The testimony in any such proceeding shall be reduced to writing and filed in the office of the Commission. If upon such hearing the Commission shall be of the opinion that the method or the act or practice in question is prohibited by this subchapter, it shall make a report in writing in which it shall state its findings as to the facts and shall issue and cause to be served on such person, partnership, or corporation and order requiring such person, partnership, or corporation to cease and desist from using such method of competition or such act or practice.

- Reference: 15 U.S.C. § 45(b)

Foreign Claims Settlement Commission of the United States (Department of Justice)

Date of Creation: July 1, 1954

Statute: 22 U.S.C. §§ 1621-1645o

Sub-agency Bureaus: None

Commissioners/Board Members: The Commission shall be composed of a Chairman and two members, all appointed by the president, by and with the advice and consent of the Senate

- Reference: 22 U.S.C. § 1622c(a)-(b)

Quorum Rules: None

Agency Specific Personnel: None

Limitation on Appointment: None

Party Balancing: None

Fixed Terms: Yes

- Reference: 22 U.S.C. § 1622c(c)

Term Length: The terms of office of the Chairman and members of the Commission shall be for three years

- Reference: 22 U.S.C. § 1622c(c)

Staggered Terms: The Chairman and members first appointed after the enactment on the subsection on staggered terms shall be appointed to terms ending respectively September 30, 1982, September 30, 1981, and September 30, 1980.

- Reference: 22 U.S.C. § 1622c(c)

For Cause: Any member of the Commission may be removed by the Secretary of State, upon notice and hearing, for neglect of duty, or malfeasance in office, but for no other cause

- Reference: 22 U.S.C. § 1622(c)

Serve President: None

Continuation until Replacement: The incumbent of any such office may continue to serve until a successor takes office

- Reference: 22 U.S.C. § 1622c(c)

Acting Service Rules: None

Who is Head of Agency: The Chairman shall be appointed by the president, by and with the advice and consent of the Senate, to serve on a full time basis for a term of three years

- Reference: 22 U.S.C. § 1622c(a)

OMB Review: Not specified

Independent Litigating: None

Independent Sources of Funding: None

Reporting Requirements: Not later than six months after its organization, and every six months thereafter, the Commission shall make a report, through the Secretary of State, to the Congress concerning its operations

- Reference: 22 U.S.C. § 1622(c)

Reporting Committees: Not specified

Review Commissions: None

Advisory Commissions: None

Action Require Outside Approval: None

Legislative Veto: None

Adjudication (e.g.): The Commission shall have jurisdiction to receive, examine, adjudicate, and render a final decision with respect to any claim of the Government or of the United States or of any national of the United States included within the terms of specified agreements

- Reference: 22 U.S.C. § 1623(a)
- Any member of the Commission, or any employee of the Commission, designated in writing by the Chairman of the Commission, may administer oaths and examine witnesses. Any member of the Commission may require by subpoena the attendance and testimony of witnesses and the production of all necessary books, paper, documents, records, correspondence, and other evidence, from any place in the United States at any designated place of inquiry or of hearing.

- Reference: 22 U.S.C. § 1623(c)

General Services Administration

Date of Creation: June 30, 1949

Statute: 40 U.S.C. §§ 301-323

Sub-agency Bureaus: Federal Acquisition Service; Consumer Information Center

Commissioners/Board Members: N/A

Quorum Rules: N/A

Agency Specific Personnel: None

Limitation on Appointment: None

Party Balancing: N/A

Fixed Terms: None

Term Length: N/A

Staggered Terms: N/A

For Cause: None

Serve President: None

Continuation until Replacement: None

Acting Service Rules: The Deputy Administrator is Acting Administrator of General Services during the absence or disability of the Administrator and, unless the President designates another officer of the Federal Government, when the office of Administrator is vacant

- Reference: 40 U.S.C. § 301(b)

Who is Head of Agency: Administrator of General Services is the head of the Administration. The Administrator of General Services is appointed by the President with the advice and consent of the Senate.

- Reference: 40 U.S.C. § 302(a)

OMB Review: Not specified

Independent Litigating: None

Independent Sources of Funding: The Acquisition Services Fund shall be credited with all reimbursements, advances, and refunds or recoveries relating to personal property or services procured through the fund. Fees collected by the Administrator may be deposited in the Fund to be used for the purposes of the Fund. The Fund is available for use by or under the direction and control of the Administrator for procuring personal property, nonpersonal services, and personal services.

- Reference: 40 U.S.C. § 321
- There is in the Treasury a Federal Citizen Services Fund and money shall be deposited into the Fund from (in addition to appropriations from the Treasury) user fees from the public, reimbursements from other federal agencies for costs of distributing publication, any other income incident to Consumer Information Center activities. Money deposited into the Fund is available for expenditure for Center activities in the amounts specified in appropriation laws.
 - Reference: 40 U.S.C. § 323
- The Consumer Information Center may accept and deposit to the Federal Citizen Services Fund gifts for the purpose of defraying the costs of publishing, printing, and distributing consumer information and educational materials and undertaking other consumer information activities. In addition to the amounts appropriated or otherwise made

available, the Center may expend the gifts for these purposes and any balance remains available for expenditure

- Reference: 40 U.S.C. § 323

Reporting Requirements: None

Reporting Committees: None

Review Commissions: None

Advisory Commissions: None

Action Require Outside Approval: None

Legislative Veto: None

Adjudication: None

Harry S. Truman Scholarship Foundation

Date of Creation: January 4, 1975

Statute: 20 U.S.C. §§ 2001-2013

Sub-agency Bureaus: None

Commissioners/Board Members: Board shall be composed of thirteen members

- Reference: 20 U.S.C. § 2004(b)(1)

Quorum Rules: Foundation is authorized to enter into contracts, grants, or other arrangements, or modifications thereof to carry out the provisions of this chapter, and such contracts or modifications thereof may, with the concurrence of two-thirds of the members of the board, be entered into without performance or other bonds and without regard to advertising requirements for federal government purchases and sales

- Reference: 20 U.S.C. § 2012(a)(6)

Agency Specific Personnel: None

Limitation on Appointment: Two members of the Senate to be appointed by the president of the Senate; two members of the House to be appointed by the Speaker; eight members to be appointed by the president with the advice and consent of the Senate, of whom one shall be a chief executive officer of a state, one a chief executive officer of a city or county, one a member of a federal court, one a member of a state court, one a person active in postsecondary education, and three representatives of the general public; and the Secretary of Education or his designate, who shall serve ex officio

- Reference: 20 U.S.C. § 2004(b)(1)

Party Balancing: Members of the Senate must be different parties, members of the House must be of different parties, no more of the eight PAS members shall be of the same party

- Reference: 20 U.S.C. § 2004(b)(1)

Fixed Terms: Yes

- Reference: 20 U.S.C. § 2004(c)

Term Length: Six years

- Reference: 20 U.S.C. § 2004(c)

Staggered Terms: The members first taking office shall serve as designated by the President, four for terms of two years, five for terms of four years, and four for terms of six years

- Reference: 20 U.S.C. § 2004(c)

For Cause: None

Serve President: None

Continuation until Replacement: None

Acting Service Rules: None

Who is Head of Agency: Not specified

OMB Review: Not specified

Independent Litigating: None

Independent Sources of Funding: At the request of the Board, it shall be the duty of the Secretary of the Treasury to invest in full the amounts appropriated and contributed to the Harry S. Truman Memorial Scholarship Trust Fund. All requests of the Board to the Secretary provided for in this section shall be binding on the Secretary

- Reference: 20 U.S.C. § 2009
- The Secretary is authorized to pay to the Foundation from the interest and earnings of the fund such sums as the Board determines are necessary and appropriate to enable the Foundation to carry out its purposes
 - Reference: 20 U.S.C. § 2010(a)
- Foundation is authorized to receive money and other property donated, bequeathed, or devised, without condition or restriction other than it be used for the purposes of the Foundation, and to use, sell, or otherwise dispose of such property for the purpose of carrying out its functions
 - Reference: 20 U.S.C. § 2012(a)(4)

Reporting Requirements: The Foundation shall submit to the President and to Congress an annual report of its operations

- Reference: 20 U.S.C. § 2012(b)

Reporting Committees: Not specified

Review Commissions: None

Advisory Commissions: None

Action Require Outside Approval: None

Legislative Veto:

Adjudication: None

Institute for Museum and Library Services⁸⁵

Date of Creation: September 30, 1996

Statute: 20 U.S.C. §§ 9102-9111

Sub-agency Bureaus: Office of Museum Services; Office of Library Services

Commissioners/Board Members: None

Quorum Rules: N/A

Agency Specific Personnel: The Director may appoint without regard to the civil service provisions governing the appointment in the competitive service and may compensate without regard to classification and General Schedule pay rates such technical and professional employees as the Director determines to be necessary to carry out the duties of the Institute. The number of employees appointed and compensated under this paragraph shall not exceed 1/5 of the number of full-time regulator or professional employees of the Institute

- Reference: 20 U.S.C. § 9105(b)

Limitation on Appointment: Beginning with the first individual appointed to the position of Director after September 30, 1996, every second individual so appointed shall be

⁸⁵ The Institute for Museum and Library Services no longer has agency heads confirmed by the Senate after enactment of Presidential Appointment Efficiency and Streamlining Act of 2011.

appointed from among individuals who have special competence with regard to library and information services. Beginning with the second individual appointed to the position of Director after September 30, 1996, every second individual so appointed shall be appointed from among individuals who have special competence with regard to museum services

- Reference: 20 U.S.C. § 9103(a)(3)

Party Balancing: None

Fixed Terms: Yes

- Reference: 20 U.S.C. § 9103(a)(2)

Term Length: The Director shall serve for a term of 4 years

- Reference: 20 U.S.C. § 9103(a)(2)

Staggered Terms: N/A

For Cause: None

Serve President: None

Continuation until Replacement: None

Acting Service Rules: None

Who is Head of Agency: The Institute shall be headed by a Director, appointed by the president, by and with the advice and consent of the Senate

- Reference: 20 U.S.C. § 9103(a)(1)

OMB Review: Not specified

Independent Litigating: None

Independent Sources of Funding: The Institute is authorized to solicit, accept, receive an invest in the name of the United States gifts, bequests, or devises of money and other property or services and to use such property or services in furtherance of the functions of the Institute

- Reference: 20 U.S.C. § 9106

Reporting Requirements: None

Reporting Committees: Not specified

Review Commissions: None

Advisory Commissions: There is established a National Museum and Library Services Board which shall advise the Director on general policies with respect to the duties, powers, and authority of the Institute relating to museum, library, and information services

- Reference: 20 U.S.C. § 9105a

Action Require Outside Approval: None

Legislative Veto: None

Adjudication: None

Institute of American Indian Arts

Date of Creation: October 17, 1986

Statute: 20 U.S.C. §§ 4401-4426

Sub-agency Bureaus: Executive Board; Department of Arts and Sciences; Visual Arts; Performing Arts; Language; Literature and Museology

Commissioners/Board Members: 13 voting members, who shall be appointed by the president, by and with the advice and consent of the Senate,⁸⁶ and 6 nonvoting members (2 members of House, 2 members of Senate, President of Institute, president of study body)

- Reference: 20 U.S.C. § 4412(a)

Quorum Rules: Unless otherwise provided by the bylaws of the Institute, a majority of the voting members shall constitute a quorum

- Reference: 20 U.S.C. § 4412(f)

Agency Specific Personnel: Except as otherwise provided, staff of Institute is exempted from civil service

- Reference: 20 U.S.C. § 4416(a)

Limitation on Appointment: Voting members shall be appointed from among individuals from private life who are Indians, or other individuals, widely recognized in the field of Indian art and culture and who represent diverse political views, and diverse fields of expertise, including finance, law, fine arts, and higher education administration

- Reference: 20 U.S.C. § 4412(a)(1)(A)
- A majority of the Board must be Indians
 - Reference: 20 U.S.C. § 4412(a)(2)(E)

Party Balancing: None

Fixed Terms: Yes

- Reference: 20 U.S.C. § 4412(b)

Term Length: Members shall be appointed for terms of office of 6 years

- Reference: 20 U.S.C. § 4412(b)(1)

Staggered Terms: Of the members of the Board first appointed, 4 shall be appointed for terms of office of 2 years, 4 shall be appointed for terms of office of 4 years, and 5 shall be appointed for terms of office of 6 years

- Reference: 20 U.S.C. § 4412(b)(3)

For Cause: No member of the board may be removed during the term of office of such member except for just and sufficient cause

- Reference: 20 U.S.C. § 4412(d)

Serve President: None

Continuation until Replacement: No member of the Board shall be eligible to serve in excess of 2 consecutive terms but may continue to serve until such members successor is appointed

- Reference: 20 U.S.C. § 4412(b)(4)

Acting Service Rules: None

Who is Head of Agency: Chairman shall be elected from among the PAS members of the Board and shall serve for terms of 2 years

- Reference: 20 U.S.C. § 4412(e)

OMB Review: Not specified

Independent Litigating: Board shall have the power to represent itself or to contract for representation in all judicial, legal, and other proceedings

- Reference: 20 U.S.C. § 4414(a)(5)

⁸⁶ All members of the Board of Trustees of the Institute for American Indian Arts will be presidential appointments not subject to Senate confirmation consistent with the Presidential Appointment Efficiency and Streamlining Act of 2011.

Independent Sources of Funding: Board shall have the power to solicit, accept, and dispose of gifts, bequests, devises of money, securities, and other properties of whatever character, for the benefit of the Institute

- Reference: 20 U.S.C. § 4414(a)(9)
- Institute may use funds which are available from any private, non-Federal governmental, or tribal source for capital improvement endowment
 - Reference: 20 U.S.C. § 4425(b)(4)

Reporting Requirements: Annual report concerning the status of the Institute

- Reference: 20 U.S.C. § 4422(a)
- Each fiscal year, Board shall submit a budget proposal to Congress
 - Reference: 20 U.S.C. § 4422(b)

Reporting Committees: Not specified

Review Commissions: None

Advisory Commissions: None

Action Require Outside Approval: None

Legislative Veto: None

Adjudication: None

Inter-American Foundation

Date of Creation: December 30, 1969

Statute: 22 U.S.C. § 290f

Sub-agency Bureaus: Council

Commissioners/Board Members: 9 members appointed by the president, by and with the advice and consent of the Senate

- Reference: 22 U.S.C. § 290f(g)

Quorum Rules: Majority of the board required for a quorum

- Reference: 22 U.S.C. § 290f(j)

Agency Specific Personnel: None

Limitation on Appointment: All individuals appointed to the Board shall possess an understanding of and sensitivity to community level development processes

- Reference: 22 U.S.C. § 290f(g)
- 3 members of the Board shall be appointed from among the following: officers or employees of agencies in the US concerned with inter-American Affairs, the United States Executive Director of the Inter-American Development Bank, or the Alternate Executive Director of the Inter-American Development Bank
 - Reference: 22 U.S.C. § 290f(g)

Party Balancing: No more than 5 members of the Board may be members of any one political party

- Reference: 22 U.S.C. § 290f(g)

Fixed Terms: Yes

- Reference: 22 U.S.C. § 290f(g)

Term Length: Members of the Board shall be appointed for terms of six years

- Reference: 22 U.S.C. § 290f(g)

Staggered Terms: Of the members first appointed two shall be appointed for terms of two years and two shall be appointed for terms of four years, as designated by the president at the time of their appointment

- Reference: 22 U.S.C. § 290f(g)

For Cause: None

Serve President: None

Continuation until Replacement: Upon the expiration of his term of office a member shall continue to serve until his successor is appointed and shall have qualified

- Reference: 22 U.S.C. § 290f(g)

Acting Service Rules: None

Who is Head of Agency: President shall designate one of the members to serve as Chairman of the Board

- Reference: 22 U.S.C. § 290f(g)

OMB Review: Not specified

Independent Litigating: The Foundation may sue and be sued, complain, and defend, in its corporate name in any court of competent jurisdiction

- Reference: 22 U.S.C. § 290f(e)(10)

Independent Sources of Funding: The Foundation, as a corporation, may acquire by purchase, devise, bequest, or gift or otherwise lease, hold, and improve, such real and personal property as it finds to be necessary to its purposes, whether within or without the US, and in any manner dispose of all such real and personal property held by it and use as general funds all receipts arising from the disposition of such property

- Reference: 22 U.S.C. § 290f(e)(6)

Reporting Requirements: None

Reporting Committees: None

Review Commissions: None

Advisory Commissions: None

Action Require Outside Approval: None

Legislative Veto: None

Adjudication: None

Internal Revenue Service Oversight Board (Department of the Treasury)

Date of Creation: November 10, 1988

Statute: 26 U.S.C. § 7802

Sub-agency Bureaus: None

Commissioners/Board Members: The Oversight Board shall be composed of nine members, as follows: six members shall be individuals who are not otherwise federal officers or employees and who are appointed by the president, by and with the advice and consent of the Senate. One member shall be the Secretary of the Treasury or, if the Secretary so designates, the Deputy Secretary of the Treasury, one member shall be the Commissioner of Internal Revenue, and one member shall be an individual who is a full-time federal employee or a representative of employees and who is appointed by the president, by and with the advice and consent of the Senate

- Reference: 22 U.S.C. § 7802(b)(1)

Quorum Rules: 5 members of the Oversight Board shall constitute a quorum

- Reference: 22 U.S.C. § 7802(b)(4)

Agency Specific Personnel: None

Limitation on Appointment: The nine PAS members of the Oversight Board shall be appointed without regard to political affiliation and solely on the basis of their professional

experience and expertise in one or more of the following areas: management of large service organizations, customer service, federal tax laws, including tax administration and compliance, information technology, organization development, the needs and concerns of taxpayers, and the needs and concerns of small businesses. In the aggregate, the nine PAS members should collectively bring to bear expertise in all of the areas described in the preceding sentence

- Reference: 26 U.S.C. § 7802(b)(2)(A)

Party Balancing: None

Fixed Terms: Yes

- Reference: 22 U.S.C. § 7802(b)(2)(B)

Term Length: Each PAS member and the full time federal employee member shall be appointed for a term of 5 years

- Reference: 22 U.S.C. § 7802(b)(2)(B)

Staggered Terms: Of the members first appointed, two members shall be appointed for a term of 3 years, two members shall be appointed for a term of 4 years, and two members shall be appointed for a term of 5 years

- Reference: 22 U.S.C. § 7802(b)(2)(B)

For Cause: None

Serve President: Any PAS member and the full time federal employee member of the board may be removed at the will of the president

- Reference: 22 U.S.C. § 7802(b)(5)(A)

Continuation until Replacement: None

Acting Service Rules: None

Who is Head of Agency: The members of the Oversight Board shall elect for a 2 year term a chairperson from among the PAS members of the board.

- Reference: 22 U.S.C. § 7802(f)(1)(A)

OMB Review: The Board shall review and approve the budget request of the IRS prepared by the Commissioner and submit such budget request to the Secretary of the Treasury. The Secretary shall submit the budget request to the president who shall submit such request, without revision, to Congress together with the President's annual budget request for the IRS for such fiscal year

- Reference: 22 U.S.C. § 7802(d)(4)-(5)

Independent Litigating: None

Independent Sources of Funding: None

Reporting Requirements: The Oversight Board shall each year report with respect to the conduct of its responsibilities to the president and the appropriate committees of Congress.

- Reference: 22 U.S.C. § 7802(f)(3)(A)
- Upon a determination by the Oversight Board that the organization and operation of the Internal Revenue Service are not allowing it to carry out its mission, the Oversight Board shall report such determination to the House Ways and Means Committee and the Senate Finance Committee.
 - Reference: 22 U.S.C. § 7802(f)(3)(B)

Reporting Committees: Senate Finance; Senate Governmental Affairs; Senate Appropriations; House Ways and Means; House Government Reform and Oversight; House Appropriations

- Reference: 22 U.S.C. § 7802(f)(3)(A)

Review Commissions: None
Advisory Commissions: None
Action Require Outside Approval: None
Legislative Veto: None
Adjudication: None

James Madison Memorial Fellowship Foundation

Date of Creation: October 18, 1986

Statute: 20 U.S.C. § 4502-4517

Sub-agency Bureaus: None

Commissioners/Board Members: 13 members

- Reference: 20 U.S.C. § 4502(b)(1)

Quorum Rules: None

Agency Specific Personnel: None

Limitation on Appointment: Board shall be composed of 13 members as follows:

- 2 Members of Senate shall be appointed by the President upon recommendation of the President pro tempore of the Senate in consultation with the Majority Leader and Minority Leader of the Senate
- 2 Members of the House shall be appointed by President upon the recommendation of the Speaker of the House, in consultation with the Minority Leader of the House
- 2 members of the federal judiciary shall be appointed by the President upon the recommendation of the Chief Justice of the US
- 6 members shall be PAS, of whom one shall be a chief executive officer of a state, two shall be members of the general public, three shall be members of the academic community, appointed upon the recommendation of the Librarian of Congress
- Secretary of Education or his designate shall serve ex officio as a member of the Board, but shall not be eligible to serve as chairman
- Reference: 20 U.S.C. § 4502(b)(1)(A)-(E)

Party Balancing: Senate members must be different parties, House members must be different parties, of the 6 PAS members no more than 3 shall be of the same party

- Reference: 20 U.S.C. § 4502(b)(1)(A)-(E)

Fixed Terms: Yes

- Reference: 20 U.S.C. § 4502(b)(2)

Term Length: The term of office of each members of the Board shall be 6 years

- Reference: 20 U.S.C. § 4502(b)(2)

Staggered Terms: The members first taking office shall serve as designated by the President, four for terms of six years

- Reference: 20 U.S.C. § 4502(b)(2)

For Cause: None

Serve President: None

Continuation until Replacement: A member of the Board whose term has expired may continue to serve until the earlier of the date on which a successor has taken office or the date on which the Congress adjourns sine die to end the session of Congress that commences after the date on which the member's term expired

- Reference: 20 U.S.C. § 4502(b)(3)

Acting Service Rules: None

Who is Head of Agency: Members of the Board shall elect from the members of the Board a Chairman

- Reference: 20 U.S.C. § 4502(c)

OMB Review:

Independent Litigating: None

Independent Sources of Funding: The Foundation is authorized to receive money and other property donated, bequeathed, or devised, without condition or restriction other than it be used for the purposes of the Foundation and to use, sell, or otherwise dispense of such property for the purpose of carrying out its functions

- Reference: 20 U.S.C. § 4513(a)(4)

Reporting Requirements: The Foundation shall submit to the President and to the Congress an annual report of its operations under this chapter

- Reference: 20 U.S.C. § 4513(b)

Reporting Committees: Not specified

Review Commissions: None

Advisory Commissions: None

Action Require Outside Approval: None

Legislative Veto:

Adjudication: None

Legal Services Corporation

Date of Creation: July 25, 1974

Statute: 42 U.S.C. §§ 2996-2996I

Sub-agency Bureaus: None

Commissioners/Board Members: 11 voting members appointed by the President, by and with the advice and consent of the Senate

- Reference: 42 U.S.C. 2996c(a)

Quorum Rules: None

Agency Specific Personnel: None

Limitation on Appointment: A majority shall be members of the bar of the highest court of any State, and none shall be a full-time employee of the US

- Reference: 42 U.S.C. § 2996c(a)

Party Balancing: No more than 6 from same political party

- Reference: 42 U.S.C. § 2996c(a)

Fixed Terms: Yes

- Reference: 42 U.S.C. § 2996c(b)

Term Length: 3 years

- Reference: 42 U.S.C.A § 2996c(b)

Staggered Terms: None

For Cause: A member of the Board may be removed by a vote of 7 members for malfeasance in office or persistent neglect of or inability to discharge duties, or for offenses involving moral turpitude, and for no other cause

- Reference: 42 U.S.C. § 2996c(e)

Serve President: None

Continuation until Replacement: Each member of the Board shall continue to serve until the successor to such member has been appointed and qualified

- Reference: 42 U.S.C. § 2996c(b)

Acting Service Rules: None

Who is Head of Agency: The Board shall annually elect a chairman from among its voting members

- Reference: 42 U.S.C. § 2996c(d)

OMB Review: Not specified

Independent Litigating: Yes, however the Corporation shall not participate in litigation unless the Corporation or a recipient of the Corporation is a party, or a recipient is representing an eligible client in litigation in which the interpretation of this subchapter or a regulation promulgated under this subchapter is an issue, and shall not participate on behalf of any client other than itself

- Reference: 42 U.S.C. § 2996e(c)

Independent Sources of Funding: The Corporation is authorized to accept in the name of the Corporation, and employ or dispose of in furtherance of the purposes of this subchapter any money or property, real, personal, or mixed, tangible or intangible, received by gift, devise, bequest, or otherwise

- Reference: 42 U.S.C. § 2996e(a)(2)

Reporting Requirements: The Corporation shall publish an annual report which shall be filed by the Corporation with the President and the Congress. Such a report shall include a description of services provided pursuant to § 2996f(a)(2)(C)(i) and (ii)

- Reference: 42 U.S.C. § 2996g(c)

Reporting Committees: Not specified

Review Commissions: None

Advisory Commissions: The Board shall request the governor of each state to appoint a nine member advisory council for such state. The council shall be charged with notifying the Corporation of any apparent violation of the provisions of this subchapter and applicable rules, regulations, and guidelines promulgated pursuant to this subchapter. The advisory council shall, at the same time, furnish a copy of the notification to any recipient affected thereby.

- Reference: 42 U.S.C. § 2996c(f)

Action Require Outside Approval: None

Legislative Veto: None

Adjudication: None

Merit Systems Protection Board

Date of Creation: October 13, 1978

Statute: 5 U.S.C. §§ 1201-1206

Sub-agency Bureaus: None

Commissioners/Board Members: The Merit Systems Protection Board is composed of 3 members appointed by and with the advice and consent of the Senate

- Reference: 5 U.S.C. § 1201

Quorum Rules: None⁸⁷

Agency Specific Personnel: None

⁸⁷ Breger and Edles, *supra* note 4, indicate that two members of the Board constitute a quorum. We could find no statutory provision defining the board quorum. It may be administratively determined.

Limitation on Appointment: The members of the Board shall be individuals who, by demonstrated ability, background, training, or experience are especially qualified to carry out the functions of the Board

- Reference: 5 U.S.C. § 1201

Party Balancing: Not more than 2 of the members shall be of the same party

- Reference: 5 U.S.C. § 1201

Fixed Terms: Yes

- Reference: 5 U.S.C. § 1202

Term Length: The term of office of each member of the Merit Systems Protection Board is 7 years

- Reference: 5 U.S.C. § 1202(a)

Staggered Terms: None

For Cause: Any member may be removed by the president only for inefficiency, neglect of duty, or malfeasance in office

- Reference: 5 U.S.C. § 1202(d)

Serve President: None

Continuation until Replacement: Any member may continue to serve beyond the expiration of the term until a successor is appointed and has qualified, except that such member may not continue to serve for more than one year after the date on which the term of the member would otherwise expire

- Reference: 5 U.S.C. § 1202(c)

Acting Service Rules: During the absence or disability of the Chairman or when the office of the Chairman is vacant, the Vice Chairman shall perform the functions vested in the Chairman. During the absence or disability of both the Chairman and the Vice Chairman, or when the offices of Chairman and Vice Chairman are vacant, the remaining Board member shall perform the functions vested in the Chairman

- Reference: 5 U.S.C. § 1203

Who is Head of Agency: The president shall from time to time appoint, by and with the advice and consent of the Senate, one of the members of the Board as the Chairman

- Reference: 5 U.S.C. § 1203(a)

OMB Review: The Board may transmit to Congress on the request of any committee or subcommittee thereof by report, testimony, or otherwise information and views without review clearance or approval by any other administrative authority

- Reference: 5 U.S.C. § 1205
- The Board shall prepare and submit to the president, and at the same time, to the appropriate committees of Congress, an annual budget of the expenses and other items relating to the Board which shall, as revised, be included as a separate item in the budget
 - Reference: 5 U.S.C. § 1204(k)

Independent Litigating: Except litigation before the Supreme Court, attorneys designated by the Chairman of the Board may appear for the Board, and represent the Board, in any civil action brought in connection with any function carried out by the Board

- Reference: 5 U.S.C. § 1204(i)

Independent Sources of Funding: None

Reporting Requirements: The Board shall submit an annual report to the president and to Congress on its activities and shall include a description of significant actions taken by the Board to carry out its functions.

- Reference: 5 U.S.C. § 1206

Reporting Committees: Not specified

Review Commissions: None

Advisory Commissions: None

Action Require Outside Approval: None

Legislative Veto: None

Adjudication (e.g.): The Merit Systems Protection Board shall hear, adjudicate, or provide for the hearing or adjudication of all matters within the jurisdiction of the Board and, subject to otherwise applicable provisions of law, take final action on any such matter

- Reference: 5 U.S.C. § 1204(a)(1)

Metropolitan Washington Airport Authority

Date of Creation: October 18, 1986

Statute: 49 U.S.C. §§ 49101-49112

Sub-agency Bureaus: None

Commissioners/Board Members: The Airports Authority shall be governed by a board of directors composed of the following 17 members: 7 members appointed by the Governor of Virginia, 4 members appointed by the Mayor of the District of Columbia, 3 members appointed by the governor of Maryland, and 3 members appointed by the President with the advice and consent of the Senate

- Reference: 49 U.S.C. § 49106(c)(1)

Quorum Rules: Ten votes are required to approve bond issues and the annual budget

- Reference: 49 U.S.C. § 49106(c)(7)

Agency Specific Personnel: None

Limitation on Appointment: A member of the Board must reside within the Washington Standard Metropolitan Statistical area, except that a member of the board appointed by the president must be a registered voter of a state other than Maryland, Virginia, or the District of Columbia

- Reference: 49 U.S.C. § 49106(c)(4)(c)
- Members of the board and their immediate families may not be employed by or otherwise hold a substantial financial interest in any enterprise that has or is seeking a contract or agreement with the Airports Authority or is an aeronautical, aviation services, or airport services enterprise that otherwise has interests that can be directly affected by the Airports Authority
 - Reference: 49 U.S.C. § 49106(d)

Party Balancing: Not more than 2 of the members of the board appointed by the president may be of the same political party

- Reference: 49 U.S.C. § 49106(c)(6)(A)

Fixed Terms: Yes

- Reference: 49 U.S.C. § 49106(c)(3)

Term Length: Members of the board shall be appointed to the board for 6 years

- Reference: 49 U.S.C. § 49106(c)(3)

Staggered Terms: Of the members first appointed by the president after October 9, 1996, one shall be appointed for a term of 4 years

- Reference: 49 U.S.C. § 49106(c)(3)

For Cause: A member appointed by the president may be removed by the president for cause. A member appointed by the Mayor of the District of Columbia, Governor of Maryland, or Governor of Virginia may be removed or suspended from office only for cause and in accordance with the laws of jurisdiction from which the member is appointed

- Reference: 49 U.S.C. § 46106(c)(6)(C)

Serve President: None

Continuation until Replacement: A member shall not serve after the expiration of the member's term

- Reference: 49 U.S.C. § 49106(c)(3)

Acting Service Rules: None

Who is Head of Agency: The chairman of the board shall be appointed from among the members by majority vote and shall serve until replaced by majority vote of the members

- Reference: 49 U.S.C. § 49106(c)(2)

OMB Review: None

Independent Litigating: None

Independent Sources of Funding: The Airports Authority shall impose landing fees for operating an aircraft or revenues derived from parking automobiles

- Reference: 49 U.S.C. § 49104(a)(9)
- The Airports Authority shall be authorized to issue bonds from time to time in its discretion for public purposes
 - Reference: 49 U.S.C. § 49106(b)(1)(B)
- The Airports Authority shall be authorized to levy fees and other charges
 - Reference: 49 U.S.C. § 49106(b)(1)(E)

Reporting Requirements: None

Reporting Committees: Senate Commerce, Science, and Transportation; House Transportation and Infrastructure

- Reference: 49 U.S.C. § 49106(g)

Review Commissions: None

Advisory Commissions: None

Action Require Outside Approval: None

Legislative Veto: None

Adjudication: None

Millennium Challenge Corporation

Date of Creation: January 23, 2004

Statute: 22 U.S.C. §§ 7701-7718

Sub-agency Bureaus: None

Commissioners/Board Members: The Board shall consist of the Secretary of State, the Secretary of the Treasury, the Administrator of the United States Agency for International Development, the Chief Executive Officer of the Corporation, and the United States Trade Representative and four other individuals who shall be appointed by the president by and with the advice and consent of the Senate

- Reference: 22 U.S.C. § 7703(c)(3)(A)

Quorum Rules: A majority of the members of the Board shall constitute a quorum. A quorum must include at least one of the PAS members

- Reference: 22 U.S.C. § 7703(c)(6)

Agency Specific Personnel: Of persons employed by the Corporation, not to exceed 30 persons may be appointed, compensated, or removed without regard to the civil service laws and regulations

- Reference: 22 U.S.C. § 7716(c)
- The Chief Executive Officer may fix the rate of basic pay of employees of the Corporation without regard to the civil service provisions classifying positions or relating to General Schedule pay rates, except that no employee of the Corporation may receive a rate of basic pay that exceeds the rate for level II of the Executive Schedule
 - Reference: 22 U.S.C. § 7716(d)

Limitation on Appointment: Four individuals with relevant international experience, of which one individual should be appointed from among a list of individuals submitted by the majority leader of the House; one individual should be appointed from among a list submitted by the minority leader of the House; one individual should be appointed from among a list submitted by the majority leader of the Senate; and one individual should be appointed from among a list submitted by the minority leader of the Senate

- Reference: 22 U.S.C. § 7703(c)(3)(B)

Party Balancing: None

Fixed Terms: Yes

- Reference: 22 U.S.C. § 7703(c)(4)

Term Length: Each member of the Board from the federal government shall serve for a term that is concurrent with the term of service of the individual's position as an officer within the other federal department or agency. Each other member of the Board shall be appointed for a term of 3 years and may be reappointed for a term of an additional 2 years

- Reference: 22 U.S.C. § 7703(c)(4)

Staggered Terms: None

For Cause: None

Serve President: None

Continuation until Replacement: None

Acting Service Rules: The members of the Board of Directors may designate by unanimous consent in writing an individual who is an officer within any federal department or agency (and who has been appointed to such position by the President, by and with the advice and consent of the Senate) to carry out the CEO's duties until the Chief Executive Officer is appointed by the president, by and with the advice and consent of the Senate

- Reference: 22 U.S.C. § 7703(b)(2)

Who is Head of Agency: The Secretary of State shall serve as the Chairperson

- Reference: 22 U.S.C. § 7703(c)(5)

OMB Review: Not specified

Independent Litigating: None

Independent Sources of Funding: The corporation may accept cash gifts or donations of services or of property (real, personal, or mixed, tangible or intangible, for the purpose of carrying out the provisions of this chapter

- Reference: 22 U.S.C. § 7713(a)(6)

Reporting Requirements: Not later than 90 days prior to the date on which the Board determines eligible countries for a fiscal year, the Chief Executive Officer shall prepare and submit to the appropriate congressional committees a report that contains a list of all candidate

countries and all countries that would be candidate countries if the countries met the requirements for the fiscal year

- Reference: 22 U.S.C. § 7707(a)(1)
- Not later than 60 days prior to the date on which the Board determines eligible countries for a fiscal year, the Chief Executive Officer shall prepare and submit to the appropriate congressional committees a report that contains a list of the criteria and methodology that will be used to determine eligibility for each candidate country identified
 - Reference: 22 U.S.C. § 7707(b)(1)
- Not later than 5 days after the date on which the Board determines eligible countries for a fiscal year, the Chief Executive Officer shall prepare and submit to the appropriate congressional committees a report that contains a list of all such eligible countries, an identification of those countries on such list with respect to which the Board will seek to enter into a compact and a justification for such eligibility determination and selection for compact negotiation
 - Reference: 22 U.S.C. § 7707(d)(1)
- Not later than 15 days after making a determination to increase or extent assistance under a compact with an eligible country, the Board, acting through the Chief Executive Officer, shall prepare and transmit to the appropriate congressional committees a written report and justification that contains a detailed summary of the proposed increase in or extension of assistance under the compact and a copy of the full text of the amendment to the compact
 - Reference: 22 U.S.C. § 7708(i)(1)
- Not later than 10 days after entering into a compact with an eligible country, the Board, acting through the Chief Executive Officer, shall provide notification of the compact to the appropriate congressional committees, including a detailed summary of the compact and a copy of the text of the compact
 - Reference: 22 U.S.C. § 7709(b)(1)
- Not later than 3 days after the date on which the Chief Executive Officer suspends or terminates assistance for a country or entity, or reinstates assistance for a country or entity, the Chief Executive Officer shall submit to the appropriate congressional committees a report that contains the determination of the Chief Executive Officer
 - Reference: 22 U.S.C. § 7710(c)
- Not later than March 31 annually the president shall submit to Congress a report on the assistance provided through Millennium Challenge Compacts during the prior fiscal year
 - Reference: 22 U.S.C. § 7703
- The Corporation shall notify the appropriate congressional committees not less than 15 days prior to an allocation or transfer of funds to any agency of the United States government for carrying out this chapter
 - Reference: 22 U.S.C. § 7718(b)(2)

Reporting Committees: Senate Foreign Relations; Senate Appropriations; House International Relations; House Appropriations

- Reference: 22 U.S.C. § 7702

Review Commissions: None

Advisory Commissions: None

Action Require Outside Approval: None

Legislative Veto: None

Adjudication: None

Mississippi River Commission

Date of Creation: June 28, 1879

Statute: 33 U.S.C. §§ 641-653a

Sub-agency Bureaus: None

Commissioners/Board Members: The president shall, by and with the advice and consent of the Senate, appoint seven commissioners⁸⁸

- Reference: 33 U.S.C. § 642

Quorum Rules: None

Agency Specific Personnel: None

Limitation on Appointment: Three commissioners shall be selected from the Engineer Corps of the Army, one from the National Ocean Survey, and three from civil life, two of whom shall be civil engineers

- Reference: 33 U.S.C. § 642

Party Balancing: None

Fixed Terms: Yes

- Reference: 33 U.S.C. § 642

Term Length: Each commissioner appointed from civil life after November 7, 1966 shall be appointed for a term of nine years

- Reference: 33 U.S.C. § 642

Staggered Terms: None

For Cause: None

Serve President: The commissioners, except those appointed from civil life, shall remain in office subject to removal by the president

- Reference: 33 U.S.C. § 642

Continuation until Replacement: None

Acting Service Rules: None

Who is Head of Agency: The president shall designate one of the commissioners from the Engineer Corps of the Army to be president of the commission

- Reference: 33 U.S.C. § 642

OMB Review: Not specified

Independent Litigating: None

Independent Sources of Funding: None

Reporting Requirements: It shall be the duty of the commission to submit to the Secretary of the Army a detailed report of proceedings and actions, and of such plans, with estimates of the cost thereof, to be by him transmitted to Congress. Provided that the commission shall report in full upon the practicability, feasibility, and probable cost of the various plans known as the jetty system, the levee system, and the outlet system, as well as upon such others as they deem necessary

- Reference: 33 U.S.C. § 647

Reporting Committees: Not specified

Review Commissions: None

⁸⁸ All commissioners of the Mississippi River Commission will be presidential appointments not subject to Senate confirmation consistent with the Presidential Appointment Efficiency and Streamlining Act of 2011.

Advisory Commissions: None
Action Require Outside Approval: None
Legislative Veto: None
Adjudication: None

Morris K. Udall Scholarship Foundation

Date of Creation: March 19, 1992

Statute: 20 U.S.C. §§ 5601-5609

Sub-agency Bureaus: United States Institute for Environmental Conflict Resolution

Commissioners/Board Members: The Board of Trustees shall be comprised of thirteen trustees, eleven of whom shall be voting members: 9 shall be appointed by the president with the advice and consent of the Senate, the Secretary of Interior, or the Secretary's designee, the Secretary of Education, or the Secretary's designee. The President of the University of Arizona and the chairperson of the President's Council on Environmental Quality shall serve as nonvoting, ex officio members.

- Reference: 20 U.S.C. § 5603(b)

Quorum Rules: None

Agency Specific Personnel: The Foundation may appoint such personnel as may be necessary without regard to the civil service provisions governing appointments in the competitive service and fix the compensation of the personnel appointed at a rate not to exceed the maximum rate for employees in grade GS-15, except that up to 4 employees (in addition to the Executive Director) may be paid at a rate determined by the Board in accordance with senior executive pay

- Reference: 20 U.S.C. § 5608(a)(1)

Limitation on Appointment: Two trustees shall be appointed after considering the recommendation of the Speaker of the House in consultation with the minority leader of the House, two trustees shall be appointed after considering the recommendation of the president pro tempore of the Senate in consultation with the majority and minority leaders of the Senate

- Reference: 20 U.S.C. § 5603(b)(1)-(2)
- Five trustees must have shown leadership and interest in the continued use, enjoyment, education, and exploration of the nation's rich and bountiful natural resources (such as presidents of major foundations involved with the environment) or in the improvement of the health status of Native Americans and Alaska Natives and in strengthening tribal self-governance (such as tribal leaders involved in health and public policy development affecting Native American and Alaska Native communities)
 - Reference: 20 U.S.C. § 5603(b)(3)

Party Balancing: Of the five trustees appointed for the leadership and interest in environmental or Native American affairs, not more than three shall be of the same political party

- Reference: 20 U.S.C. § 5603(b)(3)

Fixed Terms: Yes

- Reference: 20 U.S.C. § 5603(c)

Term Length: The term of each member of the Board shall be six years

- Reference: 20 U.S.C. § 5603(c)

Staggered Terms: In the case of the trustees first taking offices, as designated by the president, one trustee appointed upon recommendation of the Senate and two trustees appointed for

their leadership and interest shall each serve two years; one trustee appointed pursuant upon the recommendation of the House and two trustees appointed for their leadership and interest shall each serve four years; and one trustee appointed upon the recommendation of the Senate, one trustee appointed upon the recommendation of the House, and one trustee appointed for his leadership and interest shall each serve six years

- Reference: 20 U.S.C. § 5603(A)

For Cause: None

Serve President: None

Continuation until Replacement: A trustee may serve after the expiration of the trustee's term until a successor is chosen

- Reference: 20 U.S.C. § 5603(c)(1)(C)

Acting Service Rules: None

Who is Head of Agency: Chairperson, although there are no specifics on how chairperson gets designated. Only that the Secretary of Interior and Secretary of Education, or their designates, the President of the University of Arizona, and the chairperson of the President's Council on Environmental Quality shall not be eligible to serve as chairperson

- Reference: 20 U.S.C. § 5603(b)(4)-(7)

OMB Review: None

Independent Litigating: None

Independent Sources of Funding: It shall be the duty of the Secretary of the Treasury to invest, at the direction of the Board, in full the amounts appropriated to the Morris K. Udall and Stewart L. Udall Trust Fund. Such investments shall be in public debt securities with maturities suitable to the needs of the Fund. The Foundation shall pay from the interest and earnings of the Fund such sums as the Board determines are necessary and appropriate to enable the Foundation to carry out the provisions of this chapter

- Reference: 20 U.S.C. § 5606-5607
- The Secretary of the Treasury shall invest such portion of the Environmental Dispute Resolution Fund as is not required to meet current withdrawals. Investments may be made only in interest-bearing obligations of the United States. The interest on, and proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to and form part of the Fund. A payment from an executive agency on contract to obtain the services of the Institute shall be paid into the Environmental Dispute Resolution Fund.
 - Reference: 20 U.S.C. § 5607a-5607b
- The Foundation may accept, hold, administer, and utilize gifts, both real and personal, for the purpose of aiding or facilitating the work of the Foundation
 - Reference: 20 U.S.C. § 5608(a)(4)

Reporting Requirements: None

Reporting Committees: None

Review Commissions: None

Advisory Commissions: None

Action Require Outside Approval: In a matter that involves two or more agencies or instrumentalities of the Federal government (including branches or divisions of a single agency or instrumentality), the agencies or instrumentalities of the federal government shall obtain the concurrency of the chairperson of the President's Council on

Environmental Quality before using the Foundation or Institute to provide services. The chairperson shall indicate concurrence or nonconcurrence not later than 20 days after receiving notice

- Reference: 20 U.S.C. § 5607b(c)(3)

Legislative Veto: None

Adjudication: None

National Aeronautics and Space Administration

Date of Creation: July 29, 1958

Statute: 51 U.S.C. §§ 20111-20164

Sub-agency Bureaus: None

Commissioners/Board Members: None

Quorum Rules: N/A

Agency Specific Personnel: To the extent the Administrator deems such action necessary to the discharge of the Administrator's responsibilities, the Administrator may appoint not more than 425 of the scientific, engineering, and administrative personnel of the Administration without regard to civil service laws and may fix the compensation of such personnel not in excess of the rate of basic pay payable for level III of the Executive Schedule

- Reference: 51 U.S.C. § 20113(b)(1)
- To the extent the Administrator deems such action necessary to recruit specially qualified scientific and engineering talent, the Administrator may establish the entrance grade for scientific and engineering personnel without previous service in the Federal Government at a level up to 2 grades higher than the grade provided for such personnel under the General Schedule, and fix their compensation accordingly
 - Reference: 51 U.S.C. § 20113(b)(2)

Limitation on Appointment: The Administrator and Deputy Administrator must be appointed from civilian life

- Reference: 51 U.S.C. § 20111

Party Balancing: N/A

Fixed Terms: None

Term Length: N/A

Staggered Terms: N/A

For Cause: None

Serve President: The Administrator is under the supervision and direction of the President.

- Reference: 51 U.S.C. § 20111(a)

Continuation until Replacement: None

Acting Service Rules: The Deputy Administrator shall act of, and exercise the powers of, the Administrator during the Administrator's absence of disability

- Reference: 51 U.S.C. § 20111(b)

Who is Head of Agency: The Administration shall be headed by an Administrator, who shall be appointed by the President by and with the advice and consent of the Senate

- Reference: 51 U.S.C. § 20111(a)

OMB Review: None

Independent Litigating: None

Independent Sources of Funding: In the performance of its functions, the Administration is authorized to accept unconditional gifts or donations of services, money, or property, real, personal, or mixed tangible or intangible

- Reference: 51 U.S.C. § 20113(d)
- The Administrator may enter into a lease with any person or entity with regard to any non-excess real property and related personal property under the jurisdiction of the Administration. The Administrator may utilize amounts of cash consideration received to cover the full costs to the Administration in connection with the lease. These funds shall remain available until expended
 - Reference: 51 U.S.C. § 20145

Reporting Requirements: If the Administration considers that a claim against the United States in excess of \$25,000 for bodily injury, death, or damage to or loss of real or personal property resulting from the conduct of the Administration's functions is meritorious and would otherwise be covered, the Administration should report the facts and circumstances to Congress for its consideration

- Reference: 51 U.S.C. § 20113(m)(2)
- The President shall transmit to Congress in May of each year a report which shall include a comprehensive description of the programmed activities and accomplishments of all the agencies of the United States in the field of aeronautics and space activities during the preceding fiscal year. Any such report shall contain such recommendations for additional legislation as the Administrator or president consider necessary or desirable.
 - Reference: 51 U.S.C. § 20116
- The Administration may not report to a disposal agency as excess to the needs of the Administration any land having an estimated value in excess of \$50,000 that is owned by the United States and under the jurisdiction of the Administration unless a period of 30 days has passed after the receipt by the Speaker of the House, the president of the Senate, and the appropriate congressional committees of a report by the Administrator containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such action
 - Reference: 51 U.S.C. § 20117
- No award may be made to any person for any scientific or technical contribution to the Administration which is determined by the Administrator to have significant value in the conduct of aeronautical and space activities in an amount exceeding \$100,000 unless the Administrator transmits to the appropriate committees of Congress a full and complete report concerning the amount and terms of, and the basis for, the proposed award and a period of 30 calendar days of regular session of Congress expires after receipt of the report by the committees
 - Reference: 51 U.S.C. § 20136(d)
- No prize competition may offer a prize in an amount greater than \$50 million unless 30 days have elapsed after written notice has been transmitted to the appropriate committees in Congress
 - Reference: 51 U.S.C. § 20144(i)(4)
- The Administrator shall submit an annual report each year including information that identifies and quantifies the value of the arrangements and expenditures of revenues received for lease of non-excess property
 - Reference: 51 U.S.C. § 20145(f)

Reporting Committees: Senate Commerce, Science, and Transportation; House Science and Technology

- Reference: 51 U.S.C. § 20117(1)

Review Commissions: None

Advisory Commissions: In the performance of its functions, the Administration is authorized to appoint such advisory committees as may be appropriate for the purposes of consultation and advice to the Administration

- Reference: 51 U.S.C. § 20113(g)

Action Require Outside Approval: If the Secretary of Defense concludes that any request, action, proposed action, or failure to act on the part of the Administrator is adverse to the responsibilities of the Department of Defense, and the Administrator and the Secretary of Defense are unable to reach an agreement with respect to the matter, either the Administrator or the Secretary of Defense may refer the matter to the President for a decision (which shall be final)

- Reference: 51 U.S.C. § 20114(b)
- Under regulations prescribed by the Administrator and approved by the Attorney General, employees of the Administration and of its contractors and subcontractors authorized to carry firearms may arrest without warrant for any offense against the United States committed in their presence, or for any felony cognizable under the laws of the United States if they have reasonable grounds to believe that the person to be arrested has committed or is committing such felony
 - Reference: 51 U.S.C. § 20134

Legislative Veto: The Administration may not report to a disposal agency as excess to the needs of the Administration any land having an estimated value in excess of \$50,000 that is owned by the United States and under the jurisdiction of the Administration unless a report has been transmitted to the appropriate congressional committees and each such committee before the expiration of 30 days has transmitted to the Administrator written notice to the effect that the committee has no objection to the proposed action

- Reference: 51 U.S.C. § 20117(2)

Adjudication: None

National Archives and Records Administration

Date of Creation: October 19, 1984

Statute: 44 U.S.C. §§ 2101-2120

Sub-agency Bureaus: None

Commissioners/Board Members: None

Quorum Rules: N/A

Agency Specific Personnel: The Archivist is authorized to appoint a director at each presidential archival depository without regard to civil service provisions governing appointments in the competitive service and the Senior Executive Service

- Reference: 44 U.S.C. § 2105(a)(2)

Limitation on Appointment: The Archivist shall be appointed without regard to political affiliations and solely on the basis of the professional qualifications required to perform the duties and responsibilities of the office of the Archivist

- Reference: 44 U.S.C. § 2103(a)

Party Balancing: N/A

Fixed Terms: None

Term Length: N/A

Staggered Terms: N/A

For Cause: None

Serve President: The Archivist may be removed from office by the President. The President shall communicate the reasons for such removal to each House of Congress

- Reference: 44 U.S.C. § 2103(a)

Continuation until Replacement: None

Acting Service Rules: During any absence or disability of the Archivist, the Deputy Archivist shall act as Archivist. In the event of a vacancy in the office of the Archivist, the Deputy Archivist shall act as Archivist until an Archivist is appointed

- Reference: 44 U.S.C. § 2103(c)

Who is Head of Agency: The Administration shall be administered under the supervision and direction of the Archivist. The Archivist shall be appointed by the president by and with the advice and consent of the Senate

- Reference: 44 U.S.C. § 2103(a)

OMB Review: Not specified

Independent Litigating: None

Independent Sources of Funding: Subject to restrictions, the Archivist may dispose by sale, exchange, or otherwise of papers, documents, or other materials which the Archivist determines have no permanent value or historical interest or to be surplus to the needs of a presidential archival depository

- Reference: 44 U.S.C. § 2112(c)
- When the Archivist considers it to be in the public interest, he may charge and collect reasonable fees for the privilege of visiting and viewing exhibit rooms or museum space or for the occasional, non-official use of rooms and spaces (and services related to such use) in a presidential archival depository
 - Reference: 44 U.S.C. § 2112(e)
- When the Archivist considers it to be in the public interest, the Archivist may solicit and accept gifts or bequests of money or other property for the purpose of maintaining, operating, protecting, or improving a presidential archival depository.
 - Reference: 44 U.S.C. § 2112(g)(1)
- The proceeds from gifts or bequests, together with the proceeds from fees or from sales of historical materials, copies, or reproductions, catalogs, or other items having to do with a presidential archival depository shall be paid into an account in the National Archives Trust Fund and shall be held, administered, and expended for the benefit and in the interest of the presidential archival depository in connection with which they were received
 - Reference: 44 U.S.C. § 2112(g)(1)
- The Archivist may charge a fee set to recover the costs for making or authenticating copies or reproductions of materials transferred to his custody. Such fees shall be paid into, administered, and expended as a part of the National Archives Trust Fund
 - Reference: 44 U.S.C. § 2116(c)

Reporting Requirements: The Archivist shall submit to the Congress, in January of each year and at such other times as the Archivist finds appropriate, a report concerning the administration of functions of the Archivist, the Administration, the National Historical Publications and Records Commission, and the National Archives Trust Fund

- Reference: 44 U.S.C. § 2106
- Prior to accepting or taking title to any land, facility, or equipment or prior to entering into any agreement to accept or establish a presidential archival depository, the Archivist shall submit a written report on the proposed presidential archival depository to the president of the Senate and the Speaker of the House
 - Reference: 44 U.S.C. § 2112(a)(3)
- Prior to accepting any gift for the purpose of making any physical or material change or addition to a presidential archival depository or prior to implementing any provision of law requiring the making of such a change, the Archivist shall submit a written report on the proposed change or addition to the president of the Senate and the Speaker of the House
 - Reference: 44 U.S.C. § 2112(a)(4)
- When the Archivist finds that a provision of chapters 21, 25, 29, 31, and 33 of title 44 has been or is being violated, the Archivist shall inform in writing the head of the agency concerned of the violation and make recommendations for its correction. Unless satisfactory corrective measures are inaugurated within a reasonable time, submit a written report of the matter to the president and Congress
 - Reference: 44 U.S.C. § 2115(b)
- Not later than December 31 of each year the Archivist shall submit to the appropriate committees in Congress a report on the provisions, amount, and duration of each cooperative agreement entered into during the preceding fiscal year
 - Reference: 44 U.S.C. § 2119(c)

Reporting Committees: Senate Governmental Affairs; House Oversight and Government Reform

- Reference: 44 U.S.C. § 2119(c)

Review Commissions: None

Advisory Commissions: The Archivist may establish advisory committees to provide advice with respect to any function of the Archivist or the Administration.

- Reference: 44 U.S.C. § 2104(f)

Action Require Outside Approval: When approved by the National Historical Publications and Records Commission, the Archivist may publish such historical works and collections of sources as seem appropriate for printing or otherwise recording at the public expense

- Reference: 44 U.S.C. § 2109

Legislative Veto: None

Adjudication: None

National Consumer Cooperative Bank

Date of Creation: August 20, 1978

Statute: 12 U.S.C. §§ 3001-3051

Sub-agency Bureaus: None

Commissioners/Board Members: The Bank shall be governed by a Board of Directors which shall consist of 15 members. Three members shall be appointed by and with the advice and consent of the Senate and 12 members shall be elected by the holders of class B and class C stock in accordance with statutory provisions on elections and with the bylaws of the Bank.

- Reference: 12 U.S.C. § 3013(a)-(b)

Quorum Rules: None

Agency Specific Personnel: The Bank shall have the power to approve the salary scale of officers and employees of the Bank, in accordance with regulations and standards adopted by the Board of Directors, without regard to civil service provisions relating to classification and General Schedule pay rates

- Reference: 12 U.S.C. § 3012(17)

Limitation on Appointment: The President shall appoint, by and with the advice and consent of the Senate one member who shall be selected from among proprietors of small business concerns which are manufacturers or retailers; one member who shall be selected from among the officers of the agencies and departments of the United States; and one member who shall be selected from among persons having extensive experience in the cooperative field representing low-income cooperatives eligible to borrow from the Bank

- Reference: 12 U.S.C. § 3013(b)

Party Balancing: None

Fixed Terms: Yes

- Reference: 12 U.S.C. § 3013(a)

Term Length: All members shall serve for a term of 3 years

- Reference: 12 U.S.C. § 3013(a)

Staggered Terms: None

For Cause: Any member appointed by the President may be removed for cause by the President

- Reference: 12 U.S.C. § 3013(a)

Serve President: None

Continuation until Replacement: After the expiration of the term of any member, such member may continue to serve until the successor has been elected or has been appointed and qualified

- Reference: 12 U.S.C. § 3013(a)

Acting Service Rules: None

Who is Head of Agency: The Board shall annually elect from among its members a chairman

- Reference: 12 U.S.C. § 3013(f)

OMB Review: Not specified

Independent Litigating: The Bank shall have the power to sue and be sued in its corporate name and complain and defend, in any court of competent jurisdiction, state or federal

- Reference: 12 U.S.C. § 3012(6)

Independent Sources of Funding: The Bank shall have the power to acquire, hold, lease, mortgage, or dispose of, at public or private sale, real and personal property and sell or exchange any securities or obligations and otherwise exercise all the usual incidents of ownership of property necessary or convenient to its business

- Reference: 12 U.S.C. § 3012(7)
- The Bank shall have the power to buy and sell obligations of, or insured by, the U.S. or any agency or instrumentalities thereof, or securities backed by the full faith and credit or any such instrumentality and make such investments as may be authorized by the Board of Directors
 - Reference: 12 U.S.C. § 3012(16)
- The capital stock of the Bank shall include class B and class C stock, which shall be common stock with voting rights and shall be issued only to eligible borrowers and organizations controlled by such borrowers or organizations eligible to borrow and shall be transferable only on the books of the Bank and then only to another eligible borrower

- Reference: 12 U.S.C. § 3014
- The Bank is authorized to obtain funds through the public or private sale of its bonds, debentures, notes, and other evidences of indebtedness provided that the amount of such obligations which may be outstanding at any time shall not exceed ten times the paid-in capital and surplus of the Bank
 - Reference: 12 U.S.C. § 3017(a)
- The Bank may purchase its own obligations and may provide for the sale of any such obligations through a fiscal agent or agents, by negotiation, offer, bid, syndicate sale, or otherwise deliver such obligations by book entry, wire transfer, or other such means as may be appropriate. These obligations shall not be guaranteed by the United States and shall not constitute a debt or obligation of the United States or any agency or instrumentality thereof other than the Bank
 - Reference: 12 U.S.C. § 3017(b)-(c)
- The Bank may impose a charge for any guarantee of any part of the principal or interest of any loan made by any state or federally chartered lending institution to any borrower if such loan is to an organization that would be an eligible borrower which would be permissible terms and conditions for such a direct loan
 - Reference: 12 U.S.C. § 3018(c)
- The Office of Self-Help Development and Technical Assistance may make technical assistance services available for such fees as it may establish. Any fees collected shall be account for separately and be available for expenses of the Office
 - Reference: 12 U.S.C. § 3050

Reporting Requirements: The Board of the Bank shall report annually to the appropriate committees of the Congress on the Bank’s capital, operations, and financial condition and make recommendations for legislation needed to improve its services

- Reference: 12 U.S.C. § 3021

Reporting Committees: Not specified

Review Commissions: None

Advisory Commissions: None

Action Require Outside Approval: None

Legislative Veto: None

Adjudication: None

National Council on Disability

Date of Creation: November 6, 1978

Statute: 29 U.S.C. §§ 780-787

Sub-agency Bureaus: None

Commissioners/Board Members: 15 members appointed by the president, by and with the advice and consent of the Senate⁸⁹

- Reference: 29 U.S.C. § 780(a)(1)(A)

Quorum Rules: Eight members of the National Council shall constitute a quorum and any vacancy in the National Council shall not affect its power to function

⁸⁹ All members of the National Council on Disability (including the Chairperson) will be presidential appointments not subject to Senate confirmation consistent with the Presidential Appointment Efficiency and Streamlining Act of 2011.

- Reference: 29 U.S.C. § 780(d)

Agency Specific Personnel: None

Limitation on Appointment: The members of the National Council shall be individuals with disabilities, parents or guardians of individuals with disabilities, or other individuals who have substantial knowledge or experience relating to disability policy or programs. Members of the National Council shall be appointed so as to be representative of individuals with disabilities, national organizations concerned with individuals with disabilities, providers and administrators of services to individuals with disabilities, individuals engaged in conducting medical or scientific research relating to individuals with disabilities, business concerns, and labor organizations. A majority of members of the National Council shall be individuals with disabilities. The members of the National Council shall be broadly representative of minority and other individuals and groups

- Reference: 29 U.S.C. § 780(a)(1)(C)

Party Balancing: None

Fixed Terms: Yes

- Reference: 29 U.S.C. § 780(b)(1)

Term Length: Each member of the National Council shall serve for a term of three years

- Reference: 29 U.S.C. § 780(b)(1)

Staggered Terms: The terms of service of the members initially appointed after November 6, 1978 shall be (as specified by the president) for such fewer number of years as will provide for the expiration of terms on a staggered basis

- Reference: 29 U.S.C. § 780(b)(1)

For Cause: None

Serve President: None

Continuation until Replacement: Members may serve after the expiration of their terms until their successors have taken office

- Reference: 29 U.S.C. § 780(b)(2)(A)

Acting Service Rules: None

Who is Head of Agency: President shall designate the Chairperson from among the members appointed to the National Council

- Reference: 29 U.S.C. § 780(c)

OMB Review: None

Independent Litigating: None

Independent Sources of Funding: National Council may in the name of the Council, solicit, accept, employ, and dispose of, in furtherance of this chapter, any money or property, real or personal, or mixed, tangible or nontangible, received by gift, devise, bequest, or otherwise

- Reference: 29 U.S.C. § 783(b)(2)
- It shall be the duty of the Secretary of Treasury to invest such portion of the amounts made available and the interest on and proceeds from the sale or redemption of these obligations shall be available to the National Council to carry out this subchapter
 - Reference: 29 U.S.C. § 783(d)

Reporting Requirements: National Council shall prepare and submit to the president and the appropriate committees of the Congress an annual report entitled: “National Disability Policy: A Progress Report.”

- Reference: 29 U.S.C. § 781(b)

Reporting Committees: Senate Labor and Human Resources; House Education and Workforce

- Reference: 29 U.S.C. § 781(c)(3)

Review Commissions: None

Advisory Commissions: National Council may appoint advisory committees to assist the National Council in carrying out its duties

- Reference: 29 U.S.C. § 784(c)

Action Require Outside Approval: None

Legislative Veto: None

Adjudication (e.g.): The National Council may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as it deems advisable

- Reference: 29 U.S.C. § 784(b)

National Credit Union Administration

Date of Creation: March 10, 1970 (became independent agency)

Statute: 12 U.S.C. §§ 1751-1795k

Sub-agency Bureaus: National Credit Union Administration Central Liquidity Facility

Commissioners/Board Members: The Board shall consist of three members who are broadly representative of the public interest, appointed by the president, by and with the advice and consent of the Senate

- Reference: 12 U.S.C. § 1752a(b)(1)

Quorum Rules: A majority of the Board shall constitute a quorum

- Reference: 12 U.S.C. § 1752a(d)

Agency Specific Personnel: The Board shall fix the compensation and number of, and appoint and direct, employees of the Board. Rates of basic pay for employees of the Board may be set and adjusted by the Board without regard to civil service provisions

- Reference: 12 U.S.C. § 1766(j)(1)

Limitation on Appointment: The President shall give consideration to individuals who, by virtue of their education, training, or experience relating to a broad range of financial services, financial services regulation, or financial policy, are especially qualified to serve on the Board

- Reference: 12 U.S.C. § 1752a(b)(2)(A)

- Not more than one member of the Board may be appointed to the Board from among individuals who, at the time of appointment, are or have recently been involved with any insured credit union as a committee member, director, officer, employee or other institution-affiliated party

- Reference: 12 U.S.C. § 1752a(b)(2)(B)

Party Balancing: Not more than two members of the Board shall be members of the same political party

- Reference: 12 U.S.C. § 1752a(b)(1)

Fixed Terms: Yes

- Reference: 12 U.S.C. § 1752a(c)

Term Length: The term of office of each member of the Board shall be six years

- Reference: 12 U.S.C. § 1752a(c)

Staggered Terms: The term of the two members, other than the Chairman, initially appointed shall expire one upon the expiration of two years after the date of appointment and the other upon the expiration of four years after the date of appointment

- Reference: 12 U.S.C. § 1752a(c)

For Cause: None

Serve President: None

Continuation until Replacement: Any Board member may continue to serve as such after the expiration of said member's term until a successor has qualified

- Reference: 12 U.S.C. § 1752a(c)

Acting Service Rules: None

Who is Head of Agency: In appointing the members of the Board, the President shall designate the Chairman

- Reference: 12 U.S.C. § 1752a(b)(1)

OMB Review: None

Independent Litigating: In carrying out the purposes of this subchapter, the Board may sue and be sued, complain and defend, in any court of law or equity, state or federal⁹⁰

- Reference: 12 U.S.C. § 1789(a)(2)

Independent Sources of Funding: In accordance with rules prescribed by the Board, each Federal credit union shall pay to the Administration an annual operating fee which may be composed of one or more charges identified as to the function or functions for which assessed. All operating fees shall be deposited with the Treasurer of the United States for the account of the Administration and may be expended by the Board to defray the expenses incurred in carrying out the provisions of this chapter, including the examination and supervision of Federal credit unions

- Reference: 12 U.S.C. § 1755
- Upon request of the Board, the Secretary of the Treasury shall invest and reinvest such portions of the annual operating fees deposited as the Board determines are not needed for current operations. All income derived from such investments and reinvestments shall be deposited into the account of the Administration
 - Reference: 12 U.S.C. § 1755(e)
- The Board is authorized in carrying out its functions to acquire and dispose of, by lease or purchase, real or personal property, without regard to the provisions of any other law applicable to executive or independent agencies of the United States as it may deem necessary or appropriate to carry out the provisions of the chapter
 - Reference: 12 U.S.C. § 1766(i)(2)
- The salaries and expenses of the Board and employees of the Board shall be paid from fees and assessments (including income earned on insurance deposits) levied on insured credit unions
 - Reference: 12 U.S.C. § 1766(j)(3)
- The Board is authorized to accept gifts of money made unconditionally by will or otherwise for the carrying out of any of its functions. Any such gift shall be deposited in the Treasury for the account of the Administration and may be expended
 - Reference: 12 U.S.C. § 1772a
- There is hereby created in the Treasury a National Credit Union Share Insurance Fund which shall be used by the Board as a revolving fund for carrying out the purposes of this subchapter. All deposits and premium charges for insurance paid and all fees for

⁹⁰ Breger and Edles, *supra* note 4, state that the NCUA engages in litigation without the DOJ only when the Administration acts in its role as a liquidating agent or conservator. The authors do not provide a source citation.

examinations and all penalties collected by the Board under this subchapter shall be deposited in the National Credit Union Share Insurance Fund

- Reference: 12 U.S.C. § 1783(b)
- The Board may authorize the Secretary of the Treasury to invest and reinvest such portions of the National Credit Union Share Insurance Fund as the Board may determine are not needed for current operations in any interest-bearing securities of the United States or in any securities guaranteed as to both principal and interest by the United States or in bonds or other obligations which are lawful investments for fiduciary, trust, and public funds of the United States, and the income therefore shall constitute a part of the fund
 - Reference: 12 U.S.C. § 1783(c)
- There is created in the Treasury a fund to be known as the Temporary Corporate Credit Union Stabilization Fund. Money in the Stabilization Fund shall be available upon requisition by the Board, without fiscal year limitation for making payments of insurance, for providing assistance and making expenditures in connection with the liquidation or threatened liquidation of insured credit unions. The Board may request the Secretary of the Treasury to invest such portion of the Stabilization Fund as is not, in the Board's judgment, required to meet the current needs of the Stabilization Fund
 - Reference: 12 U.S.C. § 1790(e)-(f)

Reporting Requirements: Not later than April 1 of each calendar year, and at such other times as the Congress shall determine, the Board shall make a report to the President and to Congress

- Reference: 12 U.S.C. § 1752a(d)
- The Board shall report annually to the appropriate committees in Congress with respect to the operating level of the National Credit Union Share Insurance Fund
 - Reference: 12 U.S.C. § 1783(b)
- A written report shall be made part of a determination not to hold a public hearing with respect to any notice of charges issued by the Board or not to publish a document after a determination that publications would be contrary to the public interest. At the end of each calendar quarter, all such reports shall be transmitted to the Congress
 - Reference: 12 U.S.C. § 1786(s)(3)
- Prior to authorizing all payments other than administrative payments related to the liquidation or threatened liquidation of insured credit unions the Board shall certify that, absent the existence of the Stabilization Fund, the Board would have made the identical payment out of the National Credit Union Share Insurance Fund and report such certification to the appropriate congressional committees
 - Reference: 12 U.S.C. § 1790e(b)
- The Board shall submit an annual report to Congress on the financial condition and the results of the operation of the Stabilization Fund. The report is due to Congress within 30 days after each anniversary of the first advance.

Reporting Committees: Senate Banking, Housing, and Urban Affairs; House Financial Services

- Reference: See, e.g., 12 U.S.C. §§ 1783(b), 1790e(b)

Review Commissions: None

Advisory Commissions: None

Action Require Outside Approval: None

Legislative Veto: None

Adjudication (e.g.): In connection with examinations of insured credit unions, or with other types of investigations to determine compliance with applicable law and regulations, the Board, or its designated representatives, shall have power to administer oaths and affirmations, to examine and take and preserve testimony under oath as to any matter in respect of the affairs of any such credit union and to issue subpoenas and subpoenas duces tecum and to exercise other such powers for the enforcement of the title

- Reference: 12 U.S.C. § 1784(b)
- In upon the record made at any hearing determining whether any insured credit union is engaging or has engaged in unsafe or unsound practices in conducting the business of such credit union, the Board shall find that any unsafe or unsound practice or condition or violation specified in the notice has been established and has not been corrected within the time above-prescribed in which to make such correction, the Board may issue and serve upon the credit union an order terminating its status as an insured credit union on a date subsequent to the date of such finding and subsequent to the expiration of the time specified in the notice
 - Reference: 12 U.S.C. § 1786(b)

National Endowment for the Arts

Date of Creation: September 29, 1965

Statute: 20 U.S.C. §§ 953-955b; 958-960

Sub-agency Bureaus: None

Commissioners/Board Members: None

Quorum Rules: N/A

Agency Specific Personnel: None

Limitation on Appointment: None

Party Balancing: N/A

Fixed Terms: Yes

- Reference: 20 U.S.C. § 954(b)(2)

Term Length: The term of office of the Chairperson shall be four years

- Reference: 20 U.S.C. § 954(b)(2)

Staggered Terms: N/A

For Cause: None

Serve President: None

Continuation until Replacement: Upon the expiration of the Chairperson's term of office, the Chairperson shall serve until the Chairperson's successor shall have been appointed and shall have qualified

- Reference: 20 U.S.C. § 954(b)(2)

Acting Service Rules: None

Who is Head of Agency: The Endowment shall be headed by a chairperson, to be known as the Chairperson of the National Endowment for the Arts, who shall be appointed by the president, by and with the advice and consent of the Senate

- Reference: 20 U.S.C. § 954(b)(1)

OMB Review: Not specified

Independent Litigating: None

Independent Sources of Funding: In the discretion of the Chairperson, after receiving the recommendation of the National Council of that Endowment, to receive money and other

property donated, bequeathed, or devised to that Endowment with or without a condition or restriction, except that a Chairperson may receive a gift without recommendation from the Council to provide support for any application or project which can be approved, and may receive a gift of \$15,000 or less without Council recommendation and otherwise dispose of such property

- Reference: 20 U.S.C. § 959(a)(2)

- The National Endowment for the Arts on and after August 2, 2005 is authorized to solicit, accept, receive, and invest in the name of the United States gifts, bequests, or devises of money and other property or services in furtherance of the functions of the National Endowment. The Chairperson shall enter the proceeds in a special interest-bearing account to the credit of the endowment

- Reference: 20 U.S.C. § 959a

Reporting Requirements: Publications may be supported without regard to requirements to print at the GPO only if the Chairperson submits to the appropriate congressional committees a report justifying any exemption from such section

- Reference: 20 U.S.C. § 954(c)

- A state of the arts report shall be submitted to the president and the Congress, and provided to the states, not later than October 1, 1992 and quadrennially thereafter

- Reference: 20 U.S.C. § 954(q)

- The Chairman shall submit an annual report to the president for transmittal to the Congress on or before the 15th day of April of each year.

- Reference: 20 U.S.C. § 959(d)

Reporting Committees: Senate Labor and Human Resources; House Education and Labor

- Reference: 20 U.S.C. § 954(c)

Review Commissions: There shall be a National Council on the Arts which shall advise the Chairperson of the NEA with respect to policies, programs, and procedures for carrying out the Chairperson's functions, duties, or responsibilities. The Chairperson shall have final authority to approve each application, except that the Chairperson may only provide to an applicant the amount of financial assistance recommended by the Council and may not approve an application with respect to which the Council makes a negative recommendation

- Reference: 20 U.S.C. § 955

Advisory Commissions: There is established within the National Foundation on the Arts and Humanities a Federal Council on the Arts and Humanities which shall advise and consult with the Chairperson of the National Endowment of the Arts and the Chairperson of the National Endowment for the Humanities on major problems arising in carrying out the purposes of the Foundation

- Reference: 20 U.S.C. § 958(c)

- The Chairperson of the National Endowment for the Arts shall utilize advisory panels to review applications and to make recommendations to the National Council on the Arts

- Reference: 20 U.S.C. § 959(c)

Action Require Outside Approval: The Chairperson shall have final authority to approve each application, except that the Chairperson may only provide to an applicant the amount of financial assistance recommended by the Council and may not approve an application with respect to which the Council makes a negative recommendation

- Reference: 20 U.S.C. § 955(f)

Legislative Veto: None
Adjudication: None

National Endowment for the Humanities

Date of Creation: September 29, 1965

Statute: 20 U.S.C. §§ 953; 956-960

Sub-agency Bureaus: None

Commissioners/Board Members: None

Quorum Rules: N/A

Agency Specific Personnel: None

Limitation on Appointment: None

Party Balancing: N/A

Fixed Terms: Yes

- Reference: 20 U.S.C. § 956(b)(2)

Term Length: The term of office of the Chairperson shall be four years

- Reference: 20 U.S.C. § 956(b)(2)

Staggered Terms: N/A

For Cause: None

Serve President: None

Continuation until Replacement: Upon the expiration of the Chairperson's term of office the Chairperson shall serve until the Chairperson's successor shall have been appointed and shall have qualified

- Reference: 20 U.S.C. § 956(b)(2)

Acting Service Rules: None

Who is Head of Agency: The Endowment shall be headed by a chairperson, who shall be appointed by the president by and with the advice and consent of the Senate

- Reference: 20 U.S.C. § 956(b)(1)

OMB Review: Not specified

Independent Litigating: None

Independent Sources of Funding: In the discretion of the Chairperson, after receiving the recommendation of the National Council of that Endowment, to receive money and other property donated, bequeathed, or devised to that Endowment with or without a condition or restriction, except that a Chairperson may receive a gift without recommendation from the Council to provide support for any application or project which can be approved, and may receive a gift of \$15,000 or less without Council recommendation and otherwise dispose of such property

- Reference: 20 U.S.C. § 959(a)(2)
- The National Endowment for the Humanities on and after August 2, 2005 is authorized to solicit, accept, receive, and invest in the name of the United States gifts, bequests, or devises of money and other property or services in furtherance of the functions of the National Endowment. The Chairperson shall enter the proceeds in a special interest-bearing account to the credit of the endowment
 - Reference: 20 U.S.C. § 959a

Reporting Requirements: Publications may be supported without regard to requirements to print at the GPO only if the Chairperson submits to the appropriate congressional committees a report justifying any exemption

- Reference: 20 U.S.C. § 956(c)
- The state of the humanities report shall be submitted to the president and the Congress, and provided the states, not later than October 1, 1992, and quadrennially thereafter
 - Reference: 20 U.S.C. § 956(k)
- The Chairman shall submit an annual report to the president for transmittal to the Congress on or before the 15th day of April of each year.
 - Reference: 20 U.S.C. § 959(d)

Reporting Committees: Senate Labor and Human Resources; House Education and Labor

- Reference: 20 U.S.C. § 956(c)

Review Commissions: None

Advisory Commissions: There is a National Council on the Humanities which shall advise the Chairperson with respect to policies, programs, and procedures for carrying out the Chairperson's functions.

- Reference: 20 U.S.C. § 957
- There is established within the National Foundation on the Arts and Humanities a Federal Council on the Arts and Humanities which shall advise and consult with the Chairperson of the National Endowment of the Arts and the Chairperson of the National Endowment for the Humanities on major problems arising in carrying out the purposes of the Foundation
 - Reference: 20 U.S.C. § 958(c)

Action Require Outside Approval: None

Legislative Veto: None

Adjudication: None

National Indian Gaming Commission (Department of the Interior)

Date of Creation: October 17, 1988

Statute: 25 U.S.C. §§ 2701-2721

Sub-agency Bureaus: None

Commissioners/Board Members: The Commission shall be composed of three full-time members who shall be appointed as follows: a chairman who shall be appointed by the president with the advice and consent of the Senate, and two associate members who shall be appointed by the Secretary of the Interior

- Reference: 25 U.S.C. § 2704(b)(1)

Quorum Rules: Two members of the Commission, at least one of which is the Chairman or Vice Chairman, shall constitute a quorum.

- Reference: 25 U.S.C. § 2704(d)

Agency Specific Personnel: The Chairman shall appoint and supervise other staff of the Commission without regard to the civil service provisions governing appointments in the competitive service. Such staff shall be paid without regard to provisions relating to classification and General Schedule pay rates, except that no individual so appointed may receive pay in excess of the annual rate of basic pay payable for GS-17 of the General Schedule

- Reference: 25 U.S.C. § 2707(b)

Limitation on Appointment: At least two members of the Commission shall be enrolled members of any Indian tribe

- Reference: 25 U.S.C. § 2704(b)(3)

- No individual shall be eligible for any appointment to, or to continue service on, the Commission who has been convicted of a felony or gaming offense, has any financial interest in or management responsibility for any gaming activity or has a financial interest in or management responsibility for any management contract
 - Reference: 25 U.S.C. § 2704(b)(5)

Party Balancing: No more than two members of the Commission shall be of the same political party

- Reference: 25 U.S.C. § 2704(b)(3)

Fixed Terms: Yes

- Reference: 25 U.S.C. § 2704(b)(4)(A)

Term Length: The term of office of the members of the Commission shall be three years

- Reference: 25 U.S.C. § 2704(b)(4)(A)

Staggered Terms: Of the initial members of the Commission, two members, including the Chairman, shall have a term of office of three years and one member shall have a term of office of one year

- Reference: 25 U.S.C. § 2704(b)(4)(B)

For Cause: A Commissioner may only be removed from office before the expiration of the term of office of the member by the president (or, in the case of associate member, by the Secretary) for neglect of duty, or malfeasance in office, or for other good cause shown

- Reference: 25 U.S.C. § 2704(b)(6)

Serve President: None

Continuation until Replacement: A member may serve after the expiration of his term of office until his successor has been appointed, unless the member has been removed for cause

- Reference: 25 U.S.C. § 2704(c)

Acting Service Rules: The Vice Chairman shall serve as Chairman during meetings of the Commission in the absence of the Chairman

- Reference: 25 U.S.C. § 2704(e)

Who is Head of Agency: The Chairman shall be appointed by the president with the advice and consent of the Senate

- Reference: 25 U.S.C. § 2704(b)(1)(A)

OMB Review: Not specified

Independent Litigating: None

Independent Sources of Funding: In fiscal year 1990 and thereafter, fees collected annually from each gaming operation that conducts a class II or class III gaming activity that is regulated by the Commission shall be available to carry out the duties of the Commission, to remain available until expended

- Reference: 25 U.S.C. § 2717-2717a

Reporting Requirements: None

Reporting Committees: Not specified

Review Commissions: None

Advisory Commissions: None

Action Require Outside Approval: None

Legislative Veto: None

National Institute of Building Sciences

Date of Creation: August 22, 1974

Statute: 12 U.S.C. § 1701j-2

Sub-agency Bureaus: Advanced Building Technology Council

Commissioners/Board Members: The Institute shall have a Board of Directors consisting of not less than 15 nor more than 21 members, appointed by the President of the United States by and with the advice and consent of the Senate

- Reference: 12 U.S.C. § 1701j-2(c)(1)

Quorum Rules: None

Agency Specific Personnel: Because the Institute is nongovernmental, the Institute's personnel do not fall under civil service provisions

- Reference: *See* 12 U.S.C. § 1701j-2(b)(1)

Limitation on Appointment: The Board shall be representative of the various segments of the building community, of the various regions of the country, and of the consumers who are or would be affected by actions taken in the exercise of the functions and responsibilities of the Institute and shall include representatives of the construction industry, including representatives of construction labor organizations, producers, manufacturers, and builders, housing management experts, and experts in building standards, codes, and fire safety and members representative of the public interest in such numbers as may be necessary to assure that a majority of the members of the Board represent the public interest and that there is adequate consideration by the Institute of consumer interests in the exercise of its functions and responsibilities. Those representing the public interest on the Board shall include architects, professional engineers, officials of Federal, State, and local agencies, and representatives of consumer organizations. Such members of the Board shall not hold a financial interest or membership in, nor be employed by, or receive other compensation from, any company, association, or other group associated with the manufacture, distribution, installation, or maintenance of specialized building products, equipment, systems, subsystems, or other construction materials and techniques for which there are available substitutes

- Reference: 12 U.S.C. § 1701j-2(c)(1)

Party Balancing: None

Fixed Terms: Yes

- Reference: 12 U.S.C. § 1701j-2(c)(3)

Term Length: The term of office of each member of the initial and succeeding Boards shall be 3 years

- Reference: 12 U.S.C. § 1701j-2(c)(3)

Staggered Terms: The terms of office of members first taking office shall begin on the date of incorporation and shall expire, as designated at the time of their appointment, one-third at the end of one year, one-third at the end of two years, and one-third at the end of three years.

- Reference: 12 U.S.C. § 1701j-2(c)(3)(B)

For Cause: None

Serve President: None

Continuation until Replacement: A member whose term has expired may serve until his successor has qualified

- Reference: 12 U.S.C. § 1701j-2(c)(3)

Acting Service Rules: None

Who is Head of Agency: The members of the initial and succeeding Boards shall annually elect one of their number as Chairman

- Reference: 12 U.S.C. § 1701j-2(c)(5)

OMB Review: Not specified

Independent Litigating: None

Independent Sources of Funding: The Institute may, in accordance with rates and schedules established with guidance from the Academies-Research Council, establish fees and other charges for services provided by the Institute or under its authorization. Amounts received by the Institute under this section shall be in addition to any amount which may be appropriated to provide its initial operating capital.

- Reference: 12 U.S.C. § 1701j-2(f)(2)-(3)

Reporting Requirements: The Institute shall submit an annual report for the preceding fiscal year to the President for transmittal to the Congress within sixty days of its receipt.

- Reference: 12 U.S.C. § 1701j-2(j)

Reporting Committees: Not specified

Review Commissions: None

Advisory Commissions: The Academies-Research Council, along with other agencies and organizations which are knowledgeable in the field of building technology, shall advise and assist in the establishment of the Institute, the development of its organizational framework, and the promulgation of appropriate organizational rules and procedures.

- Reference: 12 U.S.C. § 1701j-2(b)(2)
- The Institute shall establish, with the advice and assistance of the Academies-Research Council and other agencies and organizations which are knowledgeable in the field of building technology, a Consultative Council, membership in which shall be available to representatives of all appropriate private trade, professional, and labor organizations, private and public standards, code, and testing bodies, public regulatory agencies, and consumer groups so as to insure a direct line of communication between such groups and the Institute and a vehicle for representative hearings on matters before the Institute

- Reference: 12 U.S.C. § 1701j-2(c)(8)

Action Require Outside Approval: None

Legislative Veto: None

Adjudication: None

National Labor Relations Board

Date of Creation: July 5, 1935

Statute: 29 U.S.C. §§ 151-169

Sub-agency Bureaus: None

Commissioners/Board Members: The Board shall consist of five members appointed by the President by and with the advice and consent of the Senate

- Reference: 29 U.S.C. § 153(a)

Quorum Rules: Three members of the Board shall, at all times, constitute a quorum of the Board except that two members shall constitute a quorum of any group of three or more members delegated powers from the Board.

- Reference: 29 U.S.C. § 153(b)

Agency Specific Personnel: None

Limitation on Appointment: None

Party Balancing: None⁹¹

Fixed Terms: Yes

- Reference: 29 U.S.C. § 153(a)

Term Length: Members shall be appointed for terms of five years each

- Reference: 29 U.S.C. § 153(a)

Staggered Terms: Of the two additional members so provided for, one shall be appointed for a term of five years and the other for a term of two years. Their successors, and the successors of the original members, shall be appointed for terms of five years

- Reference: 29 U.S.C. § 153(a)

For Cause: Any member of the Board may be removed by the President, upon notice and hearing, for neglect of duty or malfeasance in office, but for no other cause

- Reference: 29 U.S.C. § 153(a)

Serve President: None

Continuation until Replacement: None

Acting Service Rules: In case of a vacancy in the office of General Counsel the President is authorized to designate the officer or employee who will act as General Counsel during such vacancy, but no person or persons so designated shall so act for more than 40 days when the Congress is in session unless a nomination to fill such vacancy shall have been submitted to the Senate or after the adjournment sine die of the session of the Senate in which such nomination was submitted

- Reference: 29 U.S.C. § 153(d)

Who is Head of Agency: The President shall designate one member to serve as Chairman of the Board

- Reference: 29 U.S.C. § 153(a)

OMB Review: Not specified

Independent Litigating: The Board shall have power to petition any court of appeals of the United States, or if all the courts of appeals to which application may be made are in vacation, any district court of the United States, within any circuit or district, respectively, wherein the unfair labor practice in question occurred or wherein such person resides or transacts business for the enforcement of such order and for appropriate temporary relief or restraining order and shall file in the court the record of proceedings. The decision shall be subject to review by the appropriate US court of appeals if application was made to the district court and by the Supreme Court upon grant of cert.

- Reference: 29 U.S.C. § 160(e)
- Any person aggrieved by a final order of the Board may obtain review of such order in any United State's court of appeals in the circuit wherein the unfair labor practice in question was alleged to have been engaged in or wherein such person resides or transacts business, or in the US Court of Appeals for the District of Columbia. Upon the filing of such petition, the court shall provide in the same manner as the case of an application by the Board above
 - Reference: 29 U.S.C. § 160(f)

Independent Sources of Funding: None

⁹¹ While the statute does not require political balance, by tradition no more than three members are from the same party. See Henry B. Hogue, Maureen Bearden & Terrence L. Lisbeth, Cong. Research Serv., RL30959, Presidential Appointee Positions Requiring Senate Confirmation and Committees Handling Nominations (2008).

Reporting Requirements: The Board shall at the close of each fiscal year make a report in writing to Congress and to the President summarizing significant case activities and operations for that fiscal year

- Reference: 29 U.S.C. § 153(c)

Reporting Committees: Not specified

Review Commissions: None

Advisory Commissions: None

Action Require Outside Approval: None

Legislative Veto: None

Adjudication (e.g.): Whenever it is charged that any person has engaged in or is engaging in any such unfair labor practice, the Board, or any agent or agency designated by the Board for such purposes shall have the power to issue and cause to be served upon such person a complain stating the charges in that respect, and containing a notice of hearing before the Board or a member thereof not less than five days after the serving of said complaint. . .In the discretion of the member, agent, or agency conducting the hearing or the Board, any other person may be allowed to intervene in said proceeding and to present testimony. Any such proceeding shall, so far as practicable, be conducted in accordance with the rules of evidence applicable in district courts of the United States under the rules of civil procedure

- Reference: 12 U.S.C. § 160(b)
- The testimony taken by such member, agent, or agency or the Board shall be reduced to writing and filed with the Board. Thereafter, in its discretion, the Board upon notice may take further testimony to hear argument. If upon the preponderance of the testimony taken the Board shall be of the opinion that any person named in the complaint has engaged in or is engaging in any such unfair labor practice, then the Board shall state its findings of fact and shall issue and cause to be served on such person an order requiring such person to cease and desist from such unfair labor practice and to take such affirmative action including reinstatement of employees with or without back pay.
 - Reference: 12 U.S.C. § 160(c)

National Mediation Board

Date of Creation: July 1, 1934

Statute: 45 U.S.C. §§ 151-165; 181-188

Sub-agency Bureaus: National Air Transport Adjustment Board; National Railroad Adjustment Board

Commissioners/Board Members: Three members appointed by the president, by and with the advice and consent of the Senate

- Reference: 45 U.S.C. § 154

Quorum Rules: Two members in office shall constitute a quorum for the transaction of the business of the board

- Reference: 45 U.S.C. § 154

Agency Specific Personnel: None

Limitation on Appointment: No person in the employment of or who is pecuniary or otherwise interested in any organization of employees or any carrier shall enter upon the duties of or continue to be a member of the Board

- Reference: 45 U.S.C. § 154

Party Balancing: No more than two of the board members may be of the same party⁹²

- Reference: 45 U.S.C. § 154

Fixed Terms: Yes

- Reference: 45 U.S.C. § 154

Term Length: Terms of office of all successors shall expire three years after the expiration of the terms for which their predecessors were appointed

- Reference: 45 U.S.C. § 154

Staggered Terms: None

For Cause: A member of the Board may be removed by the President for inefficiency, neglect of duty, malfeasance in office, or ineligibility, but for no other cause

- Reference: 45 U.S.C. § 154

Serve President: None

Continuation until Replacement: Upon the expiration of his term of office a member shall continue to serve until his successor is appointed and shall have qualified

- Reference: 45 U.S.C. § 154

Acting Service Rules: None

Who is Head of Agency: Mediation Board shall annually designate a member to act as chairman

- Reference: 45 U.S.C. § 154

OMB Review: Not specified

Independent Litigating: None

Independent Sources of Funding: None

Reporting Requirements: Board shall make an annual report to Congress

- Reference: 45 U.S.C. § 154

Reporting Committees: Senate Commerce, Science, and Transportation; Senate Health, Education, Labor, and Pensions; House Transportation and Infrastructure

- Reference: 45 U.S.C. § 165(c)

Review Commissions: None

Advisory Commissions: None

Action Require Outside Approval: None

Legislative Veto: None

Adjudication: None

National Railroad Passenger Corporation

Date of Creation: October 30, 1970

Statute: 49 U.S.C. §§ 24301-24316

Sub-agency Bureaus: None

Commissioners/Board Members: The Amtrak Board of Directors is composed of 9 directors as follows: the Secretary of Transportation, the president of Amtrak, and 7 individuals appointed by the president, by and with the advice and consent of the Senate. The President is named and appointed by the Board of Directors and serves at the pleasure of the Board.

- Reference: 49 U.S.C. §§ 24302(a)(1); 24303(a)

⁹² Datla and Revesz categorize the National Mediation Board has not having a partisan balance requirement but do not provide a source citation for this decision. Datla and Revesz, *supra* note 4, at Table 4.

Quorum Rules: A majority of the members serving shall constitute a quorum for doing business

- Reference: 49 U.S.C. § 24302(e)

Agency Specific Personnel: The Board may fix the pay of the officers of Amtrak. An officer may not be paid more than the general level of pay for officers of rail carriers with comparable responsibility

- Reference: 49 U.S.C. § 24303(b)

Limitation on Appointment: The 7 PAS members shall have general business and financial experience, experience or qualifications in transportation, freight and passenger rail transportation, travel, hospitality, cruise line, or passenger air transportation business, or representatives of employees or users of passenger rail transportation or a state government

- Reference: 49 U.S.C. § 24302(a)(1)(C)
- In selecting the PAS members for nomination for appointments to the Board, the president shall consult with the Speaker of the House of Representatives, the minority leader of the House of Representatives, the majority leader of the Senate, and the minority leader of the Senate
 - Reference: 49 U.S.C. § 24302(a)(2)
- In selecting the PAS members for nomination for appointments to the Board, the president shall try to provide adequate and balanced representation of the major geographic regions of the United States served by Amtrak
 - Reference: 49 U.S.C. § 24302(a)(2)
- The president of Amtrak must be a citizen of the United States
 - Reference: 49 U.S.C. § 24303(a)
- When employed by Amtrak, an officer may not have a financial or employment relationship with another rail carrier, except that holding securities issued by a rail carrier is not deemed to be a violation if the officer holding the securities makes a complete public disclosure of the holdings and does not participate in any decision directly affecting the rail carrier
 - Reference: 49 U.S.C. § 24303(c)

Party Balancing: No more than 5 PAS members may be of the same political party

- Reference: 49 U.S.C. § 24302(a)(3)

Fixed Terms: Yes

- Reference: 49 U.S.C. § 24302(a)(3)

Term Length: The PAS members of the Board shall be appointed for a term of 5 years

- Reference: 49 U.S.C. § 24302(a)(3)

Staggered Terms: None

For Cause: None

Serve President: None

Continuation until Replacement: A PAS member's term may be extended until the individual's successor is appointed and qualified

- Reference: 49 U.S.C. § 24302(a)(3)

Acting Service Rules: The vice chairman shall serve as chairman in the absence of the chairman

- Reference: 49 U.S.C. § 24302(a)(4)

Who is Head of Agency: The Board shall elect a chairman, other than the President, from among its membership

- Reference: 49 U.S.C. § 24302(a)(4)

OMB Review: Not specified

Independent Litigating: None

Independent Sources of Funding: Amtrak shall be operated and managed as a for-profit corporation

- Reference: 49 U.S.C. § 24301(a)
- Amtrak is authorized to issue stock pursuant to applicable corporate law
 - Reference: See 49 U.S.C. § 24304
- Amtrak may establish through routes and joint fares with any domestic or international motor carrier, air carrier, or water carrier.
 - Reference: 49 U.S.C. § 24305(d)
- Amtrak shall take necessary action to increase its revenue from transportation of mail and express. To increase its revenues, Amtrak may provide auto-ferry transportation as part of the basic passenger transportation authorized
 - Reference: 49 U.S.C. § 24306

Reporting Requirements: Not later than 60 days after the end of each fiscal year, the Board shall submit a report describing all travel and business travel expenses paid to each director when performing Board duties to the appropriate committees of Congress

- Reference: 49 U.S.C. § 24302(c)(2)
- Not later than February 15 of each year, Amtrak shall submit to Congress a report that includes information on each route on which Amtrak provided intercity rail passenger transportation during the prior fiscal year, provides relevant information about a decision to pay an officer of Amtrak more than the rate for level I of the Executive Schedule and specifies significant operational problems that Amtrak identifies and proposals by Amtrak to solve these problems
 - Reference: 49 U.S.C. § 24315(a)
- Not later than February 15 of each year, Amtrak shall submit to the president and Congress a complete report of its operations, activities, and accomplishments, including a statement of revenues and expenditures for the prior fiscal year
 - Reference: 49 U.S.C. § 24315(b)

Reporting Committees: Senate Commerce, Science, and Transportation; House Transportation and Infrastructure

- Reference: 49 U.S.C. § 24302(c)(2)

Review Commissions: None

Advisory Commissions: None

Action Require Outside Approval: Amtrak shall buy only unmanufactured and manufactured articles, material, and supplies mined, produced, or manufactured in the United States when the cost of those articles, material or supplies is at least \$1 million. However, on the application of Amtrak, the Secretary of Transportation may exempt Amtrak from this requirement if the Secretary decides that for particular articles, materials, or supplies the requirements are inconsistent with the public interest, the cost of imposing those requirements is unreasonable, or the articles, material or supplies are not mined, produced, or manufactured in the United States in sufficiently and reasonably available commercial qualities and are not of a satisfactory quality or rolling stock or power train equipment cannot be bought and delivered in the United States within a reasonable time.

- Reference: 49 U.S.C. § 24305(f)(4)

- Amtrak may make an agreement with a rail carrier or regional transportation authority to use facilities or, and have services provided by, the carrier or authority under terms on which the parties agree. If the parties cannot agree, and if the Surface Transportation Board finds it necessary to carry out this part, the Board shall order that the facilities be made available and the services provided to Amtrak and prescribe reasonable terms and compensation for using the facilities and providing the services. The Board shall decide the dispute not later than 90 days after Amtrak submits the dispute.
 - Reference: 49 U.S.C. § 24308(a)(2)
- A facility of a rail carrier or regional transportation authority that Amtrak used to provide rail passenger transportation on February 1979 or on January 1, 1997 may be downgraded or disposed of only after approval by the Secretary of Transportation
 - Reference: 49 U.S.C. § 24309(b)

Legislative Veto: None

Adjudication: None

National Science Foundation

Date of Creation: May 10, 1950

Statute: 42 U.S.C. §§ 1861-1887

Sub-agency Bureaus: National Center for Science and Engineering Statistics; Office of Small Business Research and Development

Commissioners/Board Members: The Board shall consist of 24 members to be appointed by the president and consent of the Senate and of the Director ex officio⁹³

- Reference: 42 U.S.C. § 1863(a)

Quorum Rules: A quorum shall not in case be less than one-half plus one of the confirmed members of the Board

- Reference: 42 U.S.C. § 1863(e)

Agency Specific Personnel: The professional members and limited term technical and professional personnel of staff may be appointed without regard to civil service provisions relating to competitive service and the provisions relating to classification

- Reference: 42 U.S.C. § 1863(g)
- The Director may, in accordance with such policies as the Board shall from time to time prescribe, employ such technical and professional personnel and fix their compensation, without regard to civil service provisions, as he may deem necessary for the discharge of the responsibilities of the Foundation
 - Reference: 42 U.S.C. § 1873(a)(1)

Limitation on Appointment: Persons nominated for appointment as members of the Board shall be eminent in the fields of the basic, medical, or social sciences, engineering, agriculture, education, research management, or public affairs; shall be selected solely on the basis of established records of distinguished service; and shall be so selected as to provide representation of the views of scientific and engineering leaders in all areas of the nation

- Reference: 42 U.S.C. § 1863(c)
- In making nominations, the president shall give due regard to equitable representation of scientists and engineers who are women or who represent minority groups

⁹³ All board members of the National Science Foundation will be presidential appointments not subject to Senate confirmation consistent with the Presidential Appointment Efficiency and Streamlining Act of 2011.

- Reference: 42 U.S.C. § 1863(c)
- The president is requested, in the making of nominations of persons for appointment as members, to give due consideration to any recommendations for nomination which may be submitted to him by the National Academy of Sciences, the National Academy of Engineering, the National Association of State Universities and Land Grant Colleges, the Association of American Universities, the Association of American Colleges, the Association of State Colleges and Universities, or by other scientific, engineering, or educational organizations
 - Reference: 42 U.S.C. § 1863(c)

Party Balancing: None

Fixed Terms: Yes

- Reference: 42 U.S.C. § 1862(d)

Term Length: The term of office of each member of the Board shall be six years

- Reference: 42 U.S.C. § 1862(d)

Staggered Terms: None

For Cause: None

Serve President: None

Continuation until Replacement: None

Acting Service Rules: The Vice Chairman shall perform the duties of the Chairman in his absence. In case a vacancy occurs in the chairmanship or vice chairmanship, the Board shall elect a member to fill such vacancy

- Reference: 42 U.S.C. § 1863(f)

Who is Head of Agency: The election of the Chairman shall take place at each annual meeting occurring in an even-numbered year⁹⁴

- Reference: 42 U.S.C. § 1863(f)

OMB Review: Not specified

Independent Litigating: None

Independent Sources of Funding: The Foundation shall have the authority to acquire by purchase, lease, loan, gift, or condemnation and to hold and dispose of by grant, sale, lease, or loan, real or personal property of all kinds necessary for or resulting from the exercise of authority

- Reference: 42 U.S.C. § 1870(e)
- The Foundation shall have the authority to receive and use funds donated by others, if such funds are donated without restriction other than that they be used in furtherance of one or more of the general purposes of the Foundation
 - Reference: 42 U.S.C. § 1870(f)

Reporting Requirements: The Foundation shall render an annual report to the president for submission on or before the 15th day of April each year to the Congress summarizing the activities of the Foundation and making such recommendations as it may deem appropriate

- Reference: 42 U.S.C. § 1862(f)

⁹⁴ Datla and Revesz consider the Director of the National Science Foundation, as opposed to the Board, as the head of the agency. Because the authorizing statute states “the Board shall establish the policies of the Foundation, within the framework of applicable national policies as set forth by the President and Congress,” we view the NSF as headed by a multi-member body. See Datla and Revesz, *supra* note 4, at Table 3; compare 42 U.S.C. § 1861 (2012) and 42 U.S.C. § 1863(a) (2012).

- The Director shall provide an annual report to the appropriate committees in Congress describing how the mathematics and science education partnerships program has been and will be coordinated with a similar program authorized under the Elementary and Secondary Education Act
 - Reference: 42 U.S.C. § 1862n(c)(4)
- Not later than 90 days after December 19, 2002 and not later than each June 15 thereafter, the Director shall transmit to the appropriate congressional committees a report containing the most recent Board-approved priority list for funding under the major research equipment and facilities construction account, a description of the criteria used to develop such list, and a description of the major factors for each project that determined the ranking of such project on the list,
 - Reference: 42 U.S.C. § 1862n-4(a)(2)
- Not later than September 15 of each fiscal year, the Board shall report to the appropriate congressional committees on the conditions of any delegation of authority that relates to funds appropriated for any project in the major research equipment and facilities construction account
 - Reference: 42 U.S.C. § 1862n-4(d)(2)
- The Director shall submit an annual report, along with the president's annual budget request, to the appropriate committees in Congress on the amount of funding awarded by the Foundation to minority-serving institutions, including funding received as members of consortia
 - Reference: 42 U.S.C. § 1862n-7(e)
- Not later than 3 years after December 19, 2002 and once every 3 years thereafter the Director shall transmit to the appropriate congressional committees a report containing the results of evaluations of the effectiveness of all undergraduate science, mathematics, engineering, or technology education activities supported by the Foundation in increasing the number and quality of students
 - Reference: 42 U.S.C. § 1862n-8(a)(3)
- Not later than 1 year after August 9, 2007 and annually thereafter, the Director shall submit a report to the appropriate congressional committees that lists the grants that have been extended in duration and provides any recommendations the Director may have regarding the extension
 - Reference: 42 U.S.C. § 1862n-4(c)
- The Director shall report to the appropriate committees of Congress on an annual basis using the most recent available data the total amount made available, by state, under EPSCoR, the amount of co-funding made available to EPSCoR states, the total amount of NSF funding made available to all institutions and entities within EPSCoR states, and efforts and accomplishments to more fully integrate the 29 EPSCoR jurisdictions in major activities and initiatives of the Foundation
 - Reference: 42 U.S.C. § 1862p-9(c)
- The Board shall render to the president and the Congress no later than January 15 of each even numbered year a report on indicators of the state of science and engineering in the United States
 - Reference: 42 U.S.C. § 1863(j)
- Any delegation of authority or imposition of conditions shall be reported to the appropriate congressional committees

- Reference: 42 U.S.C. § 1863(e)
- By January 30 of each odd-numbered year, the Director shall simultaneously transmit a report to the Congress, Attorney General, the Director of the Office of Science and Technology Policy, the Chairman of the EEOC, the Director of OPM, and the Secretaries of Labor, Education, and Health and Human Services containing an accounting and comparison by sex, race, and ethnic group and by discipline, of the participation of women and men in scientific and engineering positions; an assessment of the proportion of women and minorities studying scientific and engineering fields, and other such data, analyses and evaluations
 - Reference: 42 U.S.C. § 1885d
- The Foundation, in conjunction with other appropriate federal agencies, shall conduct the necessary surveys for the purpose of identifying and assessing the research facilities needs of universities every 2 years and report the report the results to the Congress.
 - Reference: 42 U.S.C. § 1886

Reporting Committees: Senate Commerce, Science, and Transportation; Senate Health, Education, Labor and Pensions; Senate Appropriations; House Science and Technology; House Education and Labor; House Appropriations

- Reference: 42 U.S.C. §§ 1862c(e); 1862n(c)(2); 1862n-4(e)(2)

Review Commissions: None

Advisory Commissions: The Astronomy and Astrophysics Advisory Committee shall assess and make recommendations regarding the coordination of astronomy and astrophysics programs of the Foundation, NASA, and the Department of Energy

- Reference: 42 U.S.C. § 1862n-9
- There is established within the Foundation a Committee on Equal Opportunities in Science and Engineering which shall provide advice to the Foundation concerning the implementation of the provisions relating to equal opportunity in science and engineering and other policies and activities of the Foundation to encourage full participation of women, minorities, and persons with disabilities in scientific, engineering, and professional fields
 - Reference: 42 U.S.C. § 1885c

Action Require Outside Approval: None

Legislative Veto: None

*Adjudication:*⁹⁵ None

National Security Council (Executive Office of the President)

Date of Creation: July 26, 1947

Statute: 50 U.S.C. § 402

Sub-agency Bureaus: Board for Low Intensity Conflict; Committee on Foreign Intelligence; Committee on Transnational Threats

Commissioners/Board Members: The Council shall be composed of the president, the vice president, the Secretary of State, the Secretary of Defense, the Secretary of Energy, the Director for Mutual Security, the Chairman of the National Security Resources Board, and the Secretaries and Undersecretaries of other executive departments and of the

⁹⁵ For provisions (including those outside of the authorizing statute) that explicitly reference adjudicatory proceedings under 5 U.S.C. § 554 see 16 U.S.C. § 2403 (civil penalty assessment hearings for violations of Antarctic conservation provisions and regulations).

military departments, the Chairman of the Munitions Board, and the Chairman of the Research and Development Board, when appointed by the President by and with the advice and consent of the Senate to serve at his pleasure

- Reference: 50 U.S.C. § 402(a)

Quorum Rules: None

Agency Specific Personnel: None

Limitation on Appointment: None

Party Balancing: None

Fixed Terms: None

Term Length: N/A

Staggered Terms: N/A

For Cause: None

Serve President: None

Continuation until Replacement: None

Acting Service Rules: In his absence, the president may designate a member of the Council to preside in his place

- Reference: 50 U.S.C. § 402(a)

Who is Head of Agency: The President of the United States shall preside over meetings of the Council

- Reference: 50 U.S.C. § 402(a)

OMB Review: Not specified

Independent Litigating: None

Independent Sources of Funding: None

Reporting Requirements: None

Reporting Committees: None

Review Commissions: None

Advisory Commissions: None

Action Require Outside Approval: None

Legislative Veto: None

Adjudication: None

National Security Education Board

Date of Creation: December 4, 1991

Statute: 50 U.S.C. § 1903

Sub-agency Bureaus: None

Commissioners/Board Members: The Board shall be composed of the Secretaries of Defense, Education, State, and Commerce, the Director of Central Intelligence, the Chairperson of the National Endowment for the Humanities, and six individuals appointed by the president⁹⁶

- Reference: 50 U.S.C. § 1903(b)

Quorum Rules: None

Agency Specific Personnel: None

⁹⁶ All members of the National Security Education Board will be presidential appointments not subject to Senate confirmation consistent with the Presidential Appointment Efficiency and Streamlining Act of 2011.

Limitation on Appointment: The six individuals appointed by the president shall be experts in the fields of international, language, area, and counterproliferation studies education and may not be officers or employees of the Federal Government

- Reference: 50 U.S.C. § 1903(b)(7)

Party Balancing: None

Fixed Terms: Yes

- Reference: 50 U.S.C. § 1903(c)

Term Length: The six individuals appointed by the president shall be appointed for a period specified by the president at the time of appointment, but not to exceed four years

- Reference: 50 U.S.C. § 1903(c)

Staggered Terms: None

For Cause: None

Serve President: None

Continuation until Replacement: None

Acting Service Rules: None

Who is Head of Agency: The Secretary of Defense shall serve as chairman of the Board

- Reference: 50 U.S.C. § 1903(b)(1)

OMB Review: None

Independent Litigating: None

Independent Sources of Funding: None

Reporting Requirements: None

Reporting Committees: None

Review Commissions: None

Advisory Commissions: None

Action Require Outside Approval: None

Legislative Veto: None

Adjudication: None

National Transportation Safety Board

Date of Creation: January 3, 1975 (established as independent)

Statute: 49 U.S.C. §§ 1101-1155

Sub-agency Bureaus: The Board shall establish distinct bureaus or offices involved in each of the following: aviation; highway and motor vehicle; rail and tracked vehicle; pipeline; marine

Commissioners/Board Members: The Board is composed of 5 members appointed by the president by and with the advice and consent of the Senate

- Reference: 49 U.S.C. § 1111(b)

Quorum Rules: Three members of the Board are a quorum in carrying out duties and powers of the Board

- Reference: 49 U.S.C. § 1111(f)

Agency Specific Personnel: None

Limitation on Appointment: At least three members shall be appointed on the basis of technical qualification, professional standing, and demonstrated knowledge in accident reconstruction, safety engineering, human factors, transportation safety, or transportation regulation

- Reference: 49 U.S.C. § 1111(b)

Party Balancing: Not more than three members shall be appointed from the same political party

- Reference: 49 U.S.C. § 1111(b)

Fixed Terms: Yes

- Reference: 49 U.S.C. § 1111(c)

Term Length: The term of office of each member is 5 years

- Reference: 49 U.S.C. § 1111(c)

Staggered Terms: None⁹⁷

For Cause: The President may remove a member for inefficiency, neglect of duty, or malfeasance in office

- Reference: 49 U.S.C. § 1111(c)

Serve President: None

Continuation until Replacement: When the term of office of a member ends, the member may continue to serve until a successor is appointed and qualified

- Reference: 49 U.S.C. § 1111(c)

Acting Service Rules: When the Chairman is absent or unable to serve or when the position of Chairman is vacant, the Vice Chairman acts as Chairman

- Reference: 49 U.S.C. § 1111(d)

Who is Head of Agency: The President shall designate, by and with the advice and consent of the Senate, a Chairman of the Board. The term of office for the Chairman is 2 years.

- Reference: 49 U.S.C. § 1111(d)

OMB Review: When the Board submits to the president or Director of OMB a budget estimate, budget request, supplemental budget estimate, other budget information, a legislative recommendation, prepared testimony for congressional hearings, or comments on legislation, the Board must submit a copy to Congress at the same time

- Reference: 49 U.S.C. § 1113(c)

Independent Litigating: The Board may bring a civil action in a district court of the United States against a person to enforce aviation provisions or a regulation or order issued under aviation provisions. On request of the Board, the Attorney General may bring a similar civil action in an appropriate court⁹⁸

- Reference: 49 U.S.C. § 1151

Independent Sources of Funding: The Board may accept gifts of money and other property

- Reference: 49 U.S.C. § 1113(b)(1)(G)
- The Board shall deposit in the Treasury amounts received from the public for copies of records, information, or investigations by the Board to be credited to the appropriation of the Board as offsetting collections
 - Reference: 49 U.S.C. § 1114(a)(2)
- The Board may impose and collect such fees, refunds, and reimbursements as it determines to be appropriate for services provided by or through the Board. These fees shall be credited as offsetting collections to the account that financed the activities or services for which the fee is imposed, shall be available for expenditure only to pay the costs of activities and services for which the fee is imposed, and shall remain available until expended

⁹⁷ Breger and Edles, *supra* note 4, assert that the Board's terms are staggered but do not provide a source citation.

⁹⁸ Breger and Edles, *supra* note 4, say that the Department of Justice handles all of the Board's litigation. The authors do not provide a source citation.

- Reference: 49 U.S.C. 1118(c)

Reporting Requirements: Not later than January 31, 2002 and annually thereafter the Board shall transmit to the appropriate congressional committees a report identifying the total amount of overtime payments made in the preceding fiscal year

- Reference: 49 U.S.C. § 1113(g)(5)
- The Board shall report periodically to Congress advocating meaningful responses to reduce the likelihood of transportation accidents similar to those investigated by the Board and propose corrective action to make the transportation of individuals as safe and free from risk of injury as possible
 - Reference: 49 U.S.C. § 1116(a)
- The Board shall submit a report to Congress on July 1 of each year summarizing its activities during the prior calendar year
 - Reference: 49 U.S.C. § 1117
- If on March 1 of each year the Board has not received the Secretary's report concerning recommendations, the Board shall notify the appropriate congressional committees of the Secretary's failure to submit the required report. Within 90 days after receiving such report, the Board shall review the report and transmit comments to the Secretary and the appropriate committees in Congress
 - Reference: 49 U.S.C. § 1135(e)

Reporting Committees: Senate Commerce, Science, and Transportation; House Transportation and Infrastructure

- Reference: See, e.g., 49 U.S.C. §§ 1113(g)(5); 1135(e)(2)

Review Commissions: None

Advisory Commissions: If an accident involves a substantial question about public safety in air transportation, the NTSB may establish a special board of inquiry

- Reference: 49 U.S.C. § 1112
- The Board may appoint advisory committees composed of qualified private citizens and officials of the government and state and local governments as appropriate
 - Reference: 49 U.S.C. § 1112(b)(1)(E)

Action Require Outside Approval: None

Legislative Veto: None

Adjudication (e.g.): The National Transportation Safety Board, and when authorized by it, a member of the Board, an administrative law judge employed by or assigned to the Board or an officer or employee designated by the Chairman of the Board, may conduct hearings to carry out this chapter, administer oaths, and require by subpoena or otherwise, necessary witnesses and evidence

- Reference: 49 U.S.C. § 1113(1)(1)

Nuclear Regulatory Commission

Date of Creation: October 11, 1974

Statute: 42 U.S.C. §§ 5841-5853

Sub-agency Bureaus: Office of Nuclear Reactor Regulation; Office of Nuclear Safety and Safeguards; Office of Nuclear Regulatory Research

Commissioners/Board Members: The commission shall be composed of five members, appointed by the President, by and with the advice and consent of the Senate

- Reference: 42 U.S.C. § 5841(a)(1); (b)(1)

Quorum Rules: A quorum for the transaction of business shall consist of at least three members present

- Reference: 42 U.S.C. § 5841(a)(1)

Agency Specific Personnel: None

Limitation on Appointment: Each member of the commission shall be a citizen of the United States

- Reference: 42 U.S.C. § 5841

Party Balancing: Appointments of members shall be made in such a manner that not more than three members of the Commission shall be members of the same political party

- Reference: 42 U.S.C. § 5842(b)(2)

Fixed Terms: Yes

- Reference: 42 U.S.C. § 5842(c)

Term Length: Each member shall serve for a term of five years

- Reference: 42 U.S.C. § 5842(c)

Staggered Terms: Of the five members first appointed to the Commission, one shall serve for one year, one for two years, one for three years, one for four years, and one for five years

- Reference: 42 U.S.C. § 5842(c)

For Cause: Any member of the Commission may be removed by the President for inefficiency, neglect of duty, or malfeasance in office

- Reference: 42 U.S.C. § 5842(e)

Serve President: None

Continuation until Replacement: None

Acting Service Rules: The Chairman may from time to time designate any other member of the Commission as Acting Chairman to act in the place and stead of the Chairman during his absence

- Reference: 42 U.S.C. § 5841(a)(1)

Who is Head of Agency: The President shall designate one member of the Commission to be Chairman to serve as such during the pleasure of the President

- Reference: 42 U.S.C. § 5841(a)(1)

OMB Review: Not specified

Independent Litigating: None

Independent Sources of Funding: Moneys received by the commission for the cooperative nuclear research program, service rendered to state governments, foreign governments, and international organizations, and the material and information access authorization programs may be retained and used for salaries and expenses associated with those activities and shall remain available until expended

- Reference: 42 U.S.C. § 5852(c)

*Reporting Requirements:*⁹⁹ The Commission shall submit to the Congress an annual report listing for the previous fiscal year any abnormal occurrences at or associated with any facility which is licensed or otherwise regulated

- Reference: 42 U.S.C. 5848

⁹⁹ Breger and Edles, *supra* note 4, suggest that the NRC does not acknowledge legislative clearance authority by OMB. The authors do not provide a source citation.

- The Commission shall, as soon as practicable after the end of each fiscal year make a report to the President for submission to Congress on the activities of the Commission during the preceding fiscal year
 - Reference: 42 U.S.C. § 5877(c)
- Notice of transfers to the Office of Inspector General of the Commission shall be submitted to the appropriations committees
 - Reference: 42 U.S.C. § 5852(a)(8)

Reporting Committees: Senate Appropriations; House Appropriations

- Reference: 42 U.S.C. § 5852(a)(8)

Review Commissions: None

Advisory Commissions: None

Action Require Outside Approval: None

Legislative Veto: None

*Adjudication:*¹⁰⁰ None

Occupational Safety and Health Review Commission

Date of Creation: December 29, 1970

Statute: 29 U.S.C. §§ 651-666

Sub-agency Bureaus: None

Commissioners/Board Members: The Commission shall be composed of three members who shall be appointed by the president, by and with the advice and consent of the Senate

- Reference: 29 U.S.C. § 661(a)

Quorum Rules: Two members of the Commission shall constitute a quorum and official action can be taken only on the affirmative vote of at least two members

- Reference: 29 U.S.C. § 661(f)

Agency Specific Personnel: None

Limitation on Appointment: Persons who by reason of training, education, or experience are qualified to carry out the functions of the Commission

- Reference: 29 U.S.C. § 661(a)

Party Balancing: None

Fixed Terms: Yes

- Reference: 29 U.S.C. § 661(b)

Term Length: The terms of members of the Commission shall be six years

- Reference: 29 U.S.C. § 661(b)

Staggered Terms: The members of the Commission first taking office shall serve, as designated by the president at the time of appointment, one for a term of two years, one for a term of four years, and one for a term of six years

- Reference: 29 U.S.C. § 661(b)

For Cause: A member of the Commission may be removed by the President for inefficiency, neglect of duty, or malfeasance in office.

- Reference: 29 U.S.C. § 661(b)

Serve President: None

Continuation until Replacement: Not specified

¹⁰⁰ For provisions (including those outside of the authorizing statute) that explicitly reference adjudicatory proceedings under 5 U.S.C. 554 see 42 U.S.C. § 2282 (2012) (nuclear safety regulations).

Acting Service Rules: None

Who is Head of Agency: The President shall designate one of the members of the Commission to serve as Chairman

- Reference: 29 U.S.C. § 661(a)

OMB Review: Not specified

Independent Litigating: None

Independent Sources of Funding: None

Reporting Requirements: None

Reporting Committees: None

Review Commissions: None

Advisory Commissions: None

Action Require Outside Approval: None

Legislative Veto: None

*Adjudication:*¹⁰¹ Every official act of the Commission shall be entered of record and its hearings and records shall be open to the public. The Commission is authorized to make such rules as are necessary for the orderly transaction of its proceedings. Unless the Commission has adopted a different rule, its proceedings shall be in accordance with the Federal Rules of Civil Procedure.

- Reference: 29 U.S.C. § 661(g)

Office of Government Ethics

Date of Creation: October 26, 1978

Statute: 5 U.S.C. App.4 §§ 401-408

Sub-agency Bureaus: None

Commissioners/Board Members: N/A

Quorum Rules: N/A

Agency Specific Personnel: None

Limitation on Appointment: None

Party Balancing: N/A

Fixed Terms: Yes

- Reference: 5 U.S.C. App.4 § 401(b)

Term Length: The term of service of the Director shall be five years

- Reference: 5 U.S.C. App.4 § 401(b)

Staggered Terms: N/A

For Cause: None

Serve President: None

Continuation until Replacement: None

Acting Service Rules: None

Who is Head of Agency: There shall be at the head of the Office of Government Ethics a Director who shall be appointed by the President by and with the consent of the Senate

- Reference: 5 U.S.C. App.4 § 401(b)

OMB Review: None

Independent Litigating: None

¹⁰¹ For provisions (including outside of the authorizing statute) that explicitly reference adjudicatory proceedings under 5 U.S.C. 554 see 29 U.S.C. § 659 (2012) (employers issued occupational safety and health citations that allege unreasonableness of fixed period of abatement).

Independent Sources of Funding: The Director is authorized to accept and utilize on behalf of the United States any gift, donation, bequest, or devise of money, use of facilities, personal property, or services for the purpose of aiding or facilitating the work of the Office of Government Ethics

- Reference: 5 U.S.C. App.4 § 403(b)(1)

Reporting Requirements: The Director shall no later than April 30 of each year in which the second session of a Congress begins submit a report to the Congress containing a summary of the actions taken by the Director during a 2 year period

- Reference: 5 U.S.C. App.4 § 408
- Upon ordering corrective action on the part of agencies and employees which the Director deems necessary, the Director shall, if an agency has not complied with the order within a reasonable period of time, notify Congress of the agency's noncompliance in writing (including, with the notification, any written comments which the agency may provide)
 - Reference: 5 U.S.C. App.4 § 402(f)(1)(B)

Reporting Committees: Not specified

Review Commissions: None

Advisory Commissions: None

Action Require Outside Approval: None

Legislative Veto: None

Adjudication (e.g.): Before any action is ordered in relation to violating any rule, regulation, or Executive order relating to conflicts of interest or standards of conduct, the office or employee involved shall be afforded an opportunity for a hearing, if requested by such officer or employee, except that any such hearing shall be conducted on the record

- Reference: 5 U.S.C. App. § 402(f)(2)(B)(iii)

Office of Management and Budget (Executive Office of the President)

Date of Creation: March 12, 1970

Statute: 31 U.S.C. §§ 501-522

Sub-agency Bureaus: Office of Federal Financial Management; Office of Information and Regulatory Affairs; Office of Federal Procurement Policy; Office of Electronic Government

Commissioners/Board Members: None

Quorum Rules: N/A

Agency Specific Personnel: The Director of the Office of Management and Budget shall appoint and fix the pay of employees of the Office under regulations prescribed by the president

- Reference: 31 U.S.C. § 521

Limitation on Appointment: None

Party Balancing: N/A

Fixed Terms: None

Term Length: N/A

Staggered Terms: N/A

For Cause: None

Serve President: None

Continuation until Replacement: None

Acting Service Rules: The Deputy Director acts as the Director when the Director is absent or unable to serve or when the office of the Director is vacant. When the Director and Deputy Director are absent or unable to serve or when the offices of Director and Deputy Director are vacant, the president may designate an officer of the Office to act as Director

- Reference: 31 U.S.C. § 502(b)(2); (f)

Who is Head of Agency: The head of the Office of Management and Budget is the Director of the Office of Management and Budget. The Director is appointed by the President, by and with the advice and consent of the Senate.

- Reference: 31 U.S.C. § 502(a)

OMB Review: Not specified

Independent Litigating: None

Independent Sources of Funding: None

Reporting Requirements: None

Reporting Committees: None

Review Commissions: None

Advisory Commissions: None

Action Require Outside Approval: None

Legislative Veto: None

*Adjudication:*¹⁰² None

Office of National Drug Control Policy (Executive Office of the President)

Date of Creation: November 18, 1988

Statute: 21 U.S.C. §§ 1701-1714

Sub-agency Bureaus: Counter-Drug Technology Assessment Center; Office of Supply Reduction; National Drug Intelligence Center

Commissioners/Board Members: None

Quorum Rules: N/A

Agency Specific Personnel: Notwithstanding any other provision of law, the Director may provide periodic bonus payments to any employee detailed to the Office, provided the amount paid for any period shall not be greater than 20 percent of the basic pay paid or payable to such employee for such period and shall be in addition to the basic pay of such employee

- Reference: 21 U.S.C. § 1703(e)(2)
- The aggregate amount paid during any fiscal year to an employee detailed to the Office as basic pay, awards, bonuses, and other compensation shall not exceed the annual rate payable at the end of such fiscal year for positions at level III of the Executive Schedule
- Reference: 21 U.S.C. § 1703(e)(3)

Limitation on Appointment: No person shall serve as Director or a Deputy Director while serving in any other position in the Federal Government

- Reference: 21 U.S.C. § 1703(a)(4)
- Any officer or employee of the Office who is appointed to that position by the president, by and with the advice and consent of the Senate, may not participate in federal election

¹⁰² For provisions (including those outside of the authorizing statute) that explicitly reference adjudicatory proceedings under 5 U.S.C. § 554 see 41 U.S.C. § 1502 (2012) (Office of Federal Procurement Policy cost accounting standards board functions).

campaign activities, except that such official is not prohibited by this paragraph from making contributions to individual candidates

- Reference: 21 U.S.C. § 1703(a)(5)

Party Balancing: N/A

Fixed Terms: None

Term Length: N/A

Staggered Terms: N/A

For Cause: None

Serve President: None

Continuation until Replacement: None

Acting Service Rules: The Deputy Director of National Drug Control Policy shall serve as the Director in the absence of the Director or during any period in which the office of the Director is vacant. If the Director dies, resigns, or is otherwise unable to perform the functions and duties of the office, the Deputy Director shall perform the functions and duties of the Director temporarily in an acting capacity pursuant to subchapter III of chapter 33 of Title 5.

- Reference: 21 U.S.C. § 1703(a)(2)

Who is Head of Agency: There shall be a Director of National Drug Control Policy who shall head the Office and shall hold the same rank and status as the head of an executive department. The Director shall be appointed by the president, by and with the advice and consent of the Senate, and shall serve at the pleasure of the president.

- Reference: 21 U.S.C. §§ 1702(b)(10); 1703(a)(1)

OMB Review: Not specified

Independent Litigating: None

Independent Sources of Funding: The Office may accept, hold and administer contributions to the Office of National Drug Control Policy Gift Fund. This fund is established in the Treasury of the United States for the receipt of gifts, both real and personal, for the purpose of aiding or facilitating the work of the Office. Amounts deposited in the Fund are authorized to be appropriated, to remain available until expended for authorized purposes at the discretion of the Director

- Reference: 21 U.S.C. § 1702(d)
- The Director may accept and use gifts and donations of property from the federal, state, and local government agencies and from the private sector
 - Reference: 21 U.S.C. § 1703(d)(5)

Reporting Requirements: The Director shall notify any National Drug Control Program agency if its policies are not in compliance with the responsibilities of the agency under the National Drug Control Strategy, transmit a copy of each such notification to the president and the appropriate congressional committees, and maintain a copy of each such notification

- Reference: 21 U.S.C. § 1703(b)(7)
- The Director shall submit to the appropriate congressional committees on an annual basis, not later than 60 days after the date of the last day of the applicable period a summary of each of the evaluations of each National Drug Control Program submitted annually to the Director and the progress of each National Drug Control Program agency toward the drug control program goals of the agency using the performance measures for the agency

- Reference: 21 U.S.C. § 1703(b)(14)
- The Director shall submit an annual report to Congress detailing how the Office of National Drug Control Policy has consulted with and assisted state, local, and tribal governments with respect to the formulation and implementation of the National Drug Control Strategy and other relevant issues
 - Reference: 21 U.S.C. § 1703(b)(18)
- After the Director submits a consolidated National Drug Control Program budget proposal to the president, he shall submit the consolidated budget proposal to Congress
 - Reference: 21 U.S.C. § 1703(c)(2)(C)
- If the Director uses his authority to transfer funds made available to a National Drug Control Program agency for National Drug Control Strategy programs and activities to another account within such agency or to another National Drug Control Program agency, the Director shall submit to Congress, including the appropriations committees, the authorizing committees for the Office, and any other applicable committees of jurisdiction a reprogramming or transfer request in advance of any transfer and annually submit to Congress a report describing the effect of all transfers during the 12 month period preceding the date on which the report is submitted
 - Reference: 21 U.S.C. § 1703(d)(8)(E)
- If the Director issues a fund control notice directing all or part of an amount appropriated to the National Control Program agency account be obligated by months, fiscal years, or other time periods and activities, functions, projects, or object classes, a copy shall be transmitted to the appropriate congressional committees
 - Reference: 21 U.S.C. § 1703(f)(4)
- The Director shall require the National Drug Control Program agencies to submit to him not later than February 1 of each year a detailed accounting of all funds expended by the agencies for National Drug Control Program activities during the previous fiscal year, and require such accounting to be authenticated by the Inspector General for each agency prior to submission by the Director and submit to Congress not later than April 1 of each year the information submitted to the Director
 - Reference: 21 U.S.C. § 1704(d)
- Not later than February 1 of each year, the Director shall submit to Congress as part of the National Drug Control Strategy a description of a national drug control performance measurement system
 - Reference: 21 U.S.C. § 1705(c)
- As part of the documentation that supports the president's annual budget request for the Office, the Director shall submit to Congress a budget justification that includes the amount proposed for each high intensity drug trafficking area, conditional upon a review by the Office of the request submitted by the HIDTA and the performance of the HIDTA; and a detailed justification for the proposed funding level; the amount of HIDTA funds used to investigate and prosecute organizations and individuals trafficking in methamphetamine in the prior calendar year
 - Reference: 21 U.S.C. § 1706(i)
- As part of the documentation that supports the president's annual budget request for the Office, the Director shall submit to Congress a report describing the use of HIDTA funds to investigate and prosecute organizations and individuals tracking in methamphetamine in the prior calendar year

- Reference: 21 U.S.C. § 1706(o)
- On or before July 1 of each year, the Director shall submit a report to the appropriate congressional committees that addresses the Technology Transfer Program
 - Reference: 21 U.S.C. § 1707(f)(5)
- The Director shall submit on an annual basis a report to Congress that describes the national youth anti-drug media campaign
 - Reference: 21 U.S.C. § 1708(h)
- On or before February 1 of each year, the Director shall submit a report to Congress that describes the national youth campaign strategy
 - Reference: 21 U.S.C. § 1708a(a)
- If the Director determines that another entity is more appropriate to create advertising to be used in the national media campaign, the Director shall notify Congress through the committees of jurisdiction in the House and Senate, in writing, not less than 30 days prior to contracting with a party other than the Partnership for a Drug-Free America
 - Reference: 21 U.S.C. § 1708(d)(2)(B)(ii)
- On or before March 1 of each year, the United States Interdiction Coordinator shall provide a report on behalf of the Director to the appropriate congressional committees which shall include a copy of that year's National Interdiction Command and Control Plan, information for the previous 10 years regarding the number and type of seizures of drugs by each National Drug Control Program agency, and information for the previous 10 years regarding the number of air and maritime patrol hours undertaken by each National Drug Control Program agency
 - Reference: 21 U.S.C. § 1710(a)(4)(D)

Reporting Committees: Senate Judiciary; Senate Appropriations; Senate Homeland Security and Governmental Affairs; Senate Armed Services; House Judiciary; House Appropriations; House Oversight and Government Reform; House Armed Services; House Homeland Security

- Reference: 21 U.S.C. § 1701(12)

Review Commissions: None

Advisory Commissions: The Interdiction Committee shall meet to provide advice to the Director concerning drug interdiction strategy and policies

- Reference: 21 U.S.C. § 1710(b)

Action Require Outside Approval: The head of each National Drug Control Program agency shall ensure timely development and submission to the Director of each proposed drug control budget request transmitted in such format as may be designated by the Director with the concurrence of the Director of the Office of Management Budget

- Reference: 21 U.S.C. § 1703(c)(1)(B)
- The director, with the concurrence of the Attorney General may require the El Paso Intelligence Center to undertake specific tasks or projects to support or implement the National Drug Control Strategy
 - Reference: 21 U.S.C. § 1705(a)(3)(C)
- With the concurrence of the Director of National Intelligence and the Attorney General the Director may request that the National Drug Intelligence Center undertake specific tasks or support or implement the National Drug Control Strategy
 - Reference: 21 U.S.C. § 1705(a)(3)(D)

Legislative Veto: Subject to the availability of appropriations, no more than \$1.5 million may be expended on creative services for the National youth anti-drug media campaign, except that the Director may expend up to \$2 million in a fiscal year on creative services to meet urgent needs of the national media campaign with advance approval from the committees on appropriations upon a showing of the circumstances causing such urgent needs of the national media campaign

- Reference: 21 U.S.C. § 1708(b)(2)

Adjudication: None

Office of Navajo and Hopi Indian Relocation

Date of Creation: December 22, 1974

Statute: 25 U.S.C. § 640d-11

Sub-agency Bureaus: None

Commissioners/Board Members: None

Quorum Rules: None

Agency Specific Personnel: None

Limitation on Appointment: None

Party Balancing: N/A

Fixed Terms: Yes

- Reference: 25 U.S.C. § 640d-11(b)

Term Length: The term of office of the Commissioner shall be 2 years.

- Reference: 25 U.S.C. § 640d-11(b)(2)

Staggered Terms: N/A

For Cause: None

Serve President: None

Continuation until Replacement: The Commissioner serving at the end of a term may continue to serve until his or her successor has been confirmed.

- Reference: 25 U.S.C. § 640d-11(b)(2)

Acting Service Rules: None

Who is Head of Agency: The Office of Navajo and Hopi Indian Relocation shall be under the direction of the Commissioner on Navajo and Hopi Relocation. The Commissioner shall be appointed by the President by and with the advice and consent of the Senate¹⁰³

- Reference: 25 U.S.C. § 640d-11(b)

OMB Review: None

Independent Litigating: None

Independent Sources of Funding: None

Reporting Requirements: On failure of any agency to provide reasonable assistance as required to assist the Commissioner in implementing the relocation plan, the Commissioner shall report such failure to Congress

- Reference: 25 U.S.C. § 640d-11(e)(1)

Reporting Committees: Not specified

Review Commissions: None

Advisory Commissions: None

¹⁰³ The Commissioner will be a presidential appointment not subject to Senate confirmation consistent with the Presidential Appointment Efficiency and Streamlining Act of 2011.

Action Require Outside Approval: None
Legislative Veto: None
Adjudication: None

Office of Personnel Management

Date of Creation: October 19, 1978
Statute: 5 U.S.C. §§ 1101-1105
Sub-agency Bureaus: None
Commissioners/Board Members: None
Quorum Rules: N/A
Agency Specific Personnel: None
Limitation on Appointment: None
Party Balancing: N/A
Fixed Terms: Yes

- Reference: 5 U.S.C. § 1102(a)

Term Length: The term of office of any individual appointed as Director shall be four years

- Reference: 5 U.S.C. § 1102(a)

Staggered Terms: N/A

For Cause: None

Serve President: None

Continuation until Replacement: None

Acting Service Rules: The Deputy Director shall act as Director during the absence or disability of the Director or when the office of Director is vacant

- Reference: 5 U.S.C. § 1102(b)

Who is Head of Agency: There is at the head of the Office of Personnel Management a Director of the Office of Personnel Management appointed by the President, by and with the advice and consent of the Senate

- Reference: 5 U.S.C. § 1102(a)

OMB Review: None

Independent Litigating: None

Independent Sources of Funding: None

Reporting Requirements: None

Reporting Committees: None

Review Commissions: None

Advisory Commissions: None

Action Require Outside Approval: None

Legislative Veto: None

Adjudication: None

Office of Science and Technology (Executive Office of the President)

Date of Creation: May 11, 1976

Statute: 42 U.S.C. §§ 6611-6624

Sub-agency Bureaus: National Science and Technology Council; STEM committee; Committee on Technology; Interagency Public Access Committee

Commissioners/Board Members: None

Quorum Rules: None

Agency Specific Personnel: None

Limitation on Appointment: None

Party Balancing: N/A

Fixed Terms: None

Term Length: N/A

Staggered Terms: N/A

For Cause: None

Serve President: None

Continuation until Replacement: None

Acting Service Rules: None

Who is Head of Agency: There shall be at the head of the Office a Director who shall be appointed by the president by and with the advice and consent of the Senate

- Reference: 42 U.S.C. § 6612

OMB Review: None

Independent Litigating: None

Independent Sources of Funding: None

Reporting Requirements: The Director shall render to the president for submission to the Congress no later than January 15 of each odd numbered year, a science and technology report and outlook

- Reference: 42 U.S.C. § 6615(a)
- The Director shall identify and provide an annual report to Congress on each major multinational science and technology project in which the United States is not a participant which has a total estimated cost greater than \$1 million
 - Reference: 42 U.S.C. § 6618
- The Director shall submit to Congress each year, together with documents submitted to Congress in support of the budget of the president for the fiscal year beginning in such year a report, current as of the fiscal year ending in the year before such report is submitted, setting forth a description of the deficiencies in research infrastructure, a list of projects and budget proposals of federal research facilities, and an explanation of how the projects and instrumentation acquisitions related to the deficiencies and priorities identified
 - Reference: 42 U.S.C. § 6619(c)
- The Director shall transmit a report annually to Congress at the time of the president's budget request describing the STEM education strategic plan
 - Reference: 42 U.S.C. § 6621(c)

Reporting Committees: Senate Commerce, Science, and Transportation; House Science and Technology

- Reference: 42 U.S.C. § 6622(c)

Review Commissions: None

Advisory Commissions: Intergovernmental Science, Engineering, and Technology Advisory Panel whose purpose shall be to identify and define civilian problems at state, regional, and local levels which science, engineering, and technology may assist in resolving or ameliorating, recommend priorities for addressing such problems, and advise and assist the Director in identifying and fostering policies to facilitate the transfer and utilization of research and development results so as to maximize their application to civilian needs

- Reference: 42 U.S.C. § 6614(b)

Action Require Outside Approval: None
Legislative Veto: None
Adjudication: None

Office of Special Counsel

Date of Creation: October 13, 1978

Statute: 5 U.S.C. §§ 1211-1219

Sub-agency Bureaus: None

Commissioners/Board Members: None

Quorum Rules: N/A

Agency Specific Personnel: The Special Counsel may appoint the legal, administrative, and support personnel necessary to perform the functions of the Special Counsel. Any appointment made under this subsection shall not be subject to the approval or supervision of the Office of Personnel Management or the Executive Office of the President

- Reference: 5 U.S.C. § 1212(d)

Limitation on Appointment: The Special Counsel shall be an attorney who, by demonstrated ability, background, training, or experience, is especially qualified to carry out the functions of the position

- Reference: 5 U.S.C. § 1211(b)

Party Balancing: N/A

Fixed Terms: Yes

- Reference: 5 U.S.C. § 1211(b)

Term Length: The Special Counsel shall be appointed for a term of 5 years

- Reference: 5 U.S.C. § 1211(b)

Staggered Terms: N/A

For Cause: The Special Counsel may be removed by the president only for inefficiency, neglect of duty, or malfeasance in office

- Reference: 5 U.S.C. § 1211(b)

Serve President: None

Continuation until Replacement: The Special Counsel may continue to serve beyond the expiration of the term until a successor is appointed and has qualified, except that the Special Counsel may not continue to serve for more than one year after the date on which the term of the Special Counsel would otherwise expire under this subsection

- Reference: 5 U.S.C. § 1211(b)

Acting Service Rules: None

Who is Head of Agency: The Office of Special Counsel shall be headed by the Special Counsel, who shall be appointed by the President, by and with the advice and consent of the Senate

- Reference: 5 U.S.C. § 1211(a)

OMB Review: The Special Counsel shall transmit to the Congress on the request of any committee or subcommittee thereof by report, testimony, or otherwise, information and the Special Counsel's views on functions, responsibilities, or other matters relating to the Office. Such information shall be transmitted concurrently to the president and any other appropriate agency in the executive branch

- Reference: 5 U.S.C. § 1217

Independent Litigating: None

Independent Sources of Funding: None

Reporting Requirements: The Special Counsel shall transmit any agency report received setting for the findings of an investigation with respect to information and any related matters regarding a violation of any law, rule, or regulation or gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety; any comments provided by the complainant; and any appropriate comments or recommendations by the Special Counsel to the president and congressional committees with jurisdiction over the agency which the disclosure involves. When the Counsel does not receive the required report, the Special Counsel shall transmit a copy of the information which was transmitted to the agency head to the president and congressional committees with jurisdiction over the agency which the disclosure involves

- Reference: 5 U.S.C. § 1213(e)(3)
- With respect to any disclosure of information regarding a violation of any law, rule, or regulation or gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety which involves foreign intelligence or counterintelligence information, if the disclosure is specifically prohibited by law or executive order, the Special Counsel shall transmit such information to the National Security Advisor and the Intelligence Committees
 - Reference: 5 U.S.C. § 1213(j)
- The Special Counsel shall submit an annual report to the Congress on the activities of the Special Counsel.
 - Reference: 5 U.S.C. § 1218

Reporting Committees: Senate Intelligence; House Intelligence

- Reference: 5 U.S.C. § 1213(j)

Review Commissions: None

Advisory Commissions: None

Action Require Outside Approval: None

Legislative Veto: None

Adjudication: None

Office of the Director of National Intelligence

Date of Creation: December 17, 2004

Statute: 50 U.S.C. §§ 403-403-3i

Sub-agency Bureaus: National Counterterrorism Center; National Intelligence Reserve Corps; National Intelligence Council; Office of the National Counterintelligence Executive; National Counter Proliferation Center; Office of Civil Liberties Protection; Office of the Director of Science and Technology; National Intelligence Science and Technology Committee

Commissioners/Board Members: None

Quorum Rules: N/A

Agency Specific Personnel: The Director of National Intelligence shall provide incentives for personnel of elements of the intelligence community to serve on the staff of the Director of National Intelligence, on the staff of the national intelligence centers, on the staff of the National Counterterrorism Center, and in other positions in support of the intelligence community management functions of the Director. Incentives may include financial

incentives, bonuses, and other such awards and incentives as the Director considers appropriate

- Reference: 50 U.S.C. § 403-1(l)(1)

Limitation on Appointment: Any individual nominated for appointment as Director of National Intelligence shall have extensive national security experience

- Reference: 50 U.S.C. § 403(a)(1)

Party Balancing: N/A

Fixed Terms: None

Term Length: N/A

Staggered Terms: N/A

For Cause: None

Serve President: The Director of National Intelligence is subject to the authority, direction, and control of the President

- Reference: 50 U.S.C. § 403(b)

Continuation until Replacement: None

Acting Service Rules: The Principal Deputy Director of National Intelligence shall act for, and exercise the powers of, the Director of National intelligence during the absence or disability of the Director of National Intelligence or during a vacancy in the position of Director of National Intelligence

- Reference: 50 U.S.C. § 403-3a(6)

Who is Head of Agency: There is a Director of National Intelligence who shall be appointed by the President, by and with the advice and consent of the Senate

- Reference: 50 U.S.C. § 403(a)(1)

OMB Review: None

Independent Litigating: None

Independent Sources of Funding: None

Reporting Requirements: The Director of National Intelligence shall report to the President and the Congress not later than 15 days after learning of any instance in which a department comptroller acts in a manner inconsistent with the law (including permanent statutes, authorization Acts, and appropriations Acts), or the direction of the Director of National Intelligence, in carrying out the National Intelligence Program

- Reference: 50 U.S.C. § 403-1(c)(7)(B)
- Any proposed transfer or reprogramming for which notice is given to the appropriate congressional committees shall be accompanied by a report explaining the nature of the proposed transfer or reprogramming and how it satisfies the requirements.
 - Reference: 50 U.S.C. § 403-1(d)(7)
- The congressional intelligence committees shall be promptly notified of any transfer or reprogramming of funds in any case in which the transfer or reprogramming would not have otherwise required reprogramming notification under procedures in effect as of December 17, 2004
 - Reference: 50 U.S.C. § 403-1(d)(7)
- The Director of National Intelligence shall promptly provide notice of any transfer of personnel to any new national intelligence center to the appropriate congressional committees
 - Reference: 50 U.S.C. § 403-1(e)(1)(B)

- Not later than February 1 of each year, the Director of National Intelligence shall submit to the president and to Congress an annual report that identifies any statute, regulation, or practice that the Director believes impedes the ability of the Director to fully and effectively implement his authority to ensure maximum availability of and access to intelligence information within the intelligence community consistent with national security requirements
 - Reference: 50 U.S.C. § 403-1(g)(4)
- The Director of National Intelligence shall submit a notification of an authorization to exercise an acquisition authority or an extension of such authorization to the congressional intelligence committees
 - Reference: 50 U.S.C. § 403-1(n)(4)(G)(i)
- The Director of National Intelligence shall notify the congressional intelligence committees not later than 30 days after the date on which the Director grants authority to the head of a department or agency to fix the rate of basic pay for one or more positions within the intelligence community at a rate in excess of any applicable limitation
 - Reference: 50 U.S.C. § 403-1(s)(6)(A)
- The Director of National Intelligence shall annually submit to the congressional intelligence committees a report describing all outside employment for officers and employees of elements of the intelligence community during the preceding calendar year
 - Reference: 50 U.S.C. § 403-1(u)(2)
- The Director of National Intelligence, in consultation with the heads of the appropriate elements of the intelligence community and the Secretary of State shall provide to the president and the appropriate congressional committees an addendum to each Nuclear Proliferation Assessment Statement accompanying a civilian nuclear cooperation agreement
 - Reference: 50 U.S.C. § 403-1(w)
- Not later than December 1 each year, the Director of National Intelligence shall submit to the congressional intelligence committees, the heads of the relevant elements of the intelligence community, and the heads of analytic training departments a report containing a description, and the associated findings, of each review of finished intelligence product or other analytic products by an element or elements of the intelligence community during such year
 - Reference: 50 U.S.C. § 403-1a(c)
- When a decision is made to carry out a construction project to be used primarily by personnel of any component of the intelligence community, the Secretary of Defense and the Director of National Intelligence jointly shall submit a report in writing to the appropriate committees of Congress on that decision
 - Reference: 50 U.S.C. § 403-2b(b)(2)

Reporting Committees: Senate Intelligence; Senate Appropriations; Senate Armed Services; Senate Judiciary; Senate Foreign Relations; House Intelligence; House Appropriations; House Armed Services; House Judiciary; House Foreign Affairs

- Reference: 50 U.S.C. §§ 403-1(d)(7); 403-1(e)(1)(B); 403-1(w)

Review Commissions: None

Advisory Commissions: None

Action Require Outside Approval: The Director of National Intelligence may only transfer or reprogram funds with the approval of the Director of the Office of Management and

Budget and after consultation with the heads of departments containing agencies or organizations within the intelligence community to the extent such agencies or organizations are affected, and, in the case of the Central Intelligence Agency, after consultation with the Director of the Central Intelligence Agency

- Reference: 50 U.S.C. § 403-1(d)(3)
- The Director of National Intelligence, with the approval of the Director of the Office of Management and Budget may transfer personnel authorized for an element of the intelligence community to another such element for a period of not more than 2 years
 - Reference: 50 U.S.C. § 403-1(e)(2)(A)
- The Director of National Intelligence, with the concurrence of the head of the covered department concerned and in consultation with the Director of the Office of Personnel Management may convert competitive service positions, and the incumbents of such positions within an element of the intelligence community to excepted service positions and establish new positions in the excepted service if the Director of National Intelligence determines such actions are necessary to carry out the intelligence functions of such element
 - Reference: 50 U.S.C. § 403-1(v)(1)

Legislative Veto: None

Adjudication: None

Office of the Federal Coordinator for Alaska Natural Gas Transportation Projects¹⁰⁴

Date of Creation: October 13, 2004

Statute: 15 U.S.C. § 720d

Sub-agency Bureaus: None

Commissioners/Board Members: N/A

Quorum Rules: N/A

Agency Specific Personnel: Personnel appointed by the Federal Coordinator shall be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of Title 5 (relating to classification and General Schedule pay rates).

- Reference: 15 U.S.C. § 720d(h)(2)

Limitation on Appointment: None

Party Balancing: N/A

Fixed Terms: Yes

- Reference: 15 U.S.C. § 720d(b)(1)

Term Length: Until 1 year following the completion of the Alaska Natural Gas Pipeline Project

- Reference: 15 U.S.C. § 720d(b)(1)

Staggered Terms: N/A

For Cause: None

Serve President: None

Continuation until Replacement: None

Acting Service Rules: None

¹⁰⁴ The federal coordinator will no longer require Senate confirmation after enactment of Presidential Appointment Efficiency and Streamlining Act of 2011.

Who is Head of Agency: The Office shall be headed by a Federal Coordinator for Alaska Natural Gas Transportation Projects, who shall be appointed by the president, by and with the advice and consent of the Senate

- Reference: 15 U.S.C. § 720d(b)(1)

OMB Review: Not specified

Independent Litigating: None

Independent Sources of Funding: With respect to the duties of the Federal Coordinator, the Federal Coordinator shall have similar authority to establish, change, and abolish reasonable filing and service fees, charges, and commissions, require deposits of payments, and provide refunds as provided to the Secretary of Interior with respect to public lands. The Federal Coordinator is authorized to use, without further appropriation, amounts collected under this section.

- Reference: 15 U.S.C. § 720d(h)(4)

Reporting Requirements: None

Reporting Committees: Not specified

Review Commissions: None

Advisory Commissions: None

Action Require Outside Approval: Federal and Alaska shall enter into a joint surveillance and monitoring agreement similar to the agreement in effect during the construction of the Trans-Alaska Pipeline, to be approved by the President and the Governor of the State

- Reference: 15 U.S.C. § 720d(e)(1)

Legislative Veto: None

Adjudication: None

Office of the United States Trade Representative (Executive Office of the President)

Date of Creation: October 11, 1962

Statute: 19 U.S.C. § 2171

Sub-agency Bureaus: None

Commissioners/Board Members: None

Quorum Rules: N/A

Agency Specific Personnel: Not more than 20 individuals may be employed without regard to any provision of law regulating employment or compensation rates not to exceed the pay for level IV of the Executive Schedule

- Reference: 19 U.S.C. § 2171(e)

Limitation on Appointment: A person who has directly represented, aided, or advised a foreign entity in any trade negotiation, or trade dispute, with the United States may not be appointed as the United States Trade Representative or as a Deputy United States Trade Representative

- Reference: 19 U.S.C. § 2171(b)(3)

Party Balancing: N/A

Fixed Terms: None

Term Length: N/A

Staggered Terms: N/A

For Cause: None

Serve President: The United States Trade Representative, each Deputy United States Trade Representative, and the Chief Agricultural Negotiator shall hold office at the pleasure of the president

- Reference: 19 U.S.C. § 2171(b)

Continuation until Replacement: None

Acting Service Rules: None

Who is Head of Agency: The Office shall be headed by the United States Trade Representative who shall be appointed by the president, by and with the advice and consent of the Senate. Any nomination of the United States Trade Representative submitted to the Senate for confirmation, and referred to a committee, shall be referred to the Committee on Finance. The United States Trade Representative shall hold office at the pleasure of the president.

- Reference: 19 U.S.C. § 2171(b)(1)

OMB Review: None

Independent Litigating: None

Independent Sources of Funding: The United States Trade Representative may accept, hold, administer, and utilize gifts, devises, and bequests of property, both real and personal, for the purpose of aiding or facilitating the work of the office

- Reference: 19 U.S.C. § 2171(e)(9)

Reporting Requirements: 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 United States Trade Representative shall submit to the appropriate congressional committees the projected amount of funds for the succeeding fiscal year that will be necessary for the Office to carry out its functions

- Reference: 19 U.S.C. § 2171(g)(3)

Reporting Committees: Senate Finance; House Ways and Means

- Reference: 19 U.S.C. § 2171(b)(1)

Review Commissions: None

Advisory Commissions: Interagency unfair trade practices advisory committee

- Reference: 19 U.S.C. § 2171(d)

Action Require Outside Approval: None

Legislative Veto: None

Adjudication: None

Overseas Private Investment Corporation

Date of Creation: December 30, 1969

Statute: 22 U.S.C. §§ 2191-2200b

Sub-agency Bureaus: None

Commissioners/Board Members: The Board shall consist of 15 Directors, including the Chairman. Eight directors shall be appointed by the president of the United States, by and with the advice and consent of the Senate. The other directors shall be principal officers of the government whose duties relate to the programs of the Corporation, including the President of the Corporation, the Administrator of the Agency for International Development, the United States Trade Representative, and one such officer of the Department of Labor, designated by and serving at the pleasure of the president of the United States

- Reference: 22 U.S.C. § 2193(b)

Quorum Rules: Eight directors constitute a quorum for the transaction of business

- Reference: 22 U.S.C. § 2193(b)

Agency Specific Personnel: Of the officers, attorneys, employees and agents employed by the Corporation, not to exceed twenty may be appointed, compensated, or removed without regard to civil service laws and regulations

- Reference: 22 U.S.C. § 2193(d)

Limitation on Appointment: At least two of the eight Directors appointed by the president shall be experienced in small business, one in organized labor, and one in cooperatives

- Reference: 22 U.S.C. § 2193(b)

Party Balancing: None

Fixed Terms: Yes

- Reference: 22 U.S.C. § 2193(b)

Term Length: Each director appointed by the president shall be appointed for a term of no more than 3 years

- Reference: 22 U.S.C. § 2193(b)

Staggered Terms: The terms of no more than three directors appointed by the president shall expire in any one year

- Reference: 22 U.S.C. § 2193(b)

For Cause: None

Serve President: The non PAS members are designated by and serving at the pleasure of the president of the United States

- Reference: 22 U.S.C. § 2193(b)

Continuation until Replacement: Directors appointed by the president shall serve until their successors are appointed

- Reference: 22 U.S.C. § 2193(b)

Acting Service Rules: None

Who is Head of Agency: The Chairman shall be designated by the president of the United States from among the Directors of the Board other than those appointed by the president

- Reference: 22 U.S.C. § 2193(b)

OMB Review: None

Independent Litigating: The Corporation is authorized to sue and be sued in its corporate name. The Corporation is authorized to represent itself or to contract for representation in all legal and arbitral proceedings.

- Reference: 22 U.S.C. § 2199(d)

Independent Sources of Funding: The Corporation is authorized to, inter alia, issue insurance, upon such terms and conditions as the Corporation may determine, to eligible investors, to issue guaranties of loans and other investments, to make loans in the United States dollars repayable in dollars

- Reference: 22 U.S.C. § 2194

- There shall be established in the Treasury of the United States a noncredit account revolving fund, which shall be available for discharge of liabilities. Such fund shall be funded by (1) the funds available to discharge liabilities under predecessor authority, less both the amount made available for housing guaranty programs and the amount made available from reserves and (2) such sums as shall be appropriated for such purpose. Additional amounts may thereafter be transferred to such fund

- Reference: 22 U.S.C. § 2195(c)
- In order to carry out the purposes of the Corporation, all revenues and income transferred to or earned by the Corporation from whatever source derived, shall be held by the Corporation and shall be available to carry out its purposes
 - Reference: 22 U.S.C. § 2196
- Fees may be charged for providing insurance, reinsurance, financing, and other services in amounts to be determined by the Corporation
 - Reference: 22 U.S.C. § 2197(d)
- The Corporation is authorized to acquire, hold or dispose of, upon such terms and conditions as the Corporation may determine, any property, real, personal, or mixed, tangible or intangible, or any interest therein
 - Reference: 22 U.S.C. § 2199(d)
- The Corporation is authorized to invest funds derived from fees and other revenues in obligations of the United States and to use the proceeds therefrom, including earnings and profits, as it shall deem appropriate
 - Reference: 22 U.S.C. § 2199(d)

Reporting Requirements: At the end of each fiscal year, the Corporation shall submit to the Congress a complete and detailed report of its operations during such fiscal year

- Reference: 22 U.S.C. § 2200a(a)

Reporting Committees: Senate Foreign Relations; House Foreign Affairs

- Reference: 22 U.S.C. § 2194(g)(6)

Review Commissions: None

Advisory Commissions: The Corporation shall establish a group to advise the Corporation on the development and implementation of the cooperative programs to encourage greater availability of political risk insurance

- Reference: 22 U.S.C. § 2194b(b)

Action Require Outside Approval: None

Legislative Veto: None

Adjudication: None

Peace Corps

Date of Creation: September 22, 1961

Statute: 22 U.S.C. §§ 2501-2523

Sub-agency Bureaus: Office of Victim Advocacy

Commissioners/Board Members: None

Quorum Rules: N/A

Agency Specific Personnel: None

Limitation on Appointment: None

Party Balancing: N/A

Fixed Terms: None

Term Length: N/A

Staggered Terms: N/A

For Cause: None

Serve President: None

Continuation until Replacement: None

Acting Service Rules: None

Who is Head of Agency: The President may appoint, by and with the advice and consent of the Senate, a Director of the Peace Corps.

- Reference: 22 U.S.C. § 2503(a)

OMB Review: None

Independent Litigating: None

Independent Sources of Funding: In furtherance of the purposes of this chapter, the President may accept in the name of the Peace Corps and employ or transfer in furtherance of the purposes of this chapter any money or property (real, personal or mixed, tangible or intangible)

- Reference: 22 U.S.C. § 2509(a)(4)(A)
- There is a fund for the Peace Corps to provide separation pay for host country resident personal services contractors and, beginning in fiscal year 2007, amounts deposited in the fund shall be available without fiscal year limitation for severance, retirement, or other separation payments to host country resident personal services contractors.
 - Reference: 22 U.S.C. § 2514a

Reporting Requirements: Annually through September 30, 2018, the President shall conduct a confidential survey of volunteers regarding the effectiveness of Peace Corps programs and staff and the safety of volunteers. Results shall be provided in aggregate form to the Committees on Foreign Relations and Appropriations in the Senate and the Committees on Foreign Affairs and Appropriations in the House.

- Reference: 22 U.S.C. § 2507e(c)
- The President shall, at least once every 3 years, perform a review to evaluate the allocation and delivery of resources across the countries the Peace Corps Serves or is considering for service. Upon request of the Chairman and Ranking Member of the Committee on Foreign Relations in the Senate or the Committee on Foreign Affairs of the House of Representatives, the President shall brief such committees on each portfolio review.
 - Reference: 22 U.S.C. § 2507e(e)
- The President shall annually through September 30, 2018 submit to Congress a report summarizing information on sexual assault and other crimes against volunteers, the number of arrests, prosecutions, and incarcerations for crimes involving Peace Corps volunteers for every country in which volunteers service and the annual rate of early termination of volunteers, including demographic data associated with such early termination
 - Reference: 22 U.S.C. § 2507i
- Each year the Director of the Peace Corps shall submit to Congress a report on funds transferred to the Foreign Currency Fluctuations Account
 - Reference: 22 U.S.C. § 2515(h)

Reporting Committees: Senate Appropriations; Senate Foreign Relations; House Appropriations; House Foreign Affairs

- Reference: *See, e.g.* 22 U.S.C. §§ 2507e(c); 2507i(a)

Review Commissions: None

Advisory Commissions: There is established a Sexual Assault Advisory Council (and no Peace Corps employee shall be a member of the Council) to review the sexual assault policy development and other such matters related to sexual assault the Council views as

appropriate to ensure that such training and policy conform to the extent practicable to best practices in the sexual assault field

- Reference: 22 U.S.C. § 2507d
- There is established a Peace Corps National Advisory Council which shall advise and consult with the President and the Director of the Peace Corps with regard to policies and programs designed to further the purposes of this chapter
 - Reference: 22 U.S.C. § 2511

Action Require Outside Approval: None

Legislative Veto: None

Adjudication: None

Postal Regulatory Commission¹⁰⁵

Date of Creation: August 12, 1970

Statute: 39 U.S.C. §§ 501-505

Sub-agency Bureaus: None

Commissioners/Board Members: The Postal Regulatory Commission is composed of 5 Commissioners, appointed by the President, by and with the advice and consent of the Senate

- Reference: 39 U.S.C. § 502(a)

Quorum Rules: None

Agency Specific Personnel: None

Limitation on Appointment: The Commissioners shall be chosen solely on the basis of their technical qualifications, professional standing, and demonstrated expertise in economics, accounting, law, or public administration. Each individual appointed to the Commission shall have the qualifications and expertise necessary to carry out the enhanced responsibilities accorded Commissioners under the Postal Accountability and Enhancement Act

- Reference: 39 U.S.C. § 502(a)
- No Commissioner shall be financially interested in any enterprise in the private sector of the economy engaged in the delivery of mail matter
 - Reference: 39 U.S.C. § 502(b)

Party Balancing: Not more than 3 of the Commissioners may be adherents of the same political party

- Reference: 39 U.S.C. § 502(a)

Fixed Terms: Yes

- Reference: 39 U.S.C. § 502(f)

Term Length: The Commissioners shall serve for terms of 6 years

- Reference: 39 U.S.C. § 502(f)

Staggered Terms: None in current statute¹⁰⁶

For Cause: The Commissioners may be removed by the president only for cause

- Reference: 39 U.S.C. § 502(a)

Serve President: None

¹⁰⁵ Research team obtained employment numbers through agency contact. Email from Michael Ravnitsky, Postal Regulatory Service, to David E. Lewis, William R. Kenan, Jr. Professor of Political Science, Vanderbilt University (July 6, 2012) (on file with authors).

¹⁰⁶ But terms are still staggered based on a previous version of the statute.

Continuation until Replacement: A Commissioner may continue to serve after the expiration of his term until his successor has qualified, except that a Commissioner may not continue to serve for more than 1 year after the date upon which his term otherwise would expire

- Reference: 39 U.S.C. § 502(c)

Acting Service Rules: The Vice Chairman shall act as Chairman of the Commission in the absence of the Chairman

- Reference: 39 U.S.C. § 502(e)

Who is Head of Agency: One of the Commissioners shall be designated as Chairman by, and shall serve in the position of Chairman at the pleasure of, the president

- Reference: 39 U.S.C. § 502(d)

OMB Review: None

Independent Litigating: None

Independent Sources of Funding: None

Reporting Requirements: In requesting an appropriation for a fiscal year, the Commission shall prepare and submit to the Congress a budget of the Commission's expenses, including expenses for facilities, supplies, compensation, and employee benefits

- Reference: 39 U.S.C. § 504(d)

Reporting Committees: Not specified

Review Commissions: None

Advisory Commissions: None

Action Require Outside Approval: None

Legislative Veto: None

Adjudication (e.g.): Any Commissioner of the Postal Regulatory Commission, any administrative law judge appointed by the Commission, and any employee of the Commission designated by the Commission may administer oaths, examine witnesses, take depositions, and receive evidence

- Reference: 39 U.S.C. § 504(f)(1)
- The Chairman of the Commission, any Commissioner designated by the Chairman, and any administrative law judge appointed by the Commission may, with respect to any proceeding conducted by the Commission, . . . issue subpoenas requiring the attendance and presentation of testimony by, or the production of documentary or other evidence in the possession of any covered person and order the taking of depositions and responses to written interrogatories by a covered person. The written concurrence of a majority of the Commissioners then holding office shall, with respect to each subpoena be required in advance of its issuance
 - Reference: 39 U.S.C. § 504(f)(2)

Privacy and Civil Liberties Oversight Board

Date of Creation: December 17, 2004

Statute: 42 U.S.C. § 2000ee

Sub-agency Bureaus: None

Commissioners/Board Members: The Board shall be composed of a full time chairman and 4 additional members, who shall be appointed by the president, by and with the advice and consent of the Senate

- Reference: 42 U.S.C. § 2000ee(h)(1)

Quorum Rules: Three members of the Board shall constitute a quorum

- Reference: 42 U.S.C. § 2000ee(h)(5)

Agency Specific Personnel: The chairman of the Board, in accordance with rules agreed upon by the Board, shall appoint and fix the compensation of a full-time executive director and such other personnel as may be necessary to enable the Board to carry out its functions, without regard to the civil service provisions governing appointments in the competitive service and without regard to provisions relating to classification and General Schedule pay rates, except that no rate of pay fixed under this subsection may exceed the equivalent of that payable for a position at level V of the Executive Schedule

- Reference: 42 U.S.C. § 2000ee(j)(a)

Limitation on Appointment: Members of the Board shall be selected solely on the basis of their professional qualifications, achievements, public stature, expertise in civil liberties and privacy, and relevant experience, and without regard to political affiliation. The president shall, before appointing any individual who is not a member of the same political party as the president, consult with the leadership of that party, if any, in the Senate and House.

- Reference: 42 U.S.C. § 2000ee(h)(2)

- An individual appointed to the Board may not, while serving on the Board, be an elected official, or employee of the Federal Government, other than in the capacity as a member of the Board

- Reference: 42 U.S.C. § 2000ee(h)(3)

Party Balancing: In no event shall more than 3 members of the Board be members of the same political party

- Reference: 42 U.S.C. § 2000ee(h)(2)

Fixed Terms: Yes

- Reference: 42 U.S.C. § 2000ee(h)(4)

Term Length: Each member of the Board shall serve a term of 6 years

- Reference: 42 U.S.C. § 2000ee(h)(4)

Staggered Terms: None

For Cause: None

Serve President: None

Continuation until Replacement: Upon the expiration of the term of office of a member, the member shall continue to serve until the member's successor has been appointed and qualified, except that no member may serve for more than 60 days when Congress is in session unless a nomination to fill the vacancy shall be been submitted to the Senate or after the adjournment sine die of the session of the Senate in which such nomination is submitted

- Reference: 42 U.S.C. § 2000ee(h)(4)(B)

Acting Service Rules: None

Who is Head of Agency: A full time chairman, who shall be appointed by the President, by and with the advice and consent of the Senate

- Reference: 42 U.S.C. § 2000ee(h)(1)

OMB Review:

Independent Litigating: None

Independent Sources of Funding: None

Reporting Requirements: The Board shall periodically submit, not less than semiannually reports to the appropriate committees of Congress and to the president and which shall be in

unclassified form to the greatest extent possible, with a classified form where necessary. These reports shall include a description of the major activities of the Board during the preceding period, information on findings, conclusions, and recommendations of the Board resulting from its advice and oversight functions (including minority views).

- Reference: 42 U.S.C. § 2000ee(e)

Reporting Committees: Senate Judiciary; Senate Homeland Security and Governmental Affairs; Senate Intelligence; House Judiciary; House Homeland Security; House Oversight and Government Reform; House Intelligence

- Reference: 42 U.S.C. § 2000ee(e)

Review Commissions: None

Advisory Commissions: None

Action Require Outside Approval: If determined by the Board to be necessary to carry out its responsibilities, the Board is authorized to (at the direction of the majority of the members of the Board) submit a written request of the Attorney General of the United States that the Attorney General require, by subpoena, persons (other than departments, agencies, and elements of the executive branch) to produce any relevant information, documents, reports, answers, records, accounts, papers, and other documentary or testimonial evidence. Not later than 30 days after the date of receipt of such request, the Attorney General shall issue the subpoena as requested or provide the Board, in writing, with an explanation of the grounds on which the subpoena request has been modified or denied.

- Reference: 42 U.S.C. § 2000ee(g)

Legislative Veto: None

Adjudication: None

Railroad Retirement Board

Date of Creation: August 29, 1935

Statute: 45 U.S.C. §§ 231-231v

Sub-agency Bureaus: None

Commissioners/Board Members: Three members appointed by the President, by and with the advice and consent of the Senate

- Reference: 45 U.S.C. § 231f(a)

Quorum Rules: A majority of the members of the Board shall constitute a quorum for the transaction of business

- Reference: 45 U.S.C. § 231f(a)

Agency Specific Personnel: None

Limitation on Appointment: One member shall be appointed from recommendations made by representatives of employees and one member shall be appointed from recommendations by representatives of employers so as to provide representation on the Board satisfactory to the largest number, respectively, of employees and employers concerned. The third member shall not be in the employment of or be pecuniarily or otherwise interested in any employer or organization of employees

- Reference: 45 U.S.C. § 231f(a)

Party Balancing: None

Fixed Terms: Yes

- Reference: 45 U.S.C. § 231f(a)

Term Length: Each member shall hold office for a term of five years

- Reference: 45 U.S.C. § 231f(a)

Staggered Terms: None¹⁰⁷

For Cause: None

Serve President: None

Continuation until Replacement: Upon the expiration of his term of office a member shall continue to serve until his successor is appointed or qualified

- Reference: 45 U.S.C. § 231f(a)

Acting Service Rules: None

Who is Head of Agency: One member, who shall be the chairman of the Board, shall be appointed without recommendation by either employer or employees

- Reference: 45 U.S.C. § 231f(a)

OMB Review: Whenever the Board submits or transmits any budget estimate budget request, supplemental budget estimate, or other budget information, legislative recommendation, prepared testimony for congressional hearings, or comment on legislation to the President or to the Office of Management and Budget, it shall concurrently transmit a copy thereof to the Congress

- Reference: 45 U.S.C. § 231f(f)

Independent Litigating: The several district courts of the United States shall have jurisdiction upon suit by the Board to compel obedience to any order of the Board

- Reference: 45 U.S.C. § 231f(b)(6)

Independent Sources of Funding: The Board is authorized to accept on behalf of the United States money gifts and bequests made unconditionally to the Railroad Retirement Account, to the Railroad Retirement Supplemental Account, or the Railroad Unemployment Insurance Account, or to the Board or any member, officer, or employee thereof for the benefit of such accounts or any activity financed through such accounts

- Reference: 45 U.S.C. § 231f(e)
- All fines and penalties imposed by a court under 45 U.S.C. § 231l(a) shall be paid to the court and be remitted from time to time by order of the judge to the Treasury of the United States to be credited to the Railroad Retirement Account
 - Reference: 45 U.S.C. § 231l(b)
- At the request and direction of the Board, it shall be the duty of the Secretary of the Treasury to invest such portion of the amounts credited to the Railroad Retirement Account and the Dual Benefits Payments Account as are not transferred to the National Railroad Retirement Investment Trust as the Board may determine in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States
 - Reference: 45 U.S.C. § 231n(e)
- At the request of the Board, the Secretary of the Treasury shall sell at the market price such obligations in the Railroad Retirement Account and the Dual Benefits Payments Account as the Board designates
 - Reference: 45 U.S.C. § 231n(e)

¹⁰⁷ Breger and Edles, *supra* note 4, assert that the Board has staggered terms but researchers for this project could find no statute mandating staggered terms.

Reporting Requirements: The Board shall make an annual report to the President of the United States to be submitted to Congress

- Reference: 45 U.S.C. § 231f(b)(6)
- No later than July 1 of each year, the Board shall submit a written report to the President, the Speaker of the House, and the President of the Senate setting forth the results of the projections or anticipated revenues to and payments from the Railroad Retirement Account
 - Reference: 45 U.S.C. § 231u(a)(1)

Reporting Committees: Not specified

Review Commissions: None

Advisory Commissions: The Actuarial Advisory Committee shall examine the actuarial reports and estimates made by the Board and shall have the authority to recommend to the Board such changes in actuarial methods as they may deem necessary

- Reference: 45 U.S.C. § 231n(f)

Action Require Outside Approval: None

Legislative Veto: None

Adjudication: None

Securities and Exchange Commission

Date of Creation: June 6, 1934

Statute: 15 U.S.C. §§ 78a-78pp

Sub-agency Bureaus: Office of the Investor Advocate; Division of Trading and Markets; Division of Investment Management; Commission Office of Municipal Securities; Office of Credit Ratings; Division of Enforcement; Division of Corporate Finance; Office of Compliance Inspections and Examinations; Office to handle whistleblowing

Commissioners/Board Members: 5 Commissioners to be appointed by the President by and with the advice and consent of the Senate

- Reference: 15 U.S.C. § 78d(a)

Quorum Rules: None

Agency Specific Personnel: The Commission shall appoint and compensate officers, attorneys, economists, examiners, and other employees in accordance with 5 U.S.C. § 4802, which states that rates of basic pay for all employees of the Commission may be set and adjusted by the Commission without regard to civil service provisions.

- Reference: 15 U.S.C. § 78d(b) (incorporating 5 U.S.C. § 4802)

Limitation on Appointment: No commissioner may participate, directly or indirectly, in any stock-market operations or transactions of a character subject to regulation by the Commission

- Reference: 15 U.S.C. § 78d(a)

Party Balancing: Not more than three of commissioners shall be members of the same political party, and in making appointments members of different political parties shall be appointed alternately as nearly as may be practicable

- Reference: 15 U.S.C. § 78d(a)

Fixed Terms: Yes

- Reference: 15 U.S.C. § 78d(a)

Term Length: Each commissioner shall hold office for a term of five years

- Reference: 15 U.S.C. § 78d(a)

Staggered Terms: The terms of office of the commissioners first taking office after June 6, 1934 shall expire as designated by the president at the time of nomination, one at the end of one year, one at the end of two years, one at the end of three years, one at the end of four years, and one at the end of five years

- Reference: 15 U.S.C. § 78d(a)

For Cause: None¹⁰⁸

Serve President: None

Continuation until Replacement: Each commissioner shall continue to hold office until his successor is appointed and has qualified, except that he shall not so continue to serve beyond the expiration of the next session of Congress subsequent to the expiration of said fixed term of office

- Reference: 15 U.S.C. § 78d(a)

Acting Service Rules: None

Who is Head of Agency: Chairman selection not specified

OMB Review: Whenever the Commission submits a budget estimate to the President or the Office of Management and Budget, the Commission shall transmit copies of the estimate or request to the Committee on Appropriations of the Senate, the Committee on Appropriations of the House, the Committee of Banking, Housing, and Urban Affairs of the Senate, and the Committee on Financial Services of the House

- Reference: 15 U.S.C. § 78ee(m)

Independent Litigating: Whenever it shall appear to the Commission that any person has violated any provision of this chapter, the rules or regulations thereunder, or a cease-and-desist order entered by the Commission, the Commission may bring an action in a United States district court to seek, and the court shall have jurisdiction to impose, under proper showing, a civil penalty to be paid by the person who committed such violation

- Reference: 15 U.S.C. § 78u(d)(3)(A).¹⁰⁹

Independent Sources of Funding: The Commission may accept payment and reimbursement, in cash or in kind, from non-Federal agencies, organizations, and individuals for travel, subsistence, and other necessary expenses incurred by Commission members and employees in attending meetings and conferences concerning the functions or activities of the Commission. Any payment or reimbursement accepted shall be credited to the appropriated funds of the Commission

- Reference: 15 U.S.C. § 78d(c)
- The Commission may accept payment and reimbursement, in cash or in kind, from a foreign securities authority, or made on behalf of such authority for necessary expenses incurred by Commission members and employees in carrying out any investigation or in providing any other assistance to a foreign securities authority. Any payment or reimbursement accepted shall be credited to the appropriated funds of the Commission
 - Reference: 15 U.S.C. § 78d(f)

¹⁰⁸ the statute authorizing the Securities and Exchange Commission does not include explicit for cause protections for the removal of commissioners. Yet, federal courts recognize the existence of for cause protections in the agency despite no explicit mention in statute. *See, e.g.,* Sec. Exch. Comm'n. v. Blinder, Robinson, and Co., Inc., 855 F.2d 677 (10th Cir. 1988).

¹⁰⁹ *See also, e.g.,* 15 U.S.C. § 78u-1 (2012) (granting commission authority to bring action in district court to seek penalty for inside trading); § 78aa (2012) (discussing court jurisdiction, civil and criminal suits, and court costs).

- The Division of Investment Management of the Commission shall deposit into the SEC Reserve Fund any registration fees collected by the Commission. For any one fiscal year, the amount deposited in the Fund may not exceed \$50 million and the balance of the Fund may not exceed \$100 million. The amounts collected and deposited in the Reserve Fund shall not be construed to be Government funds or appropriated monies and the Commission may obligate amounts in the Reserve Fund, not to exceed a total of \$100 million in any 1 fiscal year as the Commission determines is necessary to carry out the functions of the Commission
 - Reference: 15 U.S.C. § 78d(i)
- There is established in the Treasury a fund to be known as the Securities and Exchange Commission Investor Protection Fund. The Fund shall be available to the Commission, without further appropriation or fiscal limitation for paying awards to whistleblowers and funding the activities of the Inspector General. There shall be deposited into or credited to the Fund an amount equal to any monetary sanction collected by the Commission in any judicial or administrative action brought by the Commission under the securities laws that is not added to a disgorgement or other fund or otherwise distributed to victims of a violation of securities law. The interest on and proceeds from the sale or redemption of any obligations of the Fund shall be credited to the fund
 - Reference: 15 U.S.C. § 78u-6(g)

Reporting Requirements: The Commission shall inform Congress of compensation and benefits for officers, attorneys, economists, examiners, and other employees of the Commission

- Reference: 15 U.S.C. § 78d(b)(2)
- Not later than June 30 of each year after 2010, the Investor Advocate shall submit to the appropriate congressional committees a report on the objectives of the Investor Advocate for the following year
 - Reference: 15 U.S.C. § 78d(g)(6)(A)
- Not later than December 31 of each year after 2010, the Investor Advocate shall submit to appropriate congressional committees a report on the activities of the Investor Advocate during the immediately preceding fiscal year
 - Reference: 15 U.S.C. § 78d(g)(6)(B)
- Not later than 90 days after the end of each fiscal year, the Commission shall submit a report to appropriate congressional committees on the conduct of the Commission of the examinations of registered entities, enforcement investigations, and review of corporate financial securities filings
 - Reference: 15 U.S.C. § 78d-6(a)
- Not later than 90 days after the date on which the Comptroller General submits each report required under 15 U.S.C. § 78d-7(a), the Commission shall submit to appropriate congressional committees a report describing the actions taken by the Commission in response to the recommendations contained in that report
 - Reference: 15 U.S.C. § 78d-6(d)
- Not later than 6 months after the end of each fiscal year, the Commission shall publish and submit to Congress a report that describes the responsibility of the management of the Commission for establishing and maintaining an adequate internal control structure and procedures for financial reporting and contains an assessment of the effectiveness of those procedures
 - Reference: 15 U.S.C. § 78d-8(a)

- Not later than October 30 of each fiscal year beginning after July 21, 2010, the Commission shall submit to appropriate congressional committees a report on the whistleblower program and the SEC Investor Protection Fund.
 - Reference: 15 U.S.C. § 78u-6(g)(5)
- The office to administer and enforce whistleblower provisions shall report annually to the appropriate congressional committees on its activities, whistleblower complaints, and the response of the Commission to such complaints
 - Reference: 15 U.S.C. § 78u-7(d)
- The Commission shall make an annual report to Congress on its work for the preceding year, and shall include in such report what information, data, and recommendations for further legislation it considers advisable
 - Reference: 15 U.S.C. § 78w(b)

Reporting Committees: Senate Banking, Housing, and Urban Affairs; Senate Appropriations; House Financial Services; House Appropriations

- Reference: See, e.g., 15 U.S.C. §§ 78d(g)(6)(A)(i); 78d-6(a); 78ee(m)

Review Commissions: None

Advisory Commissions: The Commission shall establish a National Market Advisory Board to formulate and furnish to the Commission its views on significant regulatory proposals made by the Commission or any self-regulatory organization concerning the establishment, operation, and regulation of the markets for securities in the United States

- Reference: 15 U.S.C. § 78k-1(d)
- The Commission is authorized to create one or more advisory committees pursuant to the Federal Advisory Committee Act (which shall be in addition to the National Market Advisory Board)
 - Reference: 15 U.S.C. § 78k-1(a)(3)(A)
- Within 90 days after October 16, 1990, the Commission shall (and at such time thereafter as the Commission may determine, the Commission may), after consultation with the Secretary of the Treasury and the Board of Governors of the Federal Reserve System, establish an advisory committee to consider and report to the Commission on such matters that the Commission determines, including the areas in which State commercial laws and related Federal laws concerning the transfer of certificated or uncertificated securities, limited interests (including security interests) in such securities, or the creation or perfection of security interests in such securities do not provide the necessary certainty, uniformity, and clarity for purchasers, sellers, owners, lenders, borrowers, and financial intermediaries concerning their respective rights and obligations
 - Reference: 15 U.S.C. § 78q-1(f)(4)(A)
- There is established within the Commission the Investor Advisory Committee which shall advise and consult with the Commission on regulatory priorities of the Commission, issues relating to the regulation of securities products, training strategies, and fee structures, and the effectiveness of disclosure, initiatives to protect investor interest, and initiatives to promote investor confidence and the integrity of the securities marketplace
 - Reference: 15 U.S.C. § 78pp

Action Require Outside Approval: None

Legislative Veto: None

Adjudication: None

Securities Investor Protection Corporation

Date of Creation: December 30, 1970

Statute: 15 U.S.C. §§ 78aaa-78lll

Sub-agency Bureaus: None

Commissioners/Board Members: The Board of Directors shall consist of seven persons as follows: one shall be appointed by the Secretary of the Treasury from among the officers and employees of the Department of the Treasury; one shall be appointed by the Federal Reserve Board from among the officers and employees of the Federal Reserve Board; five shall be appointed by the president by and with the advice and consent of the Senate

- Reference: 15 U.S.C. § 78ccc(c)(2)

Quorum Rules: None

Agency Specific Personnel: The SIPC shall have the power to elect or appoint such officers, attorneys, employees, and agents as may be required, to determine their qualifications, to define their duties, to fix their salaries, require bonds for them, and fix the penalty thereof

- Reference: 15 U.S.C. § 78ccc(b)(7)

Limitation on Appointment: Of the five appointed by the president, three shall be selected from among persons who are associated with and representative of different aspects of the securities industry, not all of whom shall be from the same geographical area of the United States and two directors shall be selected from the general public from among persons who are not associated with a broker dealer or associated with a member of a national securities exchange or similarly associated with any self-regulatory organization or other securities industry group, and who have not had any such association during the two years preceding appointment

- Reference: 15 U.S.C. § 78ccc(c)(2)

Party Balancing: None

Fixed Terms: Yes

- Reference: 15 U.S.C. § 78ccc(c)(4)

Term Length: Each director shall be appointed for a term of three years

- Reference: 15 U.S.C. § 78ccc(c)(4)(A)

Staggered Terms: Of the directors first appointed, two shall hold office for a term expiring on December 31, 1971; two shall hold office for a term expiring on December 31, 1972; and three shall hold office for a term expiring on December 31, 1973

- Reference: 15 U.S.C. § 78ccc(c)(4)(B)

For Cause: None

Serve President: None

Continuation until Replacement: A director may serve after the expiration of his term until his successor has taken office

- Reference: 15 U.S.C. § 78ccc(c)(4)(C)

Acting Service Rules: None

Who is Head of Agency: The President shall designate a Chairman from those directors appointed from the general public and not associated with a broker dealer or national securities exchange

- Reference: 15 U.S.C. § 78ccc(c)(3)

OMB Review: Not specified

Independent Litigating: SIPC shall have the power to sue and be sued, complain and defend, in its corporate name and through its own counsel, in any state, federal, or other court

- Reference: 15 U.S.C. § 78ccc(b)(1)

Independent Sources of Funding: SIPC shall have the power to lease, purchase, accept gifts or donations of or otherwise acquire to own, hold, improve, use, or otherwise deal in or with, and to sell, convey, mortgage pledge, lease exchange or otherwise dispose of any property, real, personal, or mixed or any interest therein

- Reference: 15 U.S.C. § 78ccc(b)(6)
- SIPC shall establish a SIPC Fund. All amounts received by SIPC (other than amounts paid directly to any lender pursuant to any pledge securing a borrowing by SIPC) shall be deposited in the fund, and all expenditures made by SIPC shall be made out of the fund. The balance of the fund at any time shall consist of the aggregate at such time of cash on hand or on deposit, amounts invested in United States government or agency securities, and such confirmed lines of credit as SIPC may from time to time maintain
 - Reference: 15 U.S.C. § 78ddd(a)
- Each member of SIPC shall pay to SIPC an assessment equal to one-eighth of one per centum or the gross revenues from the securities business of such member, unless the Securities and Exchange Commission shall determine that for the purposes of assessment, a lesser percentage of gross revenues from the securities business is appropriate
 - Reference: 15 U.S.C. § 78ddd(c)

Reporting Requirements: Not later than April 5 of any calendar year in which a determination whether an inflation adjustment to the standard maximum cash advance amount is appropriate the Board of Directors of SIPC shall submit a report to the Congress stating the standard maximum cash advance amount

- Reference: 15 U.S.C. § 78fff-3(e)(3)

Reporting Committees: Not specified

Review Commissions: None

Advisory Commissions: None

Action Require Outside Approval: Each proposed bylaw change shall take effect unless the Securities and Exchange Commission disapproves such proposed bylaw change as being contrary to the public interest or contrary to the purposes of the chapter or the Commission finds that such proposed bylaw change involves a matter of such significant public interest that public comment should be obtained

- Reference: 15 U.S.C. § 78ccc(e)(1)
- No proposed rule shall take effect unless approved by the Securities and Exchange Commission or otherwise permitted by statute
 - Reference: 15 U.S.C. § 78ccc(e)(2)(A)
- Not later than January 1, 2011 and every 5 years thereafter, and subject to the approval of the SEC, the Board of Directors of SIPC shall determine whether an inflation adjustment to the standard maximum cash advance amount is appropriate
 - Reference: 15 U.S.C. § 78fff-3(e)(1)

Legislative Veto: None

Adjudication: None

Selective Service System

Date of Creation: September 16, 1940

Statute: 50 App. U.S.C. § 460

Sub-agency Bureaus: Office of Selective Service Records

Commissioners/Board Members: None

Quorum Rules: N/A

Agency Specific Personnel: None

Limitation on Appointment: None

Party Balancing: N/A

Fixed Terms: None

Term Length: N/A

Staggered Terms: N/A

For Cause: None

Serve President: None

Continuation until Replacement: None

Acting Service Rules: None

Who is Head of Agency: A Director of Selective Service shall be the head of the Selective Service System and shall be appointed by the President by and with the advice and consent of the Senate¹¹⁰

- Reference: 50 App. U.S.C. § 460(a)(3)

OMB Review: Not specified

Independent Litigating: None

Independent Sources of Funding: In the administration of this title, gifts of supplies, equipment, and voluntary services may be accepted

- Reference: 50 App. U.S.C. § 460(d)

Reporting Requirements: The Director of Selective Service shall submit to the Congress annually a written report covering the operation of the Selective Service System

- Reference: 50 App. U.S.C. § 460(g)

Reporting Committees: Not specified

Review Commissions: None

Advisory Commissions: None

Action Require Outside Approval: None

Legislative Veto: None

Adjudication: None

Small Business Administration

Date of Creation: July 30, 1953

Statute: 15 U.S.C. §§ 631-657q

Sub-agency Bureaus: Office of International Trade; Loan Policy Board; Office of Advocacy; Office of Disaster Assistance; Disaster Cadre; Office of Minority Small Business and Capital Ownership Development; Division of Program Certification and Eligibility; Office of Small and Disadvantaged Business Utilization; Office of Rural Affairs; Office of Women's Business Ownership; Office of Veterans Business Development

Commissioners/Board Members: None

Quorum Rules: N/A

Agency Specific Personnel: The Chief Counsel for Advocacy may employ and fix the compensation of such additional staff personnel as is deemed necessary without regard to the civil service provisions governing appointments in the competitive service and

¹¹⁰ The Director of the Selective Service System will be a presidential appointment not subject to Senate confirmation consistent with the Presidential Appointment Efficiency and Streamlining Act of 2011.

relating to classification and General Schedule pay rates but at rates not in excess of the lowest rate for GS-15 of the General Schedule. Provided however that not more than 14 staff personnel at any one time may be employed and compensated at a rate not in excess of GS-15, step 10.

- Reference: 15 U.S.C. § 634d(1)

Limitation on Appointment: The Administrator shall be appointed from civilian life and shall be a person of outstanding qualifications known to be familiar and sympathetic with small-business needs and problems

- Reference: 15 U.S.C. § 633(b)(1)

Party Balancing: N/A

Fixed Terms: None

Term Length: N/A

Staggered Terms: N/A

For Cause: None

Serve President: None

Continuation until Replacement: None

Acting Service Rules: The Deputy Administrator shall be Acting Administrator of the Administration during the absence or disability of the Administrator or in the event of a vacancy in the office of the administrator

- Reference: 15 U.S.C. § 633(b)(1)

Who is Head of Agency: The management of the Administration shall be vested in an Administrator who shall be appointed by the president, by and with the advice and consent of the Senate

- Reference: 15 U.S.C. § 6339(b)(1)

OMB Review: Not specified

Independent Litigating: The Administrator may sue and be sued in any court of record of a state having general jurisdiction or in any United States district court.

- Reference: 15 U.S.C. § 634(b)(1)

Independent Sources of Funding: There are established in the Treasury a disaster loan fund and a business loan and investment fund. All repayments of loans and debentures, payments of interest, and other receipts arising out of transactions entered into by the Administration shall be paid into one of these funds as specified

- Reference: 15 U.S.C. § 633(c)
- The Administrator may assign or sell at public or private sale, or otherwise dispose of for cash or credit, in his discretion and upon such terms and conditions and for such consideration as the Administrator shall determine to be reasonable, any evidence of debt, contract, claim, personal property, or security assigned to or held by him in connection with the payment of loans granted under this chapter, and to collect or compromise all obligations assigned to or held by him and all legal or equitable rights accruing to him in connection with the payment of such loans until such time as such obligations may be referred to the Attorney General for suit or collection
 - Reference: 15 U.S.C. § 634(b)(2)
- The Administrator may deal with, complete, renovate, improve, modernize, insure, or rent or sell for cash or credit upon such terms and conditions and for such consideration as the Administrator shall determine to be reasonable, any real property conveyed to or otherwise acquired by him in connection with the payment of loans

- Reference: 15 U.S.C. § 634(b)(3)
- The Administrator may acquire, in any lawful manner, any property (real, personal, or mixed, tangible or intangible) whenever deemed necessary or appropriate to the conduct of making small business or disaster loans
 - Reference: 15 U.S.C. § 634(b)(5)
- The Administrator may upon purchase by the Administration of any deferred participation continue to charge a rate of interest not to exceed that initially charged by the participating institution on the amount so purchased for the remaining term of the indebtedness
 - Reference: 15 U.S.C. § 634(b)(10)
- The Administrator may impose, retain and use fees which are specifically authorized by law
 - Reference: *See, e.g.*, 15 U.S.C. §§ 534(b)(12); 534(g)(4); 636(a)(18)
- In carrying out the Capital Ownership and Development Program, the Administration is authorized to accept, in the name of the Administration, and employ or dispose of in furtherance of the purposes of this chapter any money or property, real, personal, or mixed, tangible or intangible, received by gift, devise, bequest or otherwise
 - Reference: 15 U.S.C. § 636(k)(2)
- The Administrator may charge interest on loans made by the Administrator at various statutorily prescribed interest rates
 - Reference: *See, e.g.*, 15 U.S.C. §§ 636(a)(4); 636(l)(4)(D); 636b

Reporting Requirements: The Administration shall submit to the appropriate congressional committees as soon as possible after the beginning of each calendar quarter a full and complete report on the status of the disaster loan fund and the business loan and investment fund

- Reference: 15 U.S.C. § 633(c)(4)
- Not later than 10 days before the closing date of an application period for a major disaster (including any major disaster relating to which the Administrator declares eligibility for additional disaster assistance) the Administrator, in consultation with the Administrator of FEMA shall submit to the appropriate congressional committees a report that includes the deadline for submitting applications, information regarding the number of loan applications and disbursements processed by the Administrator relating to that major disaster and an estimate of the number of potential applicants that have not submitted applications
 - Reference: 15 U.S.C. § 636(b)(4)
- If the number of full time employees for either the Office of Disaster Assistance or the Disaster Cadre of the Administration is below the statutorily mandated level for that office, not later than 21 days after the date on which the level decreased below the mandated level, the Administrator shall submit to the appropriate committees a report detailing staffing levels, requesting funds for additional employees, and any additional applicable information
 - Reference: 15 U.S.C. § 636(b)(7)(B)
- Not later than April 30 of each year the Administrator shall submit a report to Congress on the Capital Ownership Development Program
 - Reference: 15 U.S.C. § 636(j)(16)(B)

- On January 31, 1999 and annually thereafter, the Administration shall submit to the appropriate congressional committees a report on the monies distributed pursuant to supplemental grants under the microloan program
 - Reference: 15 U.S.C. § 636(m)(13)
- Not later than the fifth business day of each month during the applicable period for a disaster, the Administrator shall submit to the appropriate committees in Congress a report on the operation of the disaster loan program for that major disaster during the preceding month
 - Reference: 15 U.S.C. § 636k(a)
- Each week during a disaster update period, the Administration shall submit to the appropriate committees in Congress a report on the operation of the disaster loan program of the Administration for the area in which the president declared a major disaster
 - Reference: 15 U.S.C. § 636k(b)
- During any period for which the Administrator declares eligibility for additional disaster assistance, the Administrator shall, on a monthly basis, submit to the appropriate committees of Congress a report on the disaster assistance operations of the Administration with respect to the applicable disaster
 - Reference: 15 U.S.C. § 636k(c)
- On the same date that the Administrator notifies any committee of the Senate or the House that supplemental funding is necessary for the disaster loan program in any fiscal year, the Administrator shall notify in writing the small business committees of Congress regarding the need for supplemental funds
 - Reference: 15 U.S.C. § 636k(d)
- Not later than 6 months after the date on which the president declares a major disaster and every 6 months thereafter until the date that is 18 months after the date on which the disaster was declared, the Administrator shall submit a report to the appropriate committees in Congress regarding federal contracts awarded as a result of that major disaster
 - Reference: 15 U.S.C. § 636k(e)
- The Administration shall report not less than annually to the appropriate committees in Congress on the SBIR and STTR programs of the federal agencies and the Administration's information and monitoring efforts related to the SBIR and STTR programs
 - Reference: 15 U.S.C. § 638(b)(7)
- The Administrator shall collect data and provide to the appropriate committees in Congress a report on the use of funds for SBIR and STTR programs
 - Reference: 15 U.S.C. § 638(mm)(6)
- The Administration shall, as soon as practicable each fiscal year make a comprehensive annual report to the president, the president of the Senate, the Senate Committee on Small Business, and the Speaker of the House.
 - Reference: 15 U.S.C. § 639(a)
- The Administration shall make a report to the president, the president of the Senate, the Speaker of the House, to the Senate Committee on Small Business, and to the House Committee on Small Business as soon as practicable each fiscal year, showing as accurately as possible for each period the amount of funds appropriated to it that it has

expended in the conduct of each of its principal activities such as lending, procurement, contracting, and providing technical and managerial aids

- Reference: 15 U.S.C. § 639(b)
- The Administration shall transmit, not later than December 31 of each year, to the appropriate congressional committees a sealed report with respect to complaints alleging illegal conduct by employees of the Administration which were received or acted upon by the Administration during the preceding fiscal year and investigations undertaken by the Administration, including external and internal audits and security and investigation reports
 - Reference: 15 U.S.C. § 639(g)
- The Administration shall transmit, not later than March 31 of each year, to the appropriate congressional committees, a report on the secondary market operations during the preceding calendar year
 - Reference: 15 U.S.C. § 639(h)
- The Administration should submit its estimated needs for additional authorization for such program to the Congress at least once a year in advance of the date on which such authorization is to be provided, in order to assure an orderly and recurring review of such program and to avoid emergency appeals for additional authorization
 - Reference: 15 U.S.C. § 639a
- The Administration shall annually compile and analyze the reports submitted by the individual agencies pursuant to § 644(h)(1) and shall submit to the president and appropriate congressional committees the compilation and analysis
 - Reference: 15 U.S.C. § 644(h)(2)
- Annually in March the Administration shall transmit a report on contract bundling to the appropriate committees in Congress
 - Reference: 15 U.S.C. § 644(p)(4)
- Not later than 90 days after September 27, 2010 and every 3 years thereafter, the Administrator shall submit to the appropriate congressional committees a report regarding procurement center representatives and commercial market representation
 - Reference: 15 U.S.C. § 644(s)(3)
- The Associate Administrator for international trade shall submit an annual report to the appropriate committees in Congress that contains a description of the progress of the Office of international Trade
 - Reference: 15 U.S.C. § 649(f)
- The Associate Administrator for Veterans Business Development shall submit to Congress progress reports on the implementation of the Transition Assistance Program
 - Reference: 15 U.S.C. § 657b(d)(4)
- The Administrator shall submit an annual report to the appropriate committees in Congress on the FAST program during the preceding year
 - Reference: 15 U.S.C. § 657d(f)(2)
- Not later than 60 days after the date on which all reports relating to a year are submitted, the Administrator shall submit to the appropriate committees in Congress a report summarizing the information regarding the Efficiency Program submitted by small business development centers participating in that program
 - Reference: 15 U.S.C. § 657h(c)(2)(C)

- Not later than 45 days after the end of a fiscal year, the Administrator shall submit to the appropriate congressional committees a report on the disaster assistance operations of the Administration for that fiscal year
 - Reference: 15 U.S.C. § 657o
- Not later than 2 years after February 4, 2009 and every 2 years thereafter, the Administrator shall submit to the appropriate committees in Congress a report on the status of the nationwide campaign of education and outreach for small business concerns regarding the availability of coverage for children through insurance options, the Medicaid program, and the State Children's Health Insurance Program
 - Reference: 15 U.S.C. § 657p(b)(6)

Reporting Committees: Senate Appropriations; Senate Small Business and Entrepreneurship; Senate Science, Space, and Technology; House Appropriations; House Small Business; House Science

- Reference: *See, e.g.*, 15 U.S.C. §§ 633(c)(4); 636(B)(4)(A); 638(mm)(6); 657d(f)(2)

Review Commissions: None

Advisory Commissions: The Administrator of the Small Business Administration shall establish a Small Business Manufacturing Task Force to address the concerns of small manufacturers. The Task Force shall evaluate and identify whether programs and services are sufficient to serve the needs of small manufacturers, actively promote the programs and services of the Small Business Administration that serve small manufacturers, and identify and study the unique conditions facing small manufacturers and develop and propose policy initiatives to support and assist small manufacturers

- Reference: 15 U.S.C. § 631c
- There is established a National Small Business Development Center Advisory Board
 - Reference: 15 U.S.C. § 648(i)
- Regional Small Business Regulatory Fairness Boards shall meet at least annually to advise the SBA Enforcement Ombudsman on matters of concern to small businesses relating to the enforcement activities of agencies
 - Reference: 15 U.S.C. § 657(c)

Action Require Outside Approval: The Administrator may, after consultation with the Attorney General and the FTC, and with the prior written approval of the Attorney General, approve any agreement between small-business firms providing for a joint program of research and development, if the Administrator finds that the joint program proposed will maintain and strengthen the free enterprise system and the economy of the Nation. The Administrator or the Attorney General may at any time withdraw his approval of the agreement and the joint program of research and development covered thereby

- Reference: 15 U.S.C. § 638(d)(2)

Legislative Veto: None

Adjudication (e.g.): The Administration, prior to taking any action (on denial of program admission, termination, or graduation) shall provide the small business concern that is the subject of such action an opportunity for a hearing on the record in accordance with chapter 5 of Title 5

- Reference: 15 U.S.C. § 637(a)(9)(A)

Social Security Administration

Date of Creation: August 13, 1935

Statute: 42 U.S.C. §§ 901-914

Sub-agency Bureaus: None

Commissioners/Board Members: None

Quorum Rules: N/A

Agency Specific Personnel: The Commissioner shall appoint such additional officers and employees as the Commissioner considers necessary to carry out the functions of the Administration, and attorneys and experts may be appointed without regard to civil service laws

- Reference: 42 U.S.C. § 904(a)
- The total number of positions in the Administration which have been determined by the President or OPM to be of a confidential, policy-determining, policy-making, or policy-advocating character and have been excepted from the competitive service thereby may not exceed at any time the equivalent of 20 full-time positions
 - Reference: 42 U.S.C. § 904(c)

Limitation on Appointment: None

Party Balancing: N/A

Fixed Terms: Yes

- Reference: 42 U.S.C. § 902(a)(3)

Term Length: The Commissioner shall be appointed for a term of 6 years

- Reference: 42 U.S.C. § 902(a)(3)

Staggered Terms: N/A

For Cause: An individual serving in the office of Commissioner may be removed from office only pursuant to a finding by the president of neglect of duty or malfeasance in office

- Reference: 42 U.S.C. § 902(a)(3)

Serve President: None

Continuation until Replacement: In any case in which a successor does not take office at the end of a Commissioner's term of office, such Commissioner may continue in office until the entry upon office of such a successor

- Reference: 42 U.S.C. § 902(a)(3)

Acting Service Rules: The Deputy Commissioner shall be Acting Commissioner of the Administration during the absence or disability of the Commissioner and, unless the President designates another officer of the Government as Acting Commissioner, in the event of a vacancy in the office of Commissioner

- Reference: 42 U.S.C. § 902(b)(4)

Who is Head of Agency: There shall be in the Administration a Commissioner of Social Security who shall be appointed by the President, by and with the advice and consent of the Senate

- Reference: 42 U.S.C. § 902(a)

OMB Review: The Commissioner shall prepare an annual budget for the Administration, which shall be submitted by the President to the Congress without revision, together with the President's annual budget for the Administration

- Reference: 42 U.S.C. § 904(b)

Independent Litigating: None

Independent Sources of Funding: None

Reporting Requirements: None

Reporting Committees: Not specified

Review Commissions: None

Advisory Commissions: There shall be established a Social Security Advisory Board which shall advise the Commissioner on policies related to the old-age, survivors, and disability insurance program

- Reference: 42 U.S.C. § 903

Action Require Outside Approval: None

Legislative Veto: None

Adjudication (e.g.): In carrying out its duties under this section, the Commission, or any duly authorized committee thereof, is authorized to hold such hearings, sit and act at such times and places, and take such testimony, with respect to matters with respect to which it has a responsibility under this section, as the Commission or such committee may deem advisable. The Chairman of the Commission or any member authorized by him may administer oaths or affirmations to witnesses appearing before the Commission or before any committee thereof.

- Reference: 42 U.S.C. § 907a(e)

Social Security Advisory Board¹¹¹

Date of Creation: August 15, 1994

Statute: 42 U.S.C. § 903

Sub-agency Bureaus: None

Commissioners/Board Members: The Board shall be composed of 7 members who shall be appointed as follows: 3 members shall be appointed by the president, by and with the advice and consent of the Senate; 2 members shall be appointed by the president pro tempore of the Senate with the advice of the Chairman and the Ranking Minority Member of the Senate Committee on Finance; 2 members shall be appointed by the Speaker of the House, with the advice of the Chairman and Ranking Minority Member of the House on Ways and Means

- Reference: 42 U.S.C. § 903(c)(1)

Quorum Rules: Four members of the Board (not more than 3 of whom may be of the same party) shall constitute a quorum for purposes of conducting business

- Reference: 42 U.S.C. § 903(g)(2)

Agency Specific Personnel: The Board shall, without regard to the provisions of Title 5 relating to the competitive service, appoint a Staff Director who shall be paid at a rate equivalent to a rate established for the Senior Executive Service. The Board shall appoint such additional personnel as the Board determines to be necessary to provide adequate support for the Board, and may compensate such additional personnel without regard to provisions relating to the competitive service

- Reference: 42 U.S.C. § 903(i)

Limitation on Appointment: The members shall be chosen on the basis of their integrity, impartiality, and good judgment and shall be individuals who, by reason of their education, experience, and attainments, are exceptionally qualified to perform the duties of members of the Board

- Reference: 42 U.S.C. § 903(c)(2)

Party Balancing: Not more than 2 of the 3 members appointed by the president shall be from the same political party, each of the Senate appointed members shall be from a different

¹¹¹ Employment numbers obtained through agency website: <http://ssab.gov/AbouttheBoard/Staff.aspx>

political party, each of the House appointed members shall be from a different political party

- Reference: 42 U.S.C. § 903(c)(1)

Fixed Terms: Yes

- Reference: 42 U.S.C. § 903(d)

Term Length: Each member of the Board shall serve for a term of 6 years

- Reference: 42 U.S.C. § 903(d)

Staggered Terms: The terms of service of the members initially appointed under this section shall begin on October 1, 1994 and expire as follows: The terms of service of the members initially appointed by the president shall expire as designated by the president at time of nomination, 1 each at the end of 2 years, 4 years, and 6 years. The terms of service of the members initially appointed by the Senate shall expire as designated by the president pro tempore of the Senate at the time of nomination, 1 each at the end of 3 years and 6 years. The terms of service of members initially appointed by the House shall expire as designated by the Speaker at the time of nomination, 1 each at the end of 4 years and 5 years.

- Reference: 42 U.S.C. § 903(d)(2)

For Cause: None

Serve President: None

Continuation until Replacement: None

Acting Service Rules: None

Who is Head of Agency: A member of the Board shall be designated by the president to serve as Chairman for a term of 4 years, coincident with the term of the president, or until the designation of a successor

- Reference: 42 U.S.C. § 903(e)

OMB Review: Not specified

Independent Litigating: None

Independent Sources of Funding: None

Reporting Requirements: None

Reporting Committees: Senate Finance; House Ways and Means

- Reference: 42 U.S.C. § 903(c)(1)

Review Commissions: None

Advisory Commissions: None

Action Require Outside Approval: None

Legislative Veto: None

Adjudication: None

State Justice Institute

Date of Creation: November 8, 1984

Statute: 42 U.S.C. §§ 10701-10713

Sub-agency Bureaus: None

Commissioners/Board Members: The Institute shall be supervised by a Board of Directors, consisting of eleven voting members to be appointed by the President, by and with the advice and consent of the Senate

- Reference: 42 U.S.C. § 10703(a)

Quorum Rules: A simple majority of the membership shall constitute a quorum for the conduct of business

- Reference: 42 U.S.C. § 10703(f)

Agency Specific Personnel: Officers and employees of the Institute shall be compensated at rates determined by the Board but not in excess of the rate of level V of the Executive Schedule

- Reference: 42 U.S.C. § 10704(b)
- Except as otherwise provided (compensation for work injuries, retirement, life insurance, and health insurance) officers and employees of the Institute shall not be considered officers or employees of the United States
 - Reference: 42 U.S.C. § 10704(d)

Limitation on Appointment: The Board shall consist of six judges and one state court administrator to be appointed from a list of candidates submitted to the President by the Conference of Chief Justices and four members from the public sector

- Reference: 42 U.S.C. § 10703(a)

Party Balancing: No more than two of the public sector appointees shall be of the same political party

- Reference: 42 U.S.C. § 10703(a)(2)(C)

Fixed Terms: Yes

- Reference: 42 U.S.C. § 10703(b)(1)

Term Length: The term of each voting member of the Board shall be three years

- Reference: 42 U.S.C. § 10703(b)(1)

Staggered Terms: Five of the members first appointed by the President shall serve for a term of two years

- Reference: 42 U.S.C. § 10703(b)(2)

For Cause: A member of the Board may be removed by vote of seven members for malfeasance in office, persistent neglect of, or inability to discharge duties, or for any offense involving moral turpitude but for no other cause

- Reference: 42 U.S.C. § 10703(h)

Serve President: None

Continuation until Replacement: Each member of the Board shall continue to serve until the successor to such members has been appointed and qualified

- Reference: 42 U.S.C. § 10703(b)(1)

Acting Service Rules: None

Who is Head of Agency: The Board shall select from among the voting members of the Board a chairman, elected annually

- Reference: 42 U.S.C. § 10703(g)

OMB Review: Not specified

Independent Litigating: The Institute shall not participate in litigation unless the Institute or a recipient of the Institute is a party

- Reference: 42 U.S.C. § 10707(a)(1)

Independent Sources of Funding: None

Reporting Requirements: None

Reporting Committees: None

Review Commissions: None

Advisory Commissions: None

Action Require Outside Approval: None
Legislative Veto: None
Adjudication: None

Surface Transportation Board (Department of Transportation)

Date of Creation: December 29, 1995

Statute: 49 U.S.C. §§ 701-727

Sub-agency Bureaus: None

Commissioners/Board Members: The Board shall consist of 3 members, to be appointed by the president, by and with the advice and consent of the Senate.

- Reference: 49 U.S.C. § 701(b)(1)

Quorum Rules: None

Agency Specific Personnel: None

Limitation on Appointment: At any given time, at least 2 members of the Board shall be individuals with professional standing and demonstrated knowledge in the fields of transportation or transportation regulation and at least one member shall be an individual with professional or business experience (including agriculture) in the private sector

- Reference: 49 U.S.C. § 701(b)(2)
- A member of the Board may not have a pecuniary interest in, hold an official relation to, or own stock in or bonds of, a carrier providing transportation by any mode
 - Reference: 49 U.S.C. § 701(b)(6)

Party Balancing: Not more than 2 members may be appointed from the same political party

- Reference: 49 U.S.C. § 701(b)(1)

Fixed Terms: Yes

- Reference: 49 U.S.C. § 701(b)(3)

Term Length: The term of each member of the Board shall be 5 years and shall begin when the term of the predecessor of that member ends

- Reference: 49 U.S.C. § 701(b)(3)

Staggered Terms: On January 1, 1996, the members of the Interstate Commerce Commission serving unexpired terms on December 29, 1995 shall become members of the Board, to serve for a period of time equal to the remainder of the term for which they were originally appointed to the Interstate Commerce Commission. Any member of the Interstate Commerce Commission whose term expires on December 31, 1995 shall become a member of the Board, subject to the 5 year term provisions.

- Reference: 49 U.S.C. § 701(b)(4)

For Cause: The president may remove a member for inefficiency, neglect of duty, or malfeasance in office

- Reference: 49 U.S.C. § 701(b)(3)

Serve President: None

Continuation until Replacement: When the term of office of a member ends, the member may continue to serve until a successor is appointed and qualified, but for a period not to exceed one year

- Reference: 49 U.S.C. § 701(b)(3)

Acting Service Rules: The Board may designate a member as Chairman during any period in which there is no Chairman designated by the president

- Reference: 49 U.S.C. § 701(b)(7)

Who is Head of Agency: There shall be at the head of the Board a Chairman, who shall be designated by the president from among the members of the Board

- Reference: 49 U.S.C. § 701(c)(1)

OMB Review: The Board shall transmit to Congress copies of estimates, requests, and information (including personnel needs), legislative recommendations, prepared testimony for congressional hearings, and comments on legislation at the same time they are sent to the Secretary of Transportation

- Reference: 49 U.S.C. § 703(g)

Independent Litigating: Attorneys designated by the Chairman of the Board may appear for, and represent the Board in, any civil action brought in connection with any function carried out by the Board

- Reference: 49 U.S.C. § 703(d)

Independent Sources of Funding: The Board may impose a reasonable admission fee to individuals who practice before it

- Reference: 49 U.S.C. § 703(e)

Reporting Requirements: The Board shall annually transmit to the Congress a report on its activities

- Reference: 49 U.S.C. § 704

Reporting Committees: Senate Commerce, Science, and Transportation; House Transportation and Infrastructure

- Reference: 49 U.S.C. § 726

Review Commissions: None

Advisory Commissions: There is established the Railroad-Shipper Transportation Advisory Council to advise the Secretary and the Chairman of the Board with respect to rail transportation policy issues it considers significant, with particular attention to issues of importance to small shippers and small railroads, including car supply, rates, competition, and effective procedures for addressing legitimate shipper and other claims

- Reference: 49 U.S.C. § 726

Action Require Outside Approval: None

Legislative Veto: None

Adjudication (e.g.): The Board may subpoena witnesses and records related to a proceeding of the Board from any place in the United States, to the designated place of the proceeding.

- Reference: 42 U.S.C. § 721(c)
- In a proceeding, the Board may take the testimony of a witness by deposition and may order the witness to produce records. A party to a proceeding pending before the Board may take the testimony of a witness by deposition and may require the witness to produce records at any time after a proceeding is at issue on petition and answer
 - Reference: 42 U.S.C. § 721(d)
- The Board may, at any time on its own initiative because of material error, new evidence, or substantially changed circumstances reopen a proceeding, grant rehearing, reargument, or reconsideration of an action of the Board, or change an action of the Board.
 - Reference: 42 U.S.C. § 722(c)

Tennessee Valley Authority¹¹²

¹¹² The research team obtained employment information through agency contact.

Date of Creation: May 18, 1933

Statute: 16 U.S.C. §§ 831-831ee

Sub-agency Bureaus: Audit committee

Commissioners/Board Members: 9 members appointed by the president, by and with the advice and consent of the Senate

- Reference: 16 U.S.C. § 831a(a)(1)

Quorum Rules: Five of the members of the Board shall constitute a quorum for the transaction of business

- Reference: 16 U.S.C. § 831a(e)

Agency Specific Personnel: none

Limitation on Appointment: At least 7 of members of the Board shall be a legal resident of the TVA service area

- Reference: 16 U.S.C. § 831a(a)(1)
- To be eligible to be appointed as member of the Board, an individual must be a citizen of the US; have management expertise relative to a large for-profit or nonprofit corporate, government, or academic structure; shall not be an employee of the Corporation; shall make full disclosure to Congress any investment or other financial interest that the individual holds in the energy industry; and shall affirm support for the objectives and missions of the Corporation
 - Reference: 16 U.S.C. § 831a(b)

Party Balancing: None

Fixed Terms: Yes

- Reference: 16 U.S.C. § 831a(d)(1)

Term Length: A member of the Board shall serve a term of 5 years

- Reference: 16 U.S.C. § 831a(d)(1)

Staggered Terms: None¹¹³

For Cause: Any member of Board who is found by the President to be guilty in violation of section forbidding the appoint of officials, the selection of employees, and promotion of such employees or officials on the basis of any political test or qualification (i.e. making appointment, selection, or promotion decisions based on the basis of anything but merit and efficiency) shall be removed.

- Reference: 16 U.S.C. § 831e

Serve President: None

Continuation until Replacement: A member of the Board whose term has expired may continue to serve after the member's term has expired until the date on which a successor takes office, except that the member shall not serve beyond the end of the session of Congress in which the term of the member expires

- Reference: 16 U.S.C. § 831a(d)(1)

Acting Service Rules: None

Who is Head of Agency: The members of the Board shall select 1 of the members to act as chairman of the Board

- Reference: 16 U.S.C. § 831a(a)(2)

OMB Review: None

¹¹³ While the current statute does not provide for staggered terms, the commissioners' terms are staggered due to the continuation of the structure set up by Pub L. 108-447 § 604 (2004).

Independent Litigating: The Corporation may sue and be sued in its corporate name

- Reference: 16 U.S.C. § 831c(b)

Independent Sources of Funding: The Corporation may purchase or lease and hold such real and personal property as it deems necessary or convenient in the transaction of its business and may dispose of any such personal property held by it

- Reference: 16 U.S.C. § 831c(f)
- All funds derived from sale of bonds for construction of any future dam, steam plant, or other facility shall be paid over to the Corporation
 - Reference: 16 U.S.C. § 831n, n-1

Reporting Requirements: Financial statement and complete report as to the business of the Corporation covering the preceding year

- Reference: 16 U.S.C. § 831h(a)
- Annual statement of its allocation of value of any dams, steam plants, or other similar improvements constructed and turned over to the Board for management
 - Reference: 16 U.S.C. § 831m
- Data on costs of generation, transmission, and distribution of electric energy and total cost of generating and transmission facilities constructed or otherwise acquired and of producing chemicals shall be reported to Congress by the Board from time to time with appropriate analyses and recommendations
 - Reference: 16 U.S.C. § 831m
- Least cost planning program report (annual)
 - Reference: 16 U.S.C. § 831m-1(d)

Reporting Committees: Not specified

Review Commissions: None

Advisory Commissions: None

Action Require Outside Approval: None

Adjudication: None

United States African Development Foundation

Date of Creation: December 16, 1980

Statute: 22 U.S.C. §§ 290h-290h-8

Sub-agency Bureaus: None

Commissioners/Board Members: The management of the Foundation shall be vested in a board of directors composed of seven members appointed by the president by and with the advice and consent of the Senate

- Reference: 22 U.S.C. § 290h-5(a)(1)

Quorum Rules: A majority of the Board shall constitute a quorum

- Reference: 22 U.S.C. § 290h-5(c)

Agency Specific Personnel: The Foundation, as a corporation, may, as necessary for carrying out the functions of the Foundation, employ and fix the compensation of not to exceed the following number of persons at 75

- Reference: 22 U.S.C. § 290h-4(a)(7)
- The president of the Foundation shall receive compensation not to exceed that provided for level IV of the Executive Schedule
 - Reference: 22 U.S.C. § 290h-5(d)(1)

Limitation on Appointment: Five members of the Board shall be appointed from private life and two members shall be appointed from among officers and employees of agencies of the United States concerned with African affairs. All members of the Board shall be appointed on the basis of their understanding of and sensitivity to community level development processes

- Reference: 22 U.S.C. § 290h-5(a)(1)

Party Balancing: Members of the Board shall be appointed so that no more than four members of the Board are members of any one political party

- Reference: 22 U.S.C. § 290h-5(a)(1)

Fixed Terms: Yes

- Reference: 22 U.S.C. § 290h-5(a)(2)

Term Length: Members of the Board shall be appointed for terms of six years

- Reference: 22 U.S.C. § 290h-5(a)(2)

Staggered Terms: Of the members first appointed, as designated by the president at the time of their appointment, two shall be appointed for terms of two years and two shall be appointed for terms of four years

- Reference: 22 U.S.C. § 290h-5(a)(2)

For Cause: None

Serve President: None

Continuation until Replacement: Upon the expiration of his term a member shall continue to serve until a successor is appointed and shall have qualified

- Reference: 22 U.S.C. § 290h-5(a)(2)

Acting Service Rules: None

Who is Head of Agency: The president shall designate one member of the Board to serve as Chairperson of the Board

- Reference: 22 U.S.C. § 290h-5(a)(1)

OMB Review: Not specified

Independent Litigating: The Foundation, as a corporation, may sue and be sued, complain, and defend, in its corporate name in any court of competent jurisdiction

- Reference: 22 U.S.C. § 290h-4(a)(2)

Independent Sources of Funding: The Foundation, as a corporation, may lease, purchase, or otherwise acquire, own, hold, improve, or otherwise deal in and with such property (real, personal, or mixed) or any interest therein, wherever situated, as may be necessary for carrying out the functions of the Foundation

- Reference: 22 U.S.C. § 290h-4(a)(8)
- The Foundation, as a corporation, may accept gifts or donations of services or of property (real, personal, or mixed) tangible or intangible, in furtherance of its purposes
 - Reference: 22 U.S.C. § 290h-4(a)(9)
- The Foundation may make loans and loan guarantees to any African private or public group, association, or other entity engaged in peaceful activities
 - Reference: 22 U.S.C. § 290h-3

Reporting Requirements: None

Reporting Committees: None

Review Commissions: None

Advisory Commissions: The Board shall establish an advisory council which shall advise the Board concerning the objectives and activities of the Foundation

- Reference: 22 U.S.C. § 290h-5(e)

Action Require Outside Approval: None

Legislative Veto:

Adjudication: None

United States Agency for International Development

Date of Creation: September 4, 1961

Statute: 22 U.S.C. §§ 6561-6563; 6581-6593

Sub-agency Bureaus: None

Commissioners/Board Members: None

Quorum Rules: N/A

Agency Specific Personnel: None

Limitation on Appointment: None

Party Balancing: N/A

Fixed Terms: None

Term Length: N/A

Staggered Terms: N/A

For Cause: None

Serve President: None

Continuation until Replacement: None

Acting Service Rules: None

Who is Head of Agency: The Administrator of the Agency for International Development, appointed by the president with the advice and consent of the Senate

- Reference: 22 U.S.C. § 6592 (incorporating 22 U.S.C. § 2384(a))

OMB Review: Not specified

Independent Litigating: None

Independent Sources of Funding: None

Reporting Requirements: None

Reporting Committees: None

Review Commissions: None

Advisory Commissions: None

Action Require Outside Approval: None

Legislative Veto: None

Adjudication: None

United States Election Assistance Commission

Date of Creation: October 29, 2002

Statute: 42 U.S.C. §§ 15321-15362

Sub-agency Bureaus: None

Commissioners/Board Members: The Commission shall have four members appointed by the President, by and with the advice and consent of the Senate

- Reference: 42 U.S.C. § 15323(a)(1)

Quorum Rules: Any action which the Commission is authorized to carry out under this Act may be carried out only with the approval of at least three of its members

- Reference: 42 U.S.C. § 15328

Agency Specific Personnel: The Executive Director, General Counsel, and staff of the Commission may be appointed without regard to the provisions of Title 5, governing appointments in the competitive service, and may be paid without regard to the provisions relating to classification and General Schedule pay rates, except that an individual so appointed may not receive pay in excess of the annual rate of basic pay for level V of the Executive Schedule

- Reference: 42 U.S.C. § 15324(a)(6)

Limitation on Appointment: Each member of the Commission shall have experience with or expertise in election administration or the study of elections

- Reference: 42 U.S.C. § 15323(a)(3)
- Before the initial appointment of the members of the Commission and before the appointment of any individual to fill a vacancy on the Commission, the Majority Leader of the Senate, the Speaker of the House of Representatives, the Minority Leader of the Senate, and the Minority Leader of the House of Representatives shall each submit to the President a candidate recommendation with respect to each vacancy on the Commission affiliated with the party of the member of Congress involved
 - Reference: 42 U.S.C. § 15323(a)(2)

Party Balancing: Not more than one of the two appointed each year may be affiliated with the same political party¹¹⁴

- Reference: 42 U.S.C. § 15323(b)(2)

Fixed Terms: Yes

- Reference: 42 U.S.C. § 15323(b)

Term Length: Members shall serve for a term of four years

- Reference: 42 U.S.C. § 15323(b)(1)

Staggered Terms: As designated by the President at the time of nomination, of the members first appointed, two of the members (not more than one of whom may be affiliated with the same political party) shall be appointed for a term of 2 years and two of the members (not more than one of whom may be affiliated with the same political party) shall be appointed for a term of 4 years

- Reference: 42 U.S.C. § 15323(b)(2)

For Cause: None

Serve President: None

Continuation until Replacement: A member of the Commission shall serve on the Commission after the expiration of the member's term until the successor of such member has taken office as a member of the Commission

- Reference: 42 U.S.C. § 15323(b)(3)(B)

Acting Service Rules: None

Who is Head of Agency: The Commission shall select a chair from among its members

- Reference: 42 U.S.C. § 15323(c)(1)

OMB Review: Not specified

Independent Litigating: None

Independent Sources of Funding: None

¹¹⁴ Datla and Revesz do not consider the Election Assistance Commission as having partisan balance requirements but do not provide a source citation for this decision. Datla and Revesz, *supra* note 4, Table 4.

Reporting Requirements: Not later than January 31 of each year, the Commission shall submit a report to Congress detailing its activities during the fiscal year which ended on September 30 of the previous calendar year

- Reference: 42 U.S.C. § 15327

Reporting Committees: Senate Rules and Administration; House Administration

- Reference: 42 U.S.C. § 15327

Review Commissions: None

Advisory Commissions: In preparing the program goals, long-term plans, mission statements, and related matters for the Commission, the Executive Director and staff of the Commission shall consult with the Board of Advisors and the Standards Board

- Reference: 42 U.S.C. 15324(e)
- A voluntary voting system guideline shall not be considered to be finally adopted by the Commission unless the Commission votes to approve the final adoption of the guideline or modification, taking into consideration the comments and recommendations submitted by the Board of Advisors and the Standards Board
 - Reference: 42 U.S.C. § 15362(d)(1)
- The Executive Director of the Commission shall submit the guidelines proposed for the adoption of the voluntary voting (or any modifications to such guidelines) to the Executive Board of the Standards Board, which shall review the guidelines or modifications and forward its recommendations to the Standards Board
 - Reference: 42 U.S.C. §15362(b)(3)
- The Executive Director of the Commission shall submit guidelines proposed for the adoption of the voluntary voting (or any modifications to such guidelines) to the Board of Advisors
 - Reference: 42 U.S.C. § 15362(b)(2)
- There is hereby established the Technical Guidelines Development Committee which shall assist the Executive Director of the Commission in the development of the voluntary voting system guidelines. In developing voluntary voting system guidelines and modifications, the Executive Director of the Commission shall take into consideration the recommendations provided by the Technical Guidelines Development Committee
 - Reference: 42 U.S.C. §§ 15361; 15362(b)(1)

Action Require Outside Approval: None

Legislative Veto: None

Adjudication (e.g.): The Commission may hold such hearings for the purpose of carrying out this Act, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this act. The Commission may administer oaths and affirmations to witnesses appearing before the commission

- Reference: 42 U.S.C. § 15325(a)

United States Institute of Peace

Date of Creation: October 19, 1984

Statute: 22 U.S.C. §§ 4601-4611

Sub-agency Bureaus: None

Commissioners/Board Members: 15 members as follows: Secretary of State or Senate approved designate; Secretary of Defense or Senate approved designate; president of National Defense University or vice president; 12 PAS

- Reference: 22 U.S.C. § 4605(b)

Quorum Rules: A majority of the members of the Board shall constitute a quorum for any Board meeting

- Reference: 22 U.S.C. § 4605(h)(2)

Agency Specific Personnel: None

Limitation on Appointment: Each individual appointed to the Board shall have appropriate practical or academic experience in peace and conflict resolution efforts of the US and officers and employees of US government may not be appointed as one of 12 PAS

- Reference: 22 U.S.C. § 4605(d)

Party Balancing: No more than 8 voting members may be members of same party

- Reference: 22 U.S.C. § 4605(c)

Fixed Terms: Yes

- Reference: 22 U.S.C. § 4605(e)

Term Length: Members of the Board shall be appointed to four year terms

- Reference: 22 U.S.C. § 4605(e)(1)

Staggered Terms: The term of six of the members initially appointed shall be two years, as designated by the president at the time of their nomination

- Reference: 22 U.S.C. § 4605(e)(1)(A)

For Cause: A member of the Board may be removed by President in consultation with the Board for conviction of felony, malfeasance in office, persistent neglect of duties, or inability to discharge duties; upon recommendation of 8 voting members of the Board; or upon the recommendation of a majority of the members of the House committees on Foreign Affairs and Education and Labor and a majority of the members of the Senate committees on Foreign Relations and Labor and Human Resources

- Reference: 22 U.S.C. § 4605(f)

Serve President: None

Continuation until Replacement: A member may continue to serve until his or her successor is appointed

- Reference: 22 U.S.C. § 4605(e)(1)(B)

Acting Service Rules: None

Who is Head of Agency: Board shall elect a Chairman every three years from among the PAS directors

- Reference: 22 U.S.C. § 4605(h)(1)

OMB Review: None

Independent Litigating: The Institute may sue and be sued, complain, and defend in any court of competent jurisdiction

- Reference: 22 U.S.C. § 4604(k)

Independent Sources of Funding: Institute may establish a legal entity which is capable of receiving, holding, and investing public funds for purposes in furtherance of the Institute

- Reference: 22 U.S.C. § 4603(c)
- Institute may charge and collect subscription fees and participation costs
 - Reference: 22 U.S.C. § 4604(i)

Reporting Requirements: Selection procedures and any other matters relevant to making Spark M. Matsunaga Medal of Peace award and emphasizing its prominence and significance

- Reference: 22 U.S.C. § 4604(c)(3)
- Report any audit to President and each house of Congress no later than 6 months following the close of the fiscal year in which the audit is made
 - Reference: 22 U.S.C. § 4607(h)
- At intervals of two years, the Chairman of the Board shall prepare and transmit to Congress and president a report detailing the progress Institute has made in carrying out the purposes of this Chapter
 - Reference: 22 U.S.C. § 4611

Reporting Committees: Senate Foreign Relations; Senate Labor and Human Resources; House Foreign Affairs; House Education and Labor

- Reference: 22 U.S.C. § 4604(c)(3)

Review Commissions: None

Advisory Commissions: The Board shall establish an advisory panel composed of persons eminent in peacemaking, diplomacy, public affairs, and scholarship, and such advisory panel shall advise the Board during its consideration of the selection of the recipient of the Spark M. Matsunaga Medal of Peace

- Reference: 16 U.S.C. § 4604(c)(2)

Action Require Outside Approval: None

Legislative Veto: None

Adjudication: None

United States International Trade Commission

Date of Creation: September 8, 1916

Statute: 19 U.S.C. §§ 1330-1341

Sub-agency Bureaus: Trade Remedy Assistance Office

Commissioners/Board Members: The United States International Trade Commission shall be composed of six commissioners who shall be appointed by the president, by and with the advice and consent of the Senate

- Reference: 19 U.S.C. § 1330(a)

Quorum Rules: A majority of the commissioners in office shall constitute a quorum

- Reference: 19 U.S.C. § 1330(c)(6)

*Ties:*¹¹⁵ In a proceeding in which the Commission is required to determine whether increased imports of an article are a substantial cause or serious injury or threat thereof or whether a market disruption exists, and the commissioners voting are equally divided with respect to such determination, then the determination agreed upon by either group of commissioners may be considered by the president as the determination of the Commission

- Reference: 19 U.S.C. § 1330(d)

Agency Specific Personnel: None

Limitation on Appointment: No person shall be eligible for appointment as a commissioner unless he is a citizen of the United States, and, in the judgment of the president, is

¹¹⁵ The United States International Trade Commission is the only executive agency with PAS appointees that has a statutory provision relating to ties.

possessed of qualifications requisite for developing expert knowledge of international trade problems and efficiency in administering the duties and functions of the Commission

- Reference: 19 U.S.C. § 1330(a)

Party Balancing: Not more than 3 of the commissioners shall be members of the same political party and in making appointments members of different political parties shall be appointed alternately as nearly as may be practicable

- Reference: 19 U.S.C. § 1330(a)

Fixed Terms: Yes

- Reference: 19 U.S.C. § 1330(b)

Term Length: The term of each commissioner shall expire 9 years from the date of the expiration of the term for which his predecessor was appointed

- Reference: 19 U.S.C. § 1330(b)

Staggered Terms: The terms of office of the commissioners on January 3, 1975 shall expire on December 16, 1976, June 16, 1978, December 16, 1979, June 16, 1981, December 16, 1982, and June, 16 1984.

- Reference: 19 U.S.C. § 1330(b)

For Cause: None

Serve President: None

Continuation until Replacement: Any commissioner may continue to serve as commissioner after an expiration of his term of office until his successor is appointed and qualified

- Reference: 19 U.S.C. § 1330(b)(2)

Acting Service Rules: The vice chairman shall act as chairman in case of the absence or disability of the chairman. During any period in which there is no chairman or vice chairman, the commissioner having the longest period of continuous service as a commissioner shall act as chairman

- Reference: 19 U.S.C. § 1130(c)(4)

Who is Head of Agency: The chairman shall be designated by the president from among the members of the Commission eligible for designation. The president may not designate as chairman for any term any commissioner who is a member of the political party of which the chairman of the Commissioner for the immediately preceding term is a member, or who has less than 1 year of continuous service as a commissioner as of the date such designation is being made. The President shall notify the Congress of his designations. If the president has not designated the chairman for such term, the commissioner who is a member of a different political party than the chairman of the immediately preceding term and has the longest period of continuous service as commissioner shall serve as chairman. The term of each chairman is two years.

- Reference: 19 U.S.C. § 1330(c)

OMB Review: 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 appropriate congressional committees the projected amount of funds for the succeeding fiscal year that will be necessary for the Commission to carry out its functions

- Reference: 19 U.S.C. § 1330(e)(4)

Independent Litigating: The Commission shall be represented in all judicial proceedings by attorneys of the Commission, or, at the request of the Commission, by the Attorney General of the United States

- Reference: 19 U.S.C. § 1333(g)

Independent Sources of Funding: The chairman of the Commission may accept, hold, administer, and utilize gifts, devises, and bequests of property, both real and personal, for the purpose of aiding or facilitating the work of the Commission

- Reference: 19 U.S.C. § 1331(a)(1)(B)

Reporting Requirements: The commission shall report to Congress on the first Monday of December of each year after June 17, 1930 a statement of the methods adopted and all expenses incurred, a summary of all reports made during the year, and a list of all votes taken by the commission during the year, showing those commissioners voting in the affirmative and the negative on each vote

- Reference: 19 U.S.C. § 1332(g)

Reporting Committees: Senate Finance; House Ways and Means

- Reference: See, e.g., 19 U.S.C. §§ 1330(e)(4); 1332(g)

Review Commissions: None

Advisory Commissions: None

Action Require Outside Approval: If the Commission determines that there is a violation of the section on unfair practices in import trade, or that there is reason to believe that there is such a violation, it shall transmit to the president a copy of such determination and the action taken with respect thereto, together with the record upon which such determination is based. If, before the close of the 60-day period beginning on the day after on which he receives a copy of such determination, the President, for policy reasons, disapproves of such determination and notifies the Commission of his disapproval, then such determination and action taken with respect thereto shall have no force or effect

- Reference: 19 U.S.C. § 1337(j)

Legislative Veto: None

Adjudication (e.g.): For the purposes of carrying out its functions and duties in connection with any investigation authorized by law, the commission or its duly authorized agent or agents shall have access to and the right to copy any document, appear, or record, pertinent to the subject matter under investigation, in the possession of any person, firm, copartnership, corporation or association engaged in the production, importation, or distribution of any article under investigation, may summon witnesses, take testimony, and administer oaths, may require any person, firm, copartnership, corporation, or association to produce books or papers relating to any matter pertaining to such investigation, and may require any person firm, copartnership, corporation, or association to furnish in writing in such detail and in such form as the commission may prescribe information in their possession pertaining to such investigation. Any member of the commission by sign subpoenas, and members and agents of the commission, when authorized by the commission, may administer oaths and affirmations, examine witnesses, take testimony, and receive evidence

- Reference: 19 U.S.C. 1333(a)

- In the course of investigation of the differences in the costs of production of any domestic article and of any like or similar foreign article, the commission shall hold hearings and give reasonable public notice thereof, and shall afford reasonable opportunity for parties interested to be present, to produce evidence, and to be heard at such hearings.

- Reference: 19 U.S.C. § 1336(a)

United States Parole Commission (Department of Justice)

Date of Creation: May 13, 1930

Statute: 18 U.S.C. §§ 4201-4218¹¹⁶

Sub-agency Bureaus: None

Commissioners/Board Members: The Commission shall be comprised of nine members appointed by the president by and with the advice and consent of the Senate

- Reference: 18 U.S.C. § 4202

Quorum Rules: None

Agency Specific Personnel: None

Limitation on Appointment: None

Party Balancing: None

Fixed Terms: Yes

- Reference: 18 U.S.C. § 4202

Term Length: The term of office of a Commissioner shall be six years

- Reference: 18 U.S.C. § 4202

Staggered Terms: None

For Cause: None

Serve President: None

Continuation until Replacement: Upon the expiration of a term of office of a Commissioner, the Commissioner shall continue to act until a successor has been appointed and qualified, except that no Commissioner may serve in excess of 12 years

- Reference: 18 U.S.C. § 4202

Acting Service Rules: None

Who is Head of Agency: The president shall designate from among the Commissioners one to serve as Chairman

- Reference: 18 U.S.C. § 4202

OMB Review: None

Independent Litigating: None

Independent Sources of Funding: None

Reporting Requirements: The Chairman shall report annually to each House of Congress on the activities of the Commission

- Reference: 18 U.S.C. § 4204(a)(6)

Reporting Committees: Not specified

Review Commissions: None

Advisory Commissions: None

Action Require Outside Approval: None

Legislative Veto: None

Adjudication (e.g.): Hearings held for revocation of parole shall be conducted by the Commission in accordance with the following procedures-notice to the parolee of the conditions of parole alleged to have been violated and the time, place, and purposes of the scheduled hearing, opportunity for the parolee to be represented by an attorney or, if he so chooses, a representative as provided by rules and regulations, unless the parolee knowingly and intelligently waives such representation, opportunity for the parolee to

¹¹⁶ The chapter establishing the Parole Commission was repealed on October 21, 1984. However, the chapter was set to remain in effect for 26 years after November 1, 1987, or November 1, 2013. See Pub. L. 112-44 § 2 (extending the period the chapter remains in effect after November 1, 1987 from 24 to 26 years).

appear and testimony, and present witnesses and relevant evidence on his own behalf, and opportunity for the parolee to be apprised of the evidence against him, and if he so requests, to confront and examine adverse witnesses, unless the Commission specifically finds substantial reason for not so allowing.

- Reference: 18 U.S.C. § 4214(a)(2)

United States Postal Service¹¹⁷

Date of Creation: July 26, 1775

Statute: 39 U.S.C. §§ 101-5605

Sub-agency Bureaus: None

Commissioners/Board Members: The exercise of the power of the Postal Service shall be directed by a Board of Governors composed of 11 members. Nine of the members, to be known as Governors, shall be appointed by the president, by and with the advice and consent of the Senate. The Governors shall appoint and shall have the power to remove the Postmaster General, who shall be a voting member of the Board. The Governors and the Postmaster General shall appoint and shall have the power to remove the Deputy Postmaster General, who shall be a voting member of the Board

- Reference: 39 U.S.C. § 202(a)(1); (c)-(d)

Quorum Rules: Any 6 members present shall constitute a quorum for the transaction of business by the Board except that in the appointment or removal of the Postmaster General, and in setting the compensation of the Postmaster General and Deputy Postmaster General, a favorable vote of an absolute majority of the Governors in office shall be required and that in the appointment. In the appointment or removal of the Deputy Postmaster General, a favorable vote of an absolute majority of the governors in office and the member serving as Postmaster General shall be required

- Reference: 39 U.S.C. § 205(c)

Agency Specific Personnel: As an employer, the Postal Service shall achieve and maintain compensation for its officers and employees comparable to the rates of types of compensation paid in the private sectors of the economy of the United States

- Reference: 39 U.S.C. § 101(c)
- The Governors shall fix the Postmaster General's pay.
 - Reference: 39 U.S.C. § 202(c)
- The Governors and Postmaster General shall fix the Deputy Postmaster General's pay
 - Reference: 39 U.S.C. § 202(d)
- Officers and employees of the Postal Service shall be in the postal career service, which shall be part of the civil service. Such appointments and promotions shall be in accordance with procedures established by the Postal Service
 - Reference: 39 U.S.C. § 1001(b)
- The Postal Service shall classify and fix the compensation and benefits of all officers and employees in the Postal Service. No officer or employee shall be paid compensation at a rate in excess of the rate for Level I of the Executive Schedule
 - Reference: 39 U.S.C. § 103(a)

Limitation on Appointment: The Governors shall be chosen solely on the basis of their experience in the field of public service, law, or accounting or on their demonstrated

¹¹⁷ Research team obtained employment numbers through agency contact.

ability managing organizations or corporations (in either the public or private sector) of substantial size, except that at least four of the Governors shall be chosen solely on the basis of their demonstrated ability in managing organizations or corporations (in either the public or private sector) that employ at least 50,000 employees. The Governors shall not be representatives of specific interests using the Postal Service

- Reference: 39 U.S.C. § 202(a)(1)
- In selecting the Governors, the president should consult with the Speaker of the House of Representatives, the minority leader of the House, the majority leader of the Senate, and the minority leader of the Senate
 - Reference: 39 U.S.C. § 202(a)(2)
- No officer or employee of the United States may serve concurrently as a Governor
 - Reference: 39 U.S.C. § 205(d)

Party Balancing: Not more than 5 Governors may be adherents of the same political party

- Reference: 39 U.S.C. § 202(a)(1)

Fixed Terms: Yes

- Reference: 39 U.S.C. § 202(b)

Term Length: The terms of the 9 Governors shall be 7 years¹¹⁸

- Reference: 39 U.S.C. § 202(b)(1)

Staggered Terms: The terms of the 9 Governors first taking office shall expire as designated by the president at the time of appointment, 1 at the end of 1 year, 1 at the end of 2 years, 1 at the end of 3 years, 1 at the end of 4 years, 1 at the end of 5 years, 1 at the end of 6 years, 1 at the end of 7 years, 1 at the end of 8 years and 1 at the end of 7 years

- Reference: 39 U.S.C. § 202(b)(1)

For Cause: The Governors may be removed only for cause

- Reference: 29 U.S.C. § 202(a)(1)

Serve President: None

Continuation until Replacement: A governor may continue to serve after the expiration of his term until his successor has qualified, but not to exceed one year

- Reference: 29 U.S.C. § 202(b)(1)

Acting Service Rules: None

Who is Head of Agency: The Governors shall elect a Chairman from among the members of the Board

- Reference: 39 U.S.C. § 202(a)(1)

OMB Review: The Postal Service shall present to the appropriate congressional committees at the same time it submits its annual budget sufficient copies of the budget of the Postal Service for the fiscal year for which funds are requested to be appropriated and a comprehensive statement relating to plans, policies, and procedures of the Postal Service, postal operations generally, a listing of the total expenditures and obligations incurred by the Postal Service for the most recent fiscal year and other such matters

- Reference: 39 U.S.C. § 2401(e)

Independent Litigating: The Postal Service shall have the power to sue and be sued in its official name and shall have the power to settle and compromise claims by or against it

- Reference: 39 U.S.C. § 401(1); (8).

¹¹⁸ Note that CRS states the governors serve nine year terms of office. See Hogue, Bearden, and Lisbeth, *supra* note 91.

- Legal representation may not be furnished by the Department of Justice to the Postal Service in any action, suit, or proceeding arising under 409(d) or (e) (covering most suits); 504(f) or (g) (relating to administrative subpoenas by the Postal Regulatory Commission); or 3663 (relating to appellate review). The Postal Service may, by contract or otherwise, employ attorneys to obtain any legal representation that is precluded from obtaining the Department of Justice
 - Reference: 49 U.S.C. § 409(g)(1)

Independent Sources of Funding: The Postal Service shall have the power to acquire, in any lawful manner, such personal or real property, or any interest therein, as it deems necessary or convenient in the transaction of its business; to hold, maintain, sell, lease or otherwise dispose of such property or any interest therein

- Reference: 39 U.S.C. § 401(5)
- The Postal Service shall have the power to accept gifts or donations of services or property, real or personal, as it deems necessary or convenient in the transaction of business
 - Reference: 39 U.S.C. § 401(7)
- The Postal Service shall have the specific power to prescribe the amount of postage and the manner in which it is to be paid
 - Reference: 39 U.S.C. § 404(a)(2)
- The Postal Service shall have the specific power to provide and sell postage stamps and other stamped paper, cards, and envelopes and to provide such other evidences of payment or postage and fees as may be necessary or desirable
 - Reference: 39 U.S.C. § 404(a)(4)
- Governors are authorized to establish reasonable and equitable classes of mail and reasonable and equitable rates of postage and fees for postal services
 - Reference: 39 U.S.C. § 404(b)
- There is established in the Treasury a revolving fund to be called the Postal Service Fund which shall be available to the Postal Service without fiscal-year limitation to carry out the purposes, functions, and powers authorized. There shall be deposited in the fund: revenues for postal and nonpostal services rendered by the Postal Service; amounts from obligations issued by the Postal Service; amounts appropriated for the use of the Postal Service; interest which may be earned on investments of the Fund; any other receipts of the Postal Service; the balance in the Post Office Department Fund; amounts (including proceeds from the sale of forfeited items) from any civil forfeiture conducted by the Postal Service; and transfers from the Secretary of the Treasury from the department of Treasury Forfeiture Fund which shall be available to the Postmaster General only for federal law enforcement related purposes; and any amounts collected as civil penalties for mailing hazardous material
 - Reference: 39 U.S.C. § 2003
- The Postal Service is authorized to issue and sell such obligations as it determines necessary to carry out the purposes of this title.
 - Reference: 39 U.S.C. § 2005
- There is established in the Treasury of the United States a revolving fund, to be called the Postal Service Competitive Products Fund, which shall be available without fiscal year limitation for the payment of costs attributable to competitive products and all other costs incurred by the Postal Service, to the extent allocable to competitive products. There

shall be deposited in the Fund, subject to withdrawal by the Postal Service revenues from competitive products; amounts received from obligations issued by the Postal Service; interest and dividends earned on investments of the Competitive Products Fund; and any other receipts of the Postal Service to the extent allocable to competitive products

- Reference: 39 U.S.C. § 2011
- The Postal Service shall collect and remit fines, penalties, and forfeitures arising out of matters affecting the Postal Service and may prescribe penalties for failure to render accounts
 - Reference: 39 U.S.C. § 2601(a)
- The Postal Service may impose or remit fines on carriers transporting mail by air on routes extending beyond the borders of the United States for unreasonable or unnecessary delay to mail and other delinquencies in the transportation of the mail
 - Reference: 39 U.S.C. § 5403
- The Postal Service may impose or remit fines on carriers transporting mail by vessel on routes extending beyond the borders of the United States for unreasonable or unnecessary delay to mail and other delinquencies in the transportation of the mail
 - Reference: 39 U.S.C. § 5604

Reporting Requirements: Not later than two weeks after the last day of each quarter of the fiscal year, or as soon as practicable thereafter, the Postmaster General shall send to the Chief Administrative Officer of the House, the House Commission on Congressional Mailing Standards, the Secretary of the Senate, and the Senate Committee on Rules and Administration a report which shall contain a tabulation of the estimated number of pieces and costs of franked mail in each mail classification sent through the mail for that quarter and for the preceding quarters in the fiscal year, together with separated tabulations of the number of pieces and costs of such mail sent by the House and Senate

- Reference: 39 U.S.C. § 3216(e)(1)
- Two weeks after the close of the second quarter of the fiscal year, or as soon as practicable thereafter, the Postmaster General shall send to the Chief Administrative Officer of the House, the House Commission on Congressional Mailing Standards, the Secretary of the Senate, and the Senate Committee on Rules and Administration a statement of the costs of postage on, an fees and charges in connection with mail matter sent through the mails using franking privileges.

- Reference: 39 U.S.C. § 3216(e)(2)

Reporting Committees: Senate Governmental Affairs; Senate Appropriations; Senate Rules and Administration; House Oversight and Government Reform; House Appropriations

- Reference: See, e.g., 39 U.S.C. §§ 2401(e); 3216(e)

Review Commissions: Postal Regulatory Commission

- Reference: See, e.g., 39 U.S.C. §§ 404(d)(5); 501-505

Advisory Commissions: There shall be a Postal Service Advisory Council which shall consult with and give advice to the Postal Service regarding all aspects of postal operations

- Reference: 39 U.S.C. § 206

Action Require Outside Approval: Upon appeal, the Commission may affirm the determination of the Postal Service to close or consolidate any post office or the Commission shall set aside any determination, findings, and conclusions found to be arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with the law; without observance of procedure required by law; or unsupported by substantial evidence on the record

- Reference: 39 U.S.C. § 404(d)(5)

Legislative Veto: None

Adjudication: None

United States Trade and Development Agency

Date of Creation: July 1, 1980¹¹⁹

Statute: 22 U.S.C. § 2421

Sub-agency Bureaus: None

Commissioners/Board Members: None

Quorum Rules: N/A

Agency Specific Personnel: Officers and employees may be appointed without regarding to provisions governing appointment in the competitive service and may be compensated without regard to civil service provisions

- Reference: 22 U.S.C. § 2421(c)(2)(C)

Limitation on Appointment: None

Party Balancing: N/A

Fixed Terms: None

Term Length: N/A

Staggered Terms: N/A

For Cause: None

Serve President:

Continuation until Replacement: None

Acting Service Rules: None

Who is Head of Agency: There shall be at the head of the Trade and Development Agency a Director who shall be appointed by the President, by and with the advice and consent of the Senate

- Reference: 22 U.S.C. § 2421(c)(1)

OMB Review: Not specified

Independent Litigating: None

Independent Sources of Funding: None

Reporting Requirements: The President shall, not later than December 31 of each, submit to the appropriate congressional committees a report on the activities of the Trade and Development Agency in the preceding fiscal year

- Reference: 22 U.S.C. § 2421(d)

Reporting Committees: Senate Foreign Relations; House Foreign Affairs

- Reference: 22 U.S.C. § 2421(d)

Review Commissions: None

Advisory Commissions: None

Action Require Outside Approval: None

Legislative Veto: None

¹¹⁹ According to the *Federal Register*, “The Trade and Development Program was established on July 1, 1980, as a component organization of the International Development Cooperation Agency. Section 2204 of the Omnibus Trade and Competitiveness Act of 1988 (22 U.S.C. 2421) made it a separate component agency. The organization was renamed the Trade and Development Agency (USTDA) and made an independent agency within the executive branch of the Federal Government on October 28, 1992, by the Jobs Through Exports Act of 1992 (22 U.S.C. 2421)” (<https://www.federalregister.gov/agencies/trade-and-development-agency>).

Adjudication: None