

111TH CONGRESS  
1ST SESSION

# S. 383

To amend the Emergency Economic Stabilization Act of 2008 (division A of Public Law 110–343) to provide the Special Inspector General with additional authorities and responsibilities, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 4, 2009

Mrs. McCASKILL (for herself, Mr. GRASSLEY, Ms. COLLINS, Mr. LIEBERMAN, Ms. SNOWE, Mr. DODD, Mr. BUNNING, Mr. SCHUMER, Mr. NELSON of Nebraska, and Mrs. SHAHEEN) introduced the following bill; which was read twice, considered, read the third time, and passed

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## A BILL

To amend the Emergency Economic Stabilization Act of 2008 (division A of Public Law 110–343) to provide the Special Inspector General with additional authorities and responsibilities, and for other purposes.

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

### 3   **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Special Inspector Gen-  
5       eral for the Troubled Asset Relief Program Act of 2009”.

1 **SEC. 2. AUDIT AND INVESTIGATION AUTHORITIES.**

2 Section 121 of the Emergency Economic Stabilization  
3 Act of 2008 (division A of Public Law 110–343) is amend-  
4 ed—

5 (1) in subsection (c), by adding at the end the  
6 following:

7 “(4)(A) Except as provided under subparagraph  
8 (B) and in addition to the duties specified in para-  
9 graphs (1), (2), and (3), the Special Inspector Gen-  
10 eral shall have the authority to conduct, supervise,  
11 and coordinate an audit or investigation of any ac-  
12 tion taken under this title as the Special Inspector  
13 General determines appropriate.

14 “(B) Subparagraph (A) shall not apply to any  
15 action taken under section 115, 116, 117, or 125.”;  
16 and

17 (2) in subsection (d)—

18 (A) in paragraph (2), by striking “sub-  
19 section (c)(1)” and inserting “subsection (c)(1)  
20 and (4)”;

21 (B) by adding at the end the following:

22 “(3) The Office of the Special Inspector Gen-  
23 eral for the Troubled Asset Relief Program shall be  
24 treated as an office included under section 6(e)(3) of  
25 the Inspector General Act of 1978 (5 U.S.C. App.)

1 relating to the exemption from the initial determina-  
2 tion of eligibility by the Attorney General.”.

3 **SEC. 3. PERSONNEL AUTHORITIES.**

4 Section 121(e) of the Emergency Economic Stabiliza-  
5 tion Act of 2008 (division A of Public Law 110–343) is  
6 amended—

7 (1) in paragraph (1)—

8 (A) by inserting “(A)” after “(1)”; and

9 (B) by adding at the end the following:

10 “(B)(i) Subject to clause (ii), the Special Inspector  
11 General may exercise the authorities of subsections (b)  
12 through (i) of section 3161 of title 5, United States Code  
13 (without regard to subsection (a) of that section).

14 “(ii) In exercising the employment authorities under  
15 subsection (b) of section 3161 of title 5, United States  
16 Code, as provided under clause (i) of this subparagraph—

17 “(I) the Special Inspector General may not  
18 make any appointment on and after the date occur-  
19 ring 6 months after the date of enactment of the  
20 Special Inspector General for the Troubled Asset  
21 Relief Program Act of 2009;

22 “(II) paragraph (2) of that subsection (relating  
23 to periods of appointments) shall not apply; and

1 “(III) no period of appointment may exceed the  
 2 date on which the Office of the Special Inspector  
 3 General terminates under subsection (k).”; and

4 (2) by adding at the end the following:

5 “(5)(A) Except as provided under subparagraph (B),  
 6 if an annuitant receiving an annuity from the Civil Service  
 7 Retirement and Disability Fund becomes employed in a  
 8 position within the Office of the Special Inspector General  
 9 for the Troubled Asset Relief Program, his annuity shall  
 10 continue. An annuitant so reemployed shall not be consid-  
 11 ered an employee for purposes of chapter 83 or 84.

12 “(B) Subparagraph (A) shall apply to—

13 “(i) not more than 25 employees at any time as  
 14 designated by the Special Inspector General; and

15 “(ii) pay periods beginning after the date of en-  
 16 actment of the Special Inspector General for the  
 17 Troubled Asset Relief Program Act of 2009.”.

18 **SEC. 4. RESPONSE TO AUDITS AND COOPERATION AND CO-**

19 **ORDINATION WITH OTHER ENTITIES.**

20 Section 121 of the Emergency Economic Stabilization  
 21 Act of 2008 (division A of Public Law 110–343) is amend-  
 22 ed—

23 (1) by redesignating subsections (f), (g), and  
 24 (h) as subsections (i), (j), and (k), respectively; and

1           (2) by inserting after subsection (e) the fol-  
2       lowing:

3       “(f) CORRECTIVE RESPONSES TO AUDIT PROB-  
4       LEMS.—The Secretary shall—

5       “(1) take action to address deficiencies identified by  
6       a report or investigation of the Special Inspector General  
7       or other auditor engaged by the TARP; or

8       “(2) certify to appropriate committees of Congress  
9       that no action is necessary or appropriate.

10       “(g) COOPERATION AND COORDINATION WITH  
11       OTHER ENTITIES.—In carrying out the duties, respon-  
12       sibilities, and authorities of the Special Inspector General  
13       under this section, the Special Inspector General shall  
14       work with each of the following entities, with a view to-  
15       ward avoiding duplication of effort and ensuring com-  
16       prehensive oversight of the Troubled Asset Relief Program  
17       through effective cooperation and coordination:

18           “(1) The Inspector General of the Department  
19       of Treasury.

20           “(2) The Inspector General of the Federal De-  
21       posit Insurance Corporation.

22           “(3) The Inspector General of the Securities  
23       and Exchange Commission.

24           “(4) The Inspector General of the Federal Re-  
25       serve Board.

1           “(5) The Inspector General of the Federal  
2       Housing Finance Board.

3           “(6) The Inspector General of any other entity  
4       as appropriate.

5       “(h) COUNCIL OF THE INSPECTORS GENERAL ON IN-  
6       TEGRITY AND EFFICIENCY.—The Special Inspector Gen-  
7       eral shall be a member of the Council of the Inspectors  
8       General on Integrity and Efficiency established under sec-  
9       tion 11 of the Inspector General Act of 1978 (5 U.S.C.  
10      App.) until the date of termination of the Office of the  
11      Special Inspector General for the Troubled Asset Relief  
12      Program.”.

13   **SEC. 5. REPORTING REQUIREMENTS.**

14       Section 121(i) of the Emergency Economic Stabiliza-  
15      tion Act of 2008 (division A of Public Law 110–343), as  
16      redesignated by this Act, is amended—

17           (1) in paragraph (1), by striking the first sen-  
18       tence and inserting “Not later than 60 days after  
19       the confirmation of the Special Inspector General,  
20       and not later than 30 days following the end of each  
21       fiscal quarter, the Special Inspector General shall  
22       submit to the appropriate committees of Congress a  
23       report summarizing the activities of the Special In-  
24       specter General during that fiscal quarter.”;

1           (2) by redesignating paragraphs (2) and (3) as  
2           paragraphs (3) and (4), respectively;

3           (3) by inserting after paragraph (1) the fol-  
4           lowing:

5           “(2) Not later than September 1, 2009, the Special  
6           Inspector General shall submit a report to Congress as-  
7           sessing use of any funds, to the extent practical, received  
8           by a financial institution under the TARP and make the  
9           report available to the public, including posting the report  
10          on the home page of the website of the Special Inspector  
11          General within 24 hours after the submission of the re-  
12          port.”; and

13          (4) by adding at the end the following:

14          “(5) Except as provided under paragraph (3), all re-  
15          ports submitted under this subsection shall be available  
16          to the public.”.

17       **SEC. 6. FUNDING OF THE OFFICE OF THE SPECIAL INSPEC-**  
18       **TOR GENERAL.**

19          Section 121(j)(1) of the Emergency Economic Sta-  
20          bilization Act of 2008 (division A of Public Law 110–343),  
21          as redesignated by this Act, is amended by inserting before  
22          the period at the end the following: “, not later than 7  
23          days after the date of enactment of the Special Inspector  
24          General for the Troubled Asset Relief Program Act of  
25          2009”.

1 **SEC. 7. COUNCIL OF THE INSPECTORS GENERAL ON INTEG-**  
2 **RITY AND EFFICIENCY.**

3       The Special Inspector General for Iraq Reconstruc-  
4 tion and the Special Inspector General for Afghanistan  
5 Reconstruction shall be a members of the Council of the  
6 Inspectors General on Integrity and Efficiency established  
7 under section 11 of the Inspector General Act of 1978  
8 (5 U.S.C. App.) until the date of termination of the Office  
9 of the Special Inspector General for Iraq Reconstruction  
10 and the Office of the Special Inspector General for Af-  
11 ghanistan Reconstruction, respectively.

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