

ADDITIONAL TERM FOR MEMBERS OF BOARD OF
DIRECTORS OF OFFICE OF COMPLIANCE

Pub. L. 111–114, §1, Dec. 14, 2009, 123 Stat. 3028, provided that: “Notwithstanding the second sentence of section 301(e)(1) of the Congressional Accountability Act of 1995 (2 U.S.C. 1381(e)(1)), any individual serving as a member of the Board of Directors of the Office of Compliance as of September 30, 2009, may serve for 3 terms.”

§ 1382. Officers, staff, and other personnel

(a) Executive Director

(1) Appointment and removal

(A) In general

The Chair, subject to the approval of the Board, shall appoint and may remove an Executive Director. Selection and appointment of the Executive Director shall be without regard to political affiliation and solely on the basis of fitness to perform the duties of the Office. The first Executive Director shall be appointed no later than 90 days after the initial appointment of the Board of Directors.

(B) Qualifications

The Executive Director shall be an individual with training or expertise in the application of laws referred to in section 1302(a) of this title.

(C) Disqualifications

The disqualifications in section 1381(d)(2) of this title shall apply to the appointment of the Executive Director.

(2) Compensation

(A) Authority to fix compensation

The Chair may fix the compensation of the Executive Director.

(B) Limitation

The rate of pay for the Executive Director may not exceed the lesser of—

- (i) the highest annual rate of compensation of any officer of the Senate; or
- (ii) the highest annual rate of compensation of any officer of the House of Representatives.

(3) Term

The term of office of the Executive Director shall be not more than 2 terms of 5 years, except that the first Executive Director shall have a single term of 7 years.

(4) Duties

The Executive Director shall serve as the chief operating officer of the Office. Except as otherwise specified in this chapter, the Executive Director shall carry out all of the responsibilities of the Office under this chapter.

(b) Deputy Executive Directors

(1) In general

The Chair, subject to the approval of the Board, shall appoint and may remove a Deputy Executive Director for the Senate and a Deputy Executive Director for the House of Representatives. Selection and appointment of a Deputy Executive Director shall be without regard to political affiliation and solely on the

basis of fitness to perform the duties of the office. The disqualifications in section 1381(d)(2) of this title shall apply to the appointment of a Deputy Executive Director.

(2) Term

The term of office of a Deputy Executive Director shall be not more than 2 terms of 5 years, except that the first Deputy Executive Directors shall have a single term of 6 years.

(3) Compensation

(A) Authority to fix compensation

The Chair may fix the compensation of the Deputy Executive Directors.

(B) Limitation

The rate of pay for a Deputy Executive Director may not exceed 96 percent of the lesser of—

- (i) the highest annual rate of compensation of any officer of the Senate; or
- (ii) the highest annual rate of compensation of any officer of the House of Representatives.

(4) Duties

The Deputy Executive Director for the Senate shall recommend to the Board regulations under section 1384(a)(2)(B)(i) of this title, maintain the regulations and all records pertaining to the regulations, and shall assume such other responsibilities as may be delegated by the Executive Director. The Deputy Executive Director for the House of Representatives shall recommend to the Board the regulations under section 1384(a)(2)(B)(ii) of this title, maintain the regulations and all records pertaining to the regulations, and shall assume such other responsibilities as may be delegated by the Executive Director.

(c) General Counsel

(1) In general

The Chair, subject to the approval of the Board, shall appoint a General Counsel. Selection and appointment of the General Counsel shall be without regard to political affiliation and solely on the basis of fitness to perform the duties of the Office. The disqualifications in section 1381(d)(2) of this title shall apply to the appointment of a General Counsel.

(2) Compensation

(A) Authority to fix compensation

The Chair may fix the compensation of the General Counsel.

(B) Limitation

The rate of pay for the General Counsel may not exceed the lesser of—

- (i) the highest annual rate of compensation of any officer of the Senate; or
- (ii) the highest annual rate of compensation of any officer of the House of Representatives.

(3) Duties

The General Counsel shall—

- (A) exercise the authorities and perform the duties of the General Counsel as specified in this chapter; and
- (B) otherwise assist the Board and the Executive Director in carrying out their duties

and powers, including representing the Office in any judicial proceeding under this chapter.

(4) Attorneys in the office of the General Counsel

The General Counsel shall appoint, and fix the compensation of, and may remove, such additional attorneys as may be necessary to enable the General Counsel to perform the General Counsel's duties.

(5) Term

The term of office of the General Counsel shall be not more than 2 terms of 5 years.

(6) Removal

(A) Authority

The General Counsel may be removed from office by the Chair but only for—

- (i) disability that substantially prevents the General Counsel from carrying out the duties of the General Counsel,
- (ii) incompetence,
- (iii) neglect of duty,
- (iv) malfeasance, including a felony or conduct involving moral turpitude, or
- (v) holding an office or employment or engaging in an activity that disqualifies the individual from service as the General Counsel under paragraph (1).

(B) Statement of reasons for removal

In removing the General Counsel, the Speaker of the House of Representatives and the President pro tempore of the Senate shall state in writing to the General Counsel the specific reasons for the removal.

(d) Other staff

The Executive Director shall appoint, and fix the compensation of, and may remove, such other additional staff, including hearing officers, but not including attorneys employed in the office of the General Counsel, as may be necessary to enable the Office to perform its duties.

(e) Detailed personnel

The Executive Director may, with the prior consent of the department or agency of the Federal Government concerned, use on a reimbursable or nonreimbursable basis the services of personnel of any such department or agency, including the services of members or personnel of the Government Accountability Office Personnel Appeals Board.

(f) Consultants

In carrying out the functions of the Office, the Executive Director may procure the temporary (not to exceed 1 year) or intermittent services of consultants.

(Pub. L. 104-1, title III, §302, Jan. 23, 1995, 109 Stat. 26; Pub. L. 110-161, div. H, title I, §1101(b), Dec. 26, 2007, 121 Stat. 2237; Pub. L. 110-164, §2(a), Dec. 26, 2007, 121 Stat. 2459.)

REFERENCES IN TEXT

This chapter, referred to in subsecs. (a)(4) and (c)(3), was in the original "this Act", meaning Pub. L. 104-1, Jan. 23, 1995, 109 Stat. 3, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 1301 of this title and Tables.

AMENDMENTS

2007—Subsec. (a)(2). Pub. L. 110-161, §1101(b)(1), added par. (2) and struck out heading and text of former par. (2). Text read as follows: "The Chair may fix the compensation of the Executive Director. The rate of pay for the Executive Director may not exceed the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5."

Subsec. (a)(3). Pub. L. 110-164, §2(a)(1), substituted "not more than 2 terms" for "a single term" the first time appearing.

Subsec. (b)(2). Pub. L. 110-164, §2(a)(2), substituted "not more than 2 terms" for "a single term" the first time appearing.

Subsec. (b)(3). Pub. L. 110-161, §1101(b)(2), added par. (3) and struck out heading and text of former par. (3). Text read as follows: "The Chair may fix the compensation of the Deputy Executive Directors. The rate of pay for a Deputy Executive Director may not exceed 96 percent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5."

Subsec. (c)(2). Pub. L. 110-161, §1101(b)(3), added par. (2) and struck out heading and text of former par. (2). Text read as follows: "The Chair may fix the compensation of the General Counsel. The rate of pay for the General Counsel may not exceed the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5."

Subsec. (c)(5). Pub. L. 110-164, §2(a)(3), substituted "not more than 2 terms" for "a single term".

Subsec. (e). Pub. L. 110-161, §1101(b)(4), substituted "Government Accountability Office" for "General Accounting Office".

EFFECTIVE DATE OF 2007 AMENDMENT

Pub. L. 110-164, §2(b), Dec. 26, 2007, 121 Stat. 2459, provided that: "The amendments made by this section [amending this section] shall apply with respect to an individual who is first appointed to the position of Executive Director, Deputy Executive Director, or General Counsel of the Office of Compliance after the date of the enactment of this Act [Dec. 26, 2007]."

PERMITTING CURRENT EXECUTIVE DIRECTOR, DEPUTY EXECUTIVE DIRECTORS, AND GENERAL COUNSEL OF OFFICE OF COMPLIANCE TO SERVE ONE ADDITIONAL TERM

Pub. L. 109-38, §1, July 27, 2005, 119 Stat. 408, provided that:

"(a) EXECUTIVE DIRECTOR.—Notwithstanding section 302(a)(3) of the Congressional Accountability Act of 1995 (2 U.S.C. 1382(a)(3)), the individual serving as Executive Director of the Office of Compliance as of the date of the enactment of this Act [July 27, 2005] may serve one additional term.

"(b) DEPUTY EXECUTIVE DIRECTORS.—Notwithstanding section 302(b)(2) of such Act (2 U.S.C. 1382(b)(2)), any individual serving as a Deputy Executive Director of the Office of Compliance as of the date of the enactment of this Act may serve one additional term.

"(c) GENERAL COUNSEL.—Notwithstanding section 302(c)(5) of such Act (2 U.S.C. 1382(c)(5)), the individual serving as General Counsel of the Office of Compliance as of the date of the enactment of this Act may serve one additional term."

§ 1383. Procedural rules

(a) In general

The Executive Director shall, subject to the approval of the Board, adopt rules governing the procedures of the Office, including the procedures of hearing officers, which shall be submitted for publication in the Congressional Record. The rules may be amended in the same manner.

(b) Procedure

The Executive Director shall adopt rules referred to in subsection (a) of this section in ac-