

LEXSEE 103 PL 66

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PUBLIC LAW 103-66 [H.R. 2264]
AUGUST 10, 1993

OMNIBUS BUDGET RECONCILIATION ACT OF 1993

103 P.L. 66; 107 Stat. 312; 1993 Enacted H.R. 2264; 103 Enacted H.R. 2264

Note: The Family Preservation and Support Services Program was enacted as Title XII, Chapter 2, Subchapter C, Part 1 of this Act. The relevant text is presented below.

An Act

To provide for reconciliation pursuant to section 7 of the concurrent resolution on the budget for fiscal year 1994.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

[*1] SECTION 1. SHORT TITLE.

This Act may be cited as the "Omnibus Budget Reconciliation Act of 1993".

[*2] SEC. 2. TABLE OF CONTENTS.

The table of contents is as follows:

TITLE I--AGRICULTURE AND RELATED PROVISIONS
TITLE II--ARMED SERVICES PROVISIONS
TITLE III--BANKING AND HOUSING PROVISIONS
TITLE IV--STUDENT LOANS AND ERISA PROVISIONS
TITLE V--TRANSPORTATION AND PUBLIC WORKS PROVISIONS
TITLE VI--COMMUNICATIONS LICENSING AND SPECTRUM ALLOCATION PROVISIONS
TITLE VII--NUCLEAR REGULATORY COMMISSION PROVISIONS
TITLE VIII--PATENT AND TRADEMARK OFFICE PROVISIONS
TITLE IX--MERCHANT MARINE PROVISIONS
TITLE X--NATURAL RESOURCES PROVISIONS
TITLE XI--CIVIL SERVICE AND POST OFFICE PROVISIONS
TITLE XII--VETERANS' AFFAIRS PROVISIONS
TITLE XIII--REVENUE, HEALTH CARE, HUMAN RESOURCES, INCOME SECURITY, CUSTOMS
AND TRADE PROVISIONS, FOOD STAMP PROGRAM, AND TIMBER SALE PROVISIONS
TITLE XIV--BUDGET PROCESS PROVISIONS

**TITLE XIII--REVENUE, HEALTH CARE, HUMAN RESOURCES, INCOME SECURITY,
CUSTOMS AND TRADE, FOOD STAMP PROGRAM, AND TIMBER SALE PROVISIONS**

CHAPTER 2--HEALTH CARE, HUMAN RESOURCES, INCOME SECURITY, AND CUSTOMS AND
TRADE PROVISIONS

Subchapter C--Human Resources and Income Security Amendments

[*13701] Sec. 13701. TABLE OF CONTENTS.

The table of contents of this subchapter is as follows:

Subchapter C--Human Resources and Income Security Amendments

Sec. 13701. Table of contents.

Sec. 13702. References.

Part I--Child Welfare Services, Foster Care, and Adoption Assistance

Sec. 13711. Entitlement funding for services designed to strengthen and preserve families.

Sec. 13712. Entitlement funding for State courts to assess and improve handling of proceedings relating to foster care and adoption.

Sec. 13713. Enhanced match for automated data systems.

Sec. 13714. Permanent extension of independent living program.

Sec. 13715. Training of agency staff and foster and adoptive parents.

Sec. 13716. Moratorium on collection of disallowances.

Part II--Child Support Enforcement

Sec. 13721. State paternity establishment programs.

Part III--Supplemental Security Income

Sec. 13731. Fees for Federal administration of State supplementary payments.

Sec. 13732. Exclusion from income and resources of State relocation assistance.

Sec. 13733. Prevention of adverse effects on eligibility for, and amount of, benefits when spouse or parent of beneficiary is absent from the household due to active military service.

Sec. 13734. Eligibility for children of Armed Forces personnel residing outside the United States other than in foreign countries.

Sec. 13735. Valuation of certain in-kind support and maintenance when there is a cost of living adjustment in benefits.

Sec. 13736. Exclusion from income of certain amounts received by Indians from interests held in trust.

Part IV--Aid To Families With Dependent Children

Sec. 13741. 50 percent Federal match of State administrative costs.

Sec. 13742. Increase in stepparent income disregard.

Part V--Unemployment Insurance

Sec. 13751. Extension of current Federal unemployment rate.

Part VI--Social Services in Empowerment Zones and Enterprise Communities

Sec. 13761. Increase in block grants to States for social services.

PART I--CHILD WELFARE SERVICES, FOSTER CARE, AND ADOPTION ASSISTANCE

[*13711] Sec. 13711. ENTITLEMENT FUNDING FOR SERVICES DESIGNED TO STRENGTHEN AND PRESERVE FAMILIES.

(a) In General.--Part B of title IV (42 U.S.C. 620-628) is amended--

(1) by striking the heading and inserting the following:

"PART B--CHILD AND FAMILY SERVICES

"Subpart 1--Subpart 1--Child Welfare Services"; and

(2) by adding at the end the following:

"Subpart 2--Family Preservation and Support Services

"Sec. 430. PURPOSES; LIMITATIONS ON AUTHORIZATIONS OF APPROPRIATIONS; RESERVATION OF CERTAIN AMOUNTS.

"(a) Purposes; Limitations on Authorization of Appropriations.--For the purpose of encouraging and enabling each State to develop and establish, or expand, and to operate a program of family preservation services and community-based family support services, there are authorized to be appropriated to the Secretary the amounts described in subsection (b) for the fiscal years specified in subsection (b).

"(b) Description of Amounts.--The amount described in this subsection is--

"(1) for fiscal year 1994, \$60,000,000;

"(2) for fiscal year 1995, \$150,000,000;

"(3) for fiscal year 1996, \$225,000,000;

"(4) for fiscal year 1997, \$240,000,000; or

"(5) for fiscal year 1998, the greater of--

"(A) \$255,000,000; or

"(B) the amount described in this subsection for fiscal year 1997, increased by the inflation percentage applicable to fiscal year 1998.

"(c) Inflation Percentage.--For purposes of subsection (b)(5)(B) of this section, the inflation percentage applicable to any fiscal year is the percentage (if any) by which--

"(1) the average of the Consumer Price Index (as defined in section 1(f)(5) of the Internal Revenue Code of 1986) for the 12-month period ending on December 31 of the immediately preceding fiscal year; exceeds

"(2) the average of the Consumer Price Index (as so defined) for the 12-month period ending on December 31 of the 2nd preceding fiscal year.

"(d) Reservation of Certain Amounts.--

"(1) Evaluation, research, training, and technical assistance.--The Secretary shall reserve \$2,000,000 of the amount described in subsection (b) for fiscal year 1994, and \$6,000,000 of the amounts so described for each of fiscal years 1995, 1996, 1997, and 1998, for expenditure by the Secretary--

"(A) for research, training, and technical assistance related to the program under this subpart; and

"(B) for evaluation of State programs funded under this subpart and any other Federal, State, or local program, regardless of whether federally assisted, that is designed to achieve the same purposes as the program under this subpart.

"(2) State court assessments.--The Secretary shall reserve \$5,000,000 of the amount described in subsection (b) for fiscal year 1995, and \$10,000,000 of the amounts so described for each of fiscal years 1996, 1997, and 1998, for grants under section 13712 of the Omnibus Budget Reconciliation Act of 1993.

"(3) Indian tribes.--The Secretary shall reserve 1 percent of the amounts described in subsection (b) for each fiscal year, for allotment to Indian tribes in accordance with section 433(a).

"Sec. 431. DEFINITIONS.

"(a) In General.--As used in this subpart:

"(1) Family preservation services.--The term 'family preservation services' means services for children and families designed to help families (including adoptive and extended families) at risk or in crisis, including--

"(A) service programs designed to help children--

"(i) where appropriate, return to families from which they have been removed; or

"(ii) be placed for adoption, with a legal guardian, or, if adoption or legal guardianship is determined not to be appropriate for a child, in some other planned, permanent living arrangement;

"(B) preplacement preventive services programs, such as intensive family preservation programs, designed to help children at risk of foster care placement remain with their families;

"(C) service programs designed to provide followup care to families to whom a child has been returned after a foster care placement;

"(D) respite care of children to provide temporary relief for parents and other caregivers (including foster parents); and

"(E) services designed to improve parenting skills (by reinforcing parents' confidence in their strengths, and helping them to identify where improvement is needed and to obtain assistance in improving those skills) with respect to matters such as child development, family budgeting, coping with stress, health, and nutrition.

"(2) Family support services.--The term 'family support services' means community-based services to promote the well-being of children and families designed to increase the strength and stability of families (including adoptive, foster, and extended families), to increase parents' confidence and competence in their parenting abilities, to afford children a stable and supportive family environment, and otherwise to enhance child development.

"(3) State agency.--The term 'State agency' means the State agency responsible for administering the program under subpart 1.

"(4) State.--The term 'State' includes an Indian tribe or tribal organization, in addition to the meaning given such term for purposes of subpart 1.

"(5) Tribal organization.--The term 'tribal organization' means the recognized governing body of any Indian tribe.

"(6) Indian tribe.--The term 'Indian tribe' means any Indian tribe (as defined in section 482(i)(5)) and any Alaska Native organization (as defined in section 482(i)(7)(A)).

"(b) Other Terms.--For other definitions of other terms used in this subpart, see section 475.

"Sec. 432. STATE PLANS.

"(a) Plan Requirements.--A State plan meets the requirements of this subsection if the plan--

"(1) provides that the State agency shall administer, or supervise the administration of, the State program under this subpart;

"(2)(A) (i) sets forth the goals intended to be accomplished under the plan by the end of the 5th fiscal year in which the plan is in operation in the State, and (ii) is updated periodically to set forth the goals intended to be accomplished under the plan by the end of each 5th fiscal year thereafter;

"(B) describes the methods to be used in measuring progress toward accomplishment of the goals;

"(C) contains assurances that the State--

"(i) after the end of each of the 1st 4 fiscal years covered by a set of goals, will perform an interim review of progress toward accomplishment of the goals, and on the basis of the interim review will revise the statement of goals in the plan, if necessary, to reflect changed circumstances; and

"(ii) after the end of the last fiscal year covered by a set of goals, will perform a final review of progress toward accomplishment of the goals, and on the basis of the final review (I) will prepare, transmit to the Secretary, and make available to the public a final report on progress toward accomplishment of the goals, and (II) will develop (in consultation with the entities required to be consulted pursuant to subsection (b)) and add to the plan a statement of the goals intended to be accomplished by the end of the 5th succeeding fiscal year;

"(3) provides for coordination, to the extent feasible and appropriate, of the provision of services under the plan and the provision of services or benefits under other Federal or federally assisted programs serving the same populations;

"(4) contains assurances that not more than 10 percent of expenditures under the plan for any fiscal year with respect to which the State is eligible for payment under section 434 for the fiscal year shall be for administrative costs, and that the remaining expenditures shall be for programs of family preservation services and community-based family support services with significant portions of such expenditures for each such program;

"(5) contains assurances that the State will--

"(A) annually prepare, furnish to the Secretary, and make available to the public a description (including separate descriptions with respect to family preservation services and community-based family support services) of--

"(i) the service programs to be made available under the plan in the immediately succeeding fiscal year;

"(ii) the populations which the programs will serve; and

"(iii) the geographic areas in the State in which the services will be available; and

"(B) perform the activities described in subparagraph (A)--

"(i) in the case of the 1st fiscal year under the plan, at the time the State submits its initial plan; and

"(ii) in the case of each succeeding fiscal year, by the end of the 3rd quarter of the immediately preceding fiscal year;

"(6) provides for such methods of administration as the Secretary finds to be necessary for the proper and efficient operation of the plan;

"(7)(A) contains assurances that Federal funds provided to the State under this subpart will not be used to supplant Federal or non-Federal funds for existing services and activities which promote the purposes of this subpart; and

"(B) provides that the State will furnish reports to the Secretary, at such times, in such format, and containing such information as the Secretary may require, that demonstrate the State's compliance with the prohibition contained in subparagraph (A); and

"(8) provides that the State agency will furnish such reports, containing such information, and participate in such evaluations, as the Secretary may require.

"(b) Approval of Plans.--

"(1) In general.--The Secretary shall approve a plan that meets the requirements of subsection (a) only if the plan was developed jointly by the Secretary and the State, after consultation by the State agency with appropriate public and nonprofit private agencies and community-based organizations with experience in administering programs of services for children and families (including family preservation and family support services).

"(2) Plans of Indian tribes.--

"(A) Exemption from inappropriate requirements.--The Secretary may exempt a plan submitted by an Indian tribe from any requirement of this section that the Secretary determines would be inappropriate to apply to the Indian tribe, taking into account the resources, needs, and other circumstances of the Indian tribe.

"(B) Special rule.--Notwithstanding subparagraph (A) of this paragraph, the Secretary may not approve a plan of an Indian tribe under this subpart to which (but for this subparagraph) an allotment of less than \$10,000 would be made under section 433(a) if allotments were made under section 433(a) to all Indian tribes with plans approved under this subpart with the same or larger numbers of children.

"Sec. 433. ALLOTMENTS TO STATES.

"(a) Indian Tribes.--From the amount reserved pursuant to section 430(d)(3) for any fiscal year, the Secretary shall allot to each Indian tribe with a plan approved under this subpart an amount that bears the same ratio to such reserved amount as the number of children in the Indian tribe bears to the total number of children in all Indian tribes with State plans so approved, as determined by the Secretary on the basis of the most current and reliable information available to the Secretary.

"(b) Territories.--From the amount described in section 430(b) for any fiscal year that remains after applying section 430(d) for the fiscal year, the Secretary shall allot to each of the jurisdictions of Puerto

Rico, Guam, the Virgin Islands, the Northern Mariana Islands, and American Samoa an amount determined in the same manner as the allotment to each of such jurisdictions is determined under section 421.

"(c) Other States.--

"(1) In general.--From the amount described in section 430(b) for any fiscal year that remains after applying section 430(d) and subsection (b) of this section for the fiscal year, the Secretary shall allot to each State (other than an Indian tribe) which is not specified in subsection (b) of this section an amount equal to such remaining amount multiplied by the food stamp percentage of the State for the fiscal year.

"(2) Food stamp percentage defined.--

"(A) In general.--As used in paragraph (1) of this subsection, the term 'food stamp percentage' means, with respect to a State and a fiscal year, the average monthly number of children receiving food stamp benefits in the State for months in the 3 fiscal years referred to in subparagraph (B) of this paragraph, as determined from sample surveys made under section 16(c) of the Food Stamp Act of 1977, expressed as a percentage of the average monthly number of children receiving food stamp benefits in the States described in such paragraph (1) for months in such 3 fiscal years, as so determined.

"(B) Fiscal years used in calculation.--For purposes of the calculation pursuant to subparagraph (A), the Secretary shall use data for the 3 most recent fiscal years, preceding the fiscal year for which the State's allotment is calculated under this subsection, for which such data are available to the Secretary.

"Sec. 434. PAYMENTS TO STATES.

"(a) Entitlement.--

"(1) General rule.--Except as provided in paragraph (2) of this subsection, each State which has a plan approved under this subpart shall be entitled to payment of the lesser of--

"(A) 75 percent of the total expenditures by the State for activities under the plan during the fiscal year or the immediately succeeding fiscal year; or

"(B) the allotment of the State under section 433 for the fiscal year.

"(2) Special rule.--Upon submission by a State to the Secretary during fiscal year 1994 of an application in such form and containing such information as the Secretary may require (including, if the State is seeking payment of an amount pursuant to subparagraph (B) of this paragraph, a description of the services to be provided with the amount), the State shall be entitled to payment of an amount equal to the sum of--

"(A) such amount, not exceeding \$1,000,000, from the allotment of the State under section 433 for fiscal year 1994, as the State may require to develop and submit a plan for approval under section 432; and

"(B) an amount equal to the lesser of--

"(i) 75 percent of the expenditures by the State for services to children and families in accordance with the application and the expenditure rules of section 432(a)(4); or

"(ii) the allotment of the State under section 433 for fiscal year 1994, reduced by any amount paid to the State pursuant to subparagraph (A) of this paragraph.

"(b) Prohibitions.--

"(1) No use of other federal funds for state match.--Each State receiving an amount paid under paragraph (1) or (2)(B) of subsection (a) may not expend any Federal funds to meet the costs of services described in this subpart not covered by the amount so paid.

"(2) Availability of funds.--A State may not expend any amount paid under subsection (a)(1) for any fiscal year after the end of the immediately succeeding fiscal year.

"(c) Direct Payments to Tribal Organizations of Indian Tribes.--The Secretary shall pay any amount to which an Indian tribe is entitled under this section directly to the tribal organization of the Indian tribe.

"Sec. 435. EVALUATIONS.

"(a) Evaluations.--

"(1) In general.--The Secretary shall evaluate the effectiveness of the programs carried out pursuant to this subpart in accomplishing the purposes of this subpart, and may evaluate any other Federal, State, or local program, regardless of whether federally assisted, that is designed to achieve the same purposes as the program under this subpart, in accordance with criteria established in accordance with paragraph (2).

"(2) Criteria to be used.--In developing the criteria to be used in evaluations under paragraph (1), the Secretary shall consult with appropriate parties, such as--

"(A) State agencies administering programs under this part and part E;

"(B) persons administering child and family services programs (including family preservation and family support programs) for private, nonprofit organizations with an interest in child welfare; and

"(C) other persons with recognized expertise in the evaluation of child and family services programs (including family preservation and family support programs) or other related programs.

"(b) Coordination of Evaluations.--The Secretary shall develop procedures to coordinate evaluations under this section, to the extent feasible, with evaluations by the States of the effectiveness of programs under this subpart."

(b) Conforming Amendments.--

(1) Section 422 (42 U.S.C. 622) is amended--

(A) in subsection (a), by striking "this part" and inserting "this subpart";

(B) in subsection (b), by striking "this part" each place such term appears and inserting "this subpart"; and

(C) in subsection (b)(2), by inserting "under the State plan approved under subpart 2 of this part," after "part A of this title,".

(2) Section 423(a) (42 U.S.C. 623(a)) is amended by striking "this part" and inserting "this subpart".

(3) Section 428(a) (42 U.S.C. 628(a)) is amended by striking "this part" each place such term appears and inserting "this subpart".

(4) Section 471(a)(2) (42 U.S.C. 671(a)(2)) is amended by inserting "subpart 1 of" before "part B".

(c) Effective Date.--The amendments made by this section shall be effective with respect to calendar quarters beginning on or after October 1, 1993.

[*13712] Sec. 13712. ENTITLEMENT FUNDING FOR STATE COURTS TO ASSESS AND IMPROVE HANDLING OF PROCEEDINGS RELATING TO FOSTER CARE AND ADOPTION.

(a) In General.--The Secretary shall make grants, in accordance with this section, to the highest State courts in States participating in the program under part E of title IV of the Social Security Act, for the purpose of enabling such courts--

(1) to conduct assessments, in accordance with such requirements as the Secretary shall publish, of the role, responsibilities, and effectiveness of State courts in carrying out State laws requiring proceedings (conducted by or under the supervision of the courts)--

(A) that implement parts B and E of title IV of such Act;

(B) that determine the advisability or appropriateness of foster care placement;

(C) that determine whether to terminate parental rights; and

(D) that determine whether to approve the adoption or other permanent placement of a child; and

(2) to implement changes deemed necessary as a result of the assessments.

(b) Applications.--In order to be eligible for a grant under this section, a highest State court shall submit to the Secretary an application at such time, in such form, and including such information and assurances as the Secretary shall require.

(c) Allotments.--

(1) In general.--Each highest State court which has an application approved under subsection (b), and is conducting assessment activities in accordance with this section, shall be entitled to payment, for each of fiscal years 1995 through 1998, from amounts reserved pursuant to section 430(d)(2) of the Social Security Act, of an amount equal to the sum of--

(A) for fiscal year 1995, \$75,000 plus the amount described in paragraph (2) for fiscal year 1995; and

(B) for each of fiscal years 1996 through 1998, \$85,000 plus the amount described in paragraph (2) for each of such fiscal years.

(2) Formula.--The amount described in this paragraph for any fiscal year is the amount that bears the same ratio to the amount reserved pursuant to section 430(d)(2) of the Social Security Act for the fiscal year (reduced by the dollar amount specified in paragraph (1) of this subsection for the fiscal year) as the number of individuals in the State who have not attained 21 years of age bears to the total number of such individuals in all States the highest State courts of which have approved applications under subsection (b).

(d) Use of Grant Funds.--Each highest State court which receives funds paid under this section may use such funds to pay--

(1) any or all costs of activities under this section in fiscal year 1995; and

(2) not more than 75 percent of the cost of activities under this section in each of fiscal years 1996, 1997, and 1998.

[*13713] Sec. 13713. ENHANCED MATCH FOR AUTOMATED DATA SYSTEMS.

(a) Payments to States.--

(1) In general.--Section 474(a)(3) (42 U.S.C. 674(a)(3)) is amended--

(A) by striking "and" at the end of subparagraph (B);

(B) by redesignating subparagraph (C) as subparagraph (E); and

(C) by inserting after subparagraph (B) the following:

"(C) 75 percent of so much of such expenditures as are for the planning, design, development, or installation of statewide mechanized data collection and information retrieval systems (including 75 percent of the full amount of expenditures for hardware components for such systems) but only to the extent that such systems--

"(i) meet the requirements imposed by regulations promulgated pursuant to section 479(b)(2);

"(ii) to the extent practicable, are capable of interfacing with the State data collection system that collects information relating to child abuse and neglect;

"(iii) to the extent practicable, have the capability of interfacing with, and retrieving information from, the State data collection system that collects information relating to the eligibility of individuals under part A (for the purposes of facilitating verification of eligibility of foster children); and

"(iv) are determined by the Secretary to be likely to provide more efficient, economical, and effective administration of the programs carried out under a State plan approved under part B or this part; and

"(D) 50 percent of so much of such expenditures as are for the operation of the statewide mechanized data collection and information retrieval systems referred to in subparagraph (C); and".

(2) Treatment of state expenditures for data collection and information retrieval systems.--Section 474 (42 U.S.C. 674) is amended by adding at the end the following:

"(e) Automated Data Collection Expenditures.--The Secretary shall treat as necessary for the proper and efficient administration of the State plan all expenditures of a State necessary in order for the State to plan, design, develop, install, and operate data collection and information retrieval systems described in subsection (a)(3)(C), without regard to whether the systems may be used with respect to foster or adoptive children other than those on behalf of whom foster care maintenance payments or adoption assistance payments may be made under this part."

(3) Effective date.--The amendments made by this subsection shall take effect on October 1, 1993.

(b) Termination of Enhanced Match.--

(1) In general.--Section 474(a)(3)(C) (42 U.S.C. 674(a)(3)(C)), as amended by subsection (a) of this section, is amended by striking "75 percent" each place such term appears and inserting "50 percent".

(2) Effective date.--The amendment made by paragraph (1) shall apply to expenditures during fiscal years beginning on or after October 1, 1996.

[*13714] Sec. 13714. PERMANENT EXTENSION OF INDEPENDENT LIVING PROGRAM.

(a) In General.--Section 477 (42 U.S.C. 677) is amended--

(1) in subsection (a)(1), by striking the 3rd sentence;

(2) in subsection (c), by striking "of the fiscal years 1988 through 1992" and inserting "succeeding fiscal year";

(3) in subsection (e)(1)(A), by striking "each of the fiscal years 1987 through 1992" and inserting "fiscal year 1987 and any succeeding fiscal year";

(4) in subsection (e)(1)(B), by striking "fiscal years 1991 and 1992" and inserting "fiscal year 1991 and any succeeding fiscal year"; and

(5) in subsection (e)(1)(C)(ii), by striking "fiscal year 1992" and inserting "any succeeding fiscal year".

(b) Effective Date.--The amendments made by subsection (a) shall apply to activities engaged in, on, or after October 1, 1992.

[*13715] Sec. 13715. TRAINING OF AGENCY STAFF AND FOSTER AND ADOPTIVE PARENTS.

Section 8006(b) of the Omnibus Budget Reconciliation Act of 1989 (42 U.S.C. 674 note) is amended by inserting ", and to expenditures made on or after October 1, 1993" before the period.

[*13716] Sec. 13716. MORATORIUM ON COLLECTION OF DISALLOWANCES.

The Secretary of Health and Human Services shall not, before October 1, 1994--

(1) reduce any payment to, withhold any payment from, or seek any repayment from any State under part B or E of title IV of the Social Security Act by reason of a determination made in connection with a review of State compliance with section 427 of such Act for any Federal fiscal year before fiscal year 1995; or

(2) reduce any payment to, withhold any payment from, or seek any repayment from any State under such part E by reason of a determination made in connection with any on-site Federal financial review, or any audit conducted by the Inspector General using similar methodologies.