

this title, the Chief Executive Officer shall transmit such report to the Board of Directors of such Corporation.

(c) REVIEW OF AUDIT REPORTS BY BOARD OF DIRECTORS.—Not later than the date on which the Chief Executive Officer of the Corporation for National and Community Service transmits a report described under section 405(c) of this title to the Board of Directors as provided under subsection (b) of this section, the Chief Executive Officer shall also transmit any audit report which is described in the statement required under section 405(c)(4) to the Board of Directors. All such audit reports shall be placed on the agenda for review at the next scheduled meeting of the Board of Directors following such transmittal. The Chief Executive Officer of the Corporation shall be present at such meeting to provide any information relating to such audit reports.

(d) REPORT OF PROBLEM, ABUSE, OR DEFICIENCY TO BOARD OF DIRECTORS.—Not later than the date on which the Inspector General of the Corporation for National and Community Service reports a problem, abuse, or deficiency under section 405(e) of this title to the Chief Executive Officer of the Corporation, the Chief Executive Officer shall report such problem, abuse, or deficiency to the Board of Directors.

(Pub. L. 117–286, §3(b), Dec. 27, 2022, 136 Stat. 4235.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
414	5 U.S.C. App. (IGA §8F)	Pub. L. 95–452, §8F, formerly §8E, as added Pub. L. 103–82, title II, §202(g)(1), Sept. 21, 1993, 107 Stat. 889; renumbered §8F, Pub. L. 103–204, §23(a)(3), Dec. 17, 1993, 107 Stat. 2408; amended Pub. L. 111–13, title IV, §4101, Apr. 21, 2009, 123 Stat. 1597.

§ 415. Requirements for Federal entities and designated Federal entities

(a) DEFINITIONS.—Notwithstanding section 401 of this title, in this section:

(1) DESIGNATED FEDERAL ENTITY.—

(A) IN GENERAL.—The term “designated Federal entity” means Amtrak, the Appalachian Regional Commission, the Board of Governors of the Federal Reserve System and the Bureau of Consumer Financial Protection, the Committee for Purchase From People Who Are Blind or Severely Disabled, the Commodity Futures Trading Commission, the Consumer Product Safety Commission, the Corporation for Public Broadcasting, the Defense Intelligence Agency, the Denali Commission, the Equal Employment Opportunity Commission, the Farm Credit Administration, the Federal Election Commission, the Election Assistance Commission, the Federal Labor Relations Authority, the Federal Maritime Commission, the Federal Trade Commission, the Legal Services Corporation, the National Archives and Records Administration, the National Credit Union Administration, the National Endowment for the Arts, the National En-

dowment for the Humanities, the National Geospatial-Intelligence Agency, the National Labor Relations Board, the National Science Foundation, the Peace Corps, the Pension Benefit Guaranty Corporation, the Securities and Exchange Commission, the Smithsonian Institution, the United States International Development Finance Corporation, the United States International Trade Commission, the Postal Regulatory Commission, and the United States Postal Service.

(B) AMTRAK.—Effective at the beginning of the first fiscal year after a fiscal year for which Amtrak receives no Federal subsidy, subparagraph (A) is amended by striking “Amtrak,”.

(2) FEDERAL ENTITY.—The term “Federal entity” means any Government corporation (within the meaning of section 103(1) of this title), any Government controlled corporation (within the meaning of section 103(2) of this title), or any other entity in the executive branch of the Government, or any independent regulatory agency, but does not include—

(A) an establishment (as defined under section 401 of this title) or part of an establishment;

(B) a designated Federal entity (as defined under paragraph (1) of this subsection) or part of a designated Federal entity;

(C) the Executive Office of the President;

(D) the Central Intelligence Agency;

(E) the Government Accountability Office;

or

(F) any entity in the judicial or legislative branches of the Government, including the Administrative Office of the United States Courts and the Architect of the Capitol and any activities under the direction of the Architect of the Capitol.

(3) HEAD OF THE DESIGNATED FEDERAL ENTITY.—The term “head of the designated Federal entity” means the board or commission of the designated Federal entity, or in the event the designated Federal entity does not have a board or commission, any person or persons designated by statute as the head of a designated Federal entity and if no such designation exists, the chief policymaking officer or board of a designated Federal entity as identified in the list published pursuant to subsection (h)(1) of this section, except that—

(A) with respect to the National Science Foundation, such term means the National Science Board;

(B) with respect to the United States Postal Service, such term means the Governors (within the meaning of section 102(3) of title 39);

(C) with respect to the Federal Labor Relations Authority, such term means the members of the Authority (described under section 7104 of this title);

(D) with respect to the Committee for Purchase From People Who Are Blind or Severely Disabled, such term means the Chairman of the Committee for Purchase From People Who Are Blind or Severely Disabled;

(E) with respect to the National Archives and Records Administration, such term means the Archivist of the United States;

(F) with respect to the National Credit Union Administration, such term means the National Credit Union Administration Board (described under section 102 of the Federal Credit Union Act (12 U.S.C. 1752a));

(G) with respect to the National Endowment of the Arts, such term means the National Council on the Arts;

(H) with respect to the National Endowment for the Humanities, such term means the National Council on the Humanities;

(I) with respect to the Peace Corps, such term means the Director of the Peace Corps; and

(J) with respect to the United States International Development Finance Corporation, such term means the Board of Directors of the United States International Development Finance Corporation.

(4) **HEAD OF THE FEDERAL ENTITY.**—The term “head of the Federal entity” means any person or persons designated by statute as the head of a Federal entity, and if no such designation exists, the chief policymaking officer or board of a Federal entity as identified in the list published pursuant to subsection (h)(1) of this section.

(5) **INSPECTOR GENERAL.**—The term “Inspector General” means an Inspector General of a designated Federal entity.

(6) **OFFICE OF INSPECTOR GENERAL.**—The term “Office of Inspector General” means an Office of Inspector General of a designated Federal entity.

(b) **OFFICE OF INSPECTOR GENERAL IN EACH DESIGNATED FEDERAL ENTITY.**—Not later than 180 days after October 18, 1988, there shall be established and maintained in each designated Federal entity an Office of Inspector General. The head of the designated Federal entity shall transfer to such office the offices, units, or other components, and the functions, powers, or duties thereof, that such head determines are properly related to the functions of the Office of Inspector General and would, if so transferred, further the purposes of this section. There shall not be transferred to such office any program operating responsibilities.

(c) **APPOINTMENT OF INSPECTOR GENERAL.**—Except as provided under subsection (f) of this section, the Inspector General shall be appointed by the head of the designated Federal entity in accordance with the applicable laws and regulations governing appointments within the designated Federal entity. Each Inspector General shall be appointed without regard to political affiliation and solely on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations. For purposes of implementing this section, the Chairman of the Board of Governors of the Federal Reserve System shall appoint the Inspector General of the Board of Governors of the Federal Reserve System and the Bureau of Consumer Financial Protection. The Inspector General of the Board of Governors of the Federal Reserve System and the Bureau of Consumer Financial Protection shall have all of the authorities and responsibilities provided by this Act with respect

to the Bureau of Consumer Financial Protection, as if the Bureau were part of the Board of Governors of the Federal Reserve System.

(d) **SUPERVISION.**—

(1) **IN GENERAL.**—Each Inspector General shall report to and be under the general supervision of the head of the designated Federal entity, but shall not report to, or be subject to supervision by, any other officer or employee of such designated Federal entity. Except as provided in paragraph (2), the head of the designated Federal entity shall not prevent or prohibit the Inspector General from initiating, carrying out, or completing any audit or investigation, or from issuing any subpoena during the course of any audit or investigation.

(2) **EXCEPTION RELATING TO INTELLIGENCE COMMUNITY.**—

(A) **IN GENERAL.**—The Secretary of Defense, in consultation with the Director of National Intelligence, may prohibit the inspector general of an element of the intelligence community specified in subparagraph (D) from initiating, carrying out, or completing any audit or investigation, or from accessing information available to an element of the intelligence community specified in subparagraph (D), if the Secretary determines that the prohibition is necessary to protect vital national security interests of the United States.

(B) **STATEMENT OF REASONS FOR EXERCISE OF AUTHORITY.**—If the Secretary exercises the authority under subparagraph (A), the Secretary shall submit to the committees of Congress specified in subparagraph (E) an appropriately classified statement of the reasons for the exercise of such authority not later than 7 days after the exercise of such authority.

(C) **NOTIFICATION TO INSPECTOR GENERAL.**—At the same time the Secretary submits under subparagraph (B) a statement on the exercise of the authority in subparagraph (A) to the committees of Congress specified in subparagraph (E), the Secretary shall notify the inspector general of such element of the submittal of such statement and, to the extent consistent with the protection of intelligence sources and methods, provide such inspector general with a copy of such statement. Such inspector general may submit to such committees of Congress any comments on a notice or statement received by the inspector general under this subparagraph that the inspector general considers appropriate.

(D) **ELEMENTS OF THE INTELLIGENCE COMMUNITY.**—The elements of the intelligence community specified in this subparagraph are as follows:

- (i) The Defense Intelligence Agency.
- (ii) The National Geospatial-Intelligence Agency.
- (iii) The National Reconnaissance Office.
- (iv) The National Security Agency.

(E) **COMMITTEES OF CONGRESS.**—The committees of Congress specified in this subparagraph are—

- (i) the Committee on Armed Services and the Select Committee on Intelligence of the Senate; and

(ii) the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

(e) REMOVAL.—

(1) BOARD, CHAIRMAN OF COMMITTEE, OR COMMISSION IS HEAD OF DESIGNATED FEDERAL ENTITY.—In the case of a designated Federal entity for which a board, chairman of a committee, or commission is the head of the designated Federal entity, a removal under this subsection may only be made upon the written concurrence of a $\frac{2}{3}$ majority of the board, committee, or commission.

(2) INSPECTOR GENERAL REMOVED OR TRANSFERRED.—If an Inspector General is removed from office or is transferred to another position or location within a designated Federal entity, the head of the designated Federal entity shall communicate in writing the reasons for any such removal or transfer to both Houses of Congress, not later than 30 days before the removal or transfer. Nothing in this subsection shall prohibit a personnel action otherwise authorized by law, other than transfer or removal.

(f) UNITED STATES POSTAL SERVICE.—

(1) APPOINTMENT.—For purposes of carrying out subsection (c) with respect to the United States Postal Service, the appointment provisions of section 202(e) of title 39 shall be applied.

(2) OVERSIGHT RESPONSIBILITY OF INSPECTOR GENERAL FOR ACTIVITIES OF POSTAL INSPECTION SERVICE.—In carrying out the duties and responsibilities specified in this chapter, the Inspector General of the United States Postal Service (hereinafter in this subsection referred to as the “Inspector General”) shall have oversight responsibility for all activities of the Postal Inspection Service, including any internal investigation performed by the Postal Inspection Service. The Chief Postal Inspector shall promptly report the significant activities being carried out by the Postal Inspection Service to such Inspector General.

(3) AUDITS AND INVESTIGATIONS.—

(A) AUTHORITY, DIRECTION, AND CONTROL OF GOVERNORS.—

(i) ACCESS TO SENSITIVE INFORMATION.—Notwithstanding subsection (d), the Inspector General shall be under the authority, direction, and control of the Governors with respect to audits or investigations, or the issuance of subpoenas, which require access to sensitive information concerning—

(I) ongoing civil or criminal investigations or proceedings;

(II) undercover operations;

(III) the identity of confidential sources, including protected witnesses;

(IV) intelligence or counterintelligence matters; or

(V) other matters the disclosure of which would constitute a serious threat to national security.

(ii) AUTHORITY TO PROHIBIT INSPECTOR GENERAL FROM CARRYING OUT OR COMPLETING AUDIT OR INVESTIGATION.—With re-

spect to the information described under clause (i), the Governors may prohibit the Inspector General from carrying out or completing any audit or investigation, or from issuing any subpoena, after such Inspector General has decided to initiate, carry out, or complete such audit or investigation or to issue such subpoena, if the Governors determine that such prohibition is necessary to prevent the disclosure of any information described under clause (i) or to prevent significant impairment to the national interests of the United States.

(iii) NOTIFICATION OF REASONS FOR EXERCISE OF POWER.—If the Governors exercise any power under clause (i) or (ii), the Governors shall notify the Inspector General in writing, stating the reasons for such exercise. Within 30 days after receipt of any such notice, the Inspector General shall transmit a copy of such notice to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Reform of the House of Representatives, and to other appropriate committees or subcommittees of the Congress.

(B) INITIATING, CONDUCTING, AND SUPERVISING AUDITS AND INVESTIGATIONS.—In carrying out the duties and responsibilities specified in this chapter, the Inspector General—

(i) may initiate, conduct, and supervise such audits and investigations in the United States Postal Service as the Inspector General considers appropriate; and

(ii) shall give particular regard to the activities of the Postal Inspection Service with a view toward avoiding duplication and ensuring effective coordination and cooperation.

(C) REPORTING SERIOUS PROBLEMS, ABUSES, OR DEFICIENCIES.—Any report required to be transmitted by the Governors to the appropriate committees or subcommittees of the Congress under section 405(e) of this title shall also be transmitted, within the 7-day period specified under such section, to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Reform of the House of Representatives.

(4) LIMITATION.—Nothing in this chapter shall restrict, eliminate, or otherwise adversely affect any of the rights, privileges, or benefits of either employees of the United States Postal Service, or labor organizations representing employees of the United States Postal Service, under chapter 12 of title 39, the National Labor Relations Act, any handbook or manual affecting employee labor relations with the United States Postal Service, or any collective bargaining agreement.

(5) DEFINITION OF GOVERNORS.—In this subsection, the term “Governors” has the meaning given the term by section 102(3) of title 39.

(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated, out of the Postal Service Fund, such sums as may be

necessary for the Office of Inspector General of the United States Postal Service.

(g) SPECIAL APPLICATION.—

(1) SECTIONS 404, 405, 406, AND 407.—Sections 404, 405, 406 (other than paragraphs (7) and (8) of section 406(a)), and 407 of this title shall apply to each Inspector General and Office of Inspector General of a designated Federal entity, and such sections shall be applied to each designated Federal entity and head of the designated Federal entity (as defined under subsection (a)) by substituting—

(A) “designated Federal entity” for “establishment”; and

(B) “head of the designated Federal entity” for “head of the establishment”.

(2) PERSONNEL.—In addition to the other authorities specified in this chapter, an Inspector General is authorized to select, appoint, and employ such officers and employees as may be necessary for carrying out the functions, powers, and duties of the Office of Inspector General and to obtain the temporary or intermittent services of experts or consultants or an organization of experts or consultants, subject to the applicable laws and regulations that govern such selections, appointments, and employment, and the obtaining of such services, within the designated Federal entity.

(3) APPLICATION OF SECTION 412(a).—Notwithstanding the last sentence of subsection (d)(1) of this section, the provisions of subsection (a) of section 412 of this title (other than the provisions of subparagraphs (A), (B), (C), and (E) of subsection (a)(1) of section 412 of this title) shall apply to the Inspector General of the Board of Governors of the Federal Reserve System and the Bureau of Consumer Financial Protection and the Chairman of the Board of Governors of the Federal Reserve System in the same manner as such provisions apply to the Inspector General of the Department of the Treasury and the Secretary of the Treasury, respectively.

(4) COUNSEL.—Each Inspector General shall—

(A) in accordance with applicable laws and regulations governing appointments within the designated Federal entity, appoint a Counsel to the Inspector General who shall report to the Inspector General;

(B) obtain the services of a counsel appointed by and directly reporting to another Inspector General on a reimbursable basis; or

(C) obtain the services of appropriate staff of the Council of the Inspectors General on Integrity and Efficiency on a reimbursable basis.

(h) ANNUAL LISTING AND REPORT.—

(1) LISTING.—Each year, the Director of the Office of Management and Budget, after consultation with the Comptroller General of the United States, shall publish in the Federal Register a list of the Federal entities and designated Federal entities and if the designated Federal entity is not a board or commission, include the head of each such entity (as defined under subsection (a)).

(2) REPORT.—On October 31 of each year, the head of each Federal entity (as defined under

subsection (a)) shall prepare and transmit to the Director of the Office of Management and Budget and to each House of the Congress a report that—

(A) states whether there has been established in the Federal entity an office that meets the requirements of this section;

(B) specifies the actions taken by the Federal entity otherwise to ensure that audits are conducted of its programs and operations in accordance with the standards for audit of governmental organizations, programs, activities, and functions issued by the Comptroller General of the United States, and includes a list of each audit report completed by a Federal or non-Federal auditor during the reporting period and a summary of any particularly significant findings; and

(C) summarizes any matters relating to the personnel, programs, and operations of the Federal entity referred to prosecutive authorities, including a summary description of any preliminary investigation conducted by or at the request of the Federal entity concerning these matters, and the prosecutions and convictions which have resulted.

(Pub. L. 117–286, §3(b), Dec. 27, 2022, 136 Stat. 4235.)

AMENDMENTS NOT SHOWN IN TEXT

This section was derived from section 8G of the Inspector General Act of 1978, Pub. L. 95–452, which was set out in the former Appendix to this title, and as it existed as of Oct. 19, 2021. Section 8G of Pub. L. 95–452 was amended by Pub. L. 117–108, title II, §209(a), Apr. 6, 2022, 136 Stat. 1151, and by Pub. L. 117–263, div. E, title LII, §§5202(a)(2), 5272(6), Dec. 23, 2022, 136 Stat. 3224, 3240, prior to being repealed and reenacted as this section by Pub. L. 117–286, §§3(b), 7, Dec. 27, 2022, 136 Stat. 4235, 4361. For applicability of those amendments to this section, see section 5(b) of Pub. L. 117–286, set out in a Transitional and Savings Provisions note preceding section 101 of this title.

Section 8G of Pub. L. 95–452 was amended by Pub. L. 117–108 as follows:

(1) in subsection (a)(2), by striking “the Postal Regulatory Commission,”; and

(2) in subsection (f)—

(A) in paragraph (2), by inserting subparagraph (A) designation before “In carrying” and adding at the end the following:

“(B) In carrying out the duties and responsibilities specified in this Act, the Inspector General of the United States Postal Service shall function as the Inspector General for the Postal Regulatory Commission, and shall have equal responsibility over the United States Postal Service and the Postal Regulatory Commission. The Commission shall comply with the Inspector General’s oversight as if the Commission were a designated Federal entity under subsection (a)(2) and as if the Inspector General were the inspector general of the Commission. The Governors of the Postal Service shall not direct oversight activities for the Postal Regulatory Commission.”;

(B) in paragraph (3)—

(i) in subparagraph (A)(i), by inserting “pertaining to the United States Postal Service” after “subpoenas,”;

(ii) in subparagraph (B)(i), by inserting “and the Postal Regulatory Commission” after “United States Postal Service”; and

(iii) in subparagraph (C), by inserting “or the Postal Regulatory Commission” after “Governors”; and

(C) by redesignating paragraphs (4), (5), and (6) as (5), (6), and (7), respectively, and adding after paragraph (3) the following:

“(4) For activities pertaining to the Postal Regulatory Commission, sections 4, 5, 6 (other than subsection (g) thereof), and 7 of this Act shall be applied by substituting the term ‘head of the Postal Regulatory Commission’ for ‘head of the establishment’.”

Section 8G of Pub. L. 95-452 was amended by Pub. L. 117-263 as follows:

(I) in subsection (e)—

(A) in paragraph (1), by inserting “or placement on non-duty status” after “a removal”;

(B) in paragraph (2)—

(i) by inserting “(A)” after “(2)”;

(ii) in subparagraph (A), as so designated, in the first sentence—

(I) by striking “reasons” and inserting “substantive rationale, including detailed and case-specific reasons,”; and

(II) by inserting “(including to the appropriate congressional committees)” after “Houses of Congress”; and

(iii) by adding at the end the following:

“(B) If there is an open or completed inquiry into an Inspector General that relates to the removal or transfer of the Inspector General under subparagraph (A), the written communication required under that subparagraph shall—

“(i) identify each entity that is conducting, or that conducted, the inquiry; and

“(ii) in the case of a completed inquiry, contain the findings made during the inquiry.”; and

(C) by adding at the end the following:

“(3)(A) Subject to the other provisions of this paragraph, only the head of the applicable designated Federal entity (referred to in this paragraph as the ‘covered official’) may place an Inspector General on non-duty status.

“(B) If a covered official places an Inspector General on non-duty status, the covered official shall communicate in writing the substantive rationale, including detailed and case-specific reasons, for the change in status to both Houses of Congress (including to the appropriate congressional committees) not later than 15 days before the date on which the change in status takes effect, except that the covered official may submit that communication not later than the date on which the change in status takes effect if—

“(i) the covered official has made a determination that the continued presence of the Inspector General in the workplace poses a threat described in any of clauses (i) through (iv) of section 6329b(b)(2)(A) of title 5, United States Code; and

“(ii) in the communication, the covered official includes a report on the determination described in clause (i), which shall include—

“(I) a specification of which clause of section 6329b(b)(2)(A) of title 5, United States Code, the covered official has determined applies under clause (i) of this subparagraph;

“(II) the substantive rationale, including detailed and case-specific reasons, for the determination made under clause (i);

“(III) an identification of each entity that is conducting, or that conducted, any inquiry upon which the determination under clause (i) was made; and

“(IV) in the case of an inquiry described in subclause (III) that is completed, the findings made during that inquiry.

“(C) A covered official may not place an Inspector General on non-duty status during the 30-day period preceding the date on which the Inspector General is removed or transferred under paragraph (2)(A) unless the covered official—

“(i) has made a determination that the continued presence of the Inspector General in the workplace poses a threat described in any of clauses (i) through (iv) of section 6329b(b)(2)(A) of title 5, United States Code; and

“(ii) not later than the date on which the change in status takes effect, submits to both Houses of Congress (including to the appropriate congressional committees) a written communication that contains the information required under subparagraph (B), including the report required under clause (ii) of that subparagraph.

“(D) Nothing in this paragraph may be construed to limit or otherwise modify—

“(i) any statutory protection that is afforded to an Inspector General; or

“(ii) any other action that a covered official may take under law with respect to an Inspector General.”; and

(2) in subsection (f)(3)—

(A) in subparagraph (A)(iii), by striking “Committee on Governmental Affairs of the Senate and the Committee on Government Reform and Oversight of the House of Representatives, and to other appropriate committees or subcommittees of the Congress” and inserting “the appropriate congressional committees”; and

(B) by striking subparagraph (C).

As enacted by Pub. L. 117-286, subsection (e)(2) of this section contains a heading after the paragraph designation. The amendment to section 8G of Pub. L. 95-452 inserting “(A)” after “(2)” amended text that did not contain a paragraph heading. The text directed to be stricken in subsection (f)(3)(A)(iii) did not appear exactly as quoted in the text enacted by Pub. L. 117-286. See Historical and Revision notes below.

For definition of “appropriate congressional committees” as seen in the above amendments by Pub. L. 117-263, see Amendments Not Shown in Text note set out under section 401 of this title.

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
415	5 U.S.C. App. (IGA § 8G)	Pub. L. 95-452, § 8G, formerly § 8E, as added Pub. L. 100-504, title I, § 104(a), Oct. 18, 1988, 102 Stat. 2522; amended Pub. L. 101-73, title VII, § 702(c), Aug. 9, 1989, 103 Stat. 415; renumbered § 8F and amended Pub. L. 103-82, title II, § 202(g)(1), (2)(A), Sept. 21, 1993, 107 Stat. 889, 890; renumbered § 8G and amended Pub. L. 103-204, § 23(a)(3), (4), Dec. 17, 1993, 107 Stat. 2408; Pub. L. 104-88, title III, § 319, Dec. 29, 1995, 109 Stat. 949; Pub. L. 104-208, div. A, title I, § 101(f) [title VI, § 662(b)(1), (2)], Sept. 30, 1996, 110 Stat. 3009-314, 3009-379; Pub. L. 105-134, title IV, § 409(a)(1), Dec. 2, 1997, 111 Stat. 2586; Pub. L. 105-277, div. C, title III, § 306(h), as added Pub. L. 106-31, title I, § 105(a)(5), May 21, 1999, 113 Stat. 63; Pub. L. 106-422, § 1(b)(1), Nov. 1, 2000, 114 Stat. 1872; Pub. L. 107-252, title VIII, § 812(a), Oct. 29, 2002, 116 Stat. 1727; Pub. L. 108-271, § 8(b), July 7, 2004, 118 Stat. 814; Pub. L. 109-435, title VI, §§ 603(b), 605(a), Dec. 20, 2006, 120 Stat. 3240, 3242; Pub. L. 110-409, §§ 2, 3(b), 6(b), 7(d)(1), Oct. 14, 2008, 122 Stat. 4302, 4305, 4313; Pub. L. 111-203, title IX, §§ 989B, 989D, title X, § 1081, July 21, 2010, 124 Stat. 1945, 1946, 2080; Pub. L. 111-259, title IV, § 431(a), (c), Oct. 7, 2010, 124 Stat. 2731; Pub. L. 113-126, title IV, §§ 402(1), 412(1), July 7, 2014, 128 Stat. 1408, 1409; Pub. L. 114-113, div. H, title IV, § 401(a), Dec. 18, 2015, 129 Stat. 2639; Pub. L. 114-317, §§ 6(4), 7(d)(2)(F), (3)(E), Dec. 16, 2016, 130 Stat. 1604, 1606; Pub. L. 115-141, div. P, title V, § 501(a)(1), Mar. 23, 2018, 132 Stat. 1090; Pub. L. 115-254, div. F, title I, § 1414, Oct. 5, 2018, 132 Stat. 3492.

In subsection (a)(1)(A), the words “the Board for International Broadcasting” are omitted as obsolete. The Board for International Broadcasting was established by section 3(a) of the Board for International Broadcasting Act of 1973 (Public Law 93-129, 87 Stat. 457). The Board for International Broadcasting Act of 1973 was repealed by section 310(e) of the United States International Broadcasting Act of 1994 (Public Law 103-236, title III, 108 Stat. 442).

In subsection (a)(1)(A), the words “the Federal Housing Finance Board” are omitted as obsolete because the Federal Housing Finance Board was abolished by section 1311 of the Housing and Economic Recovery Act of 2008 (Public Law 110-289, div. A, title III, 12 U.S.C. 4511 note).

In subsection (a)(1)(A), the words “the Panama Canal Commission” are omitted as obsolete because of section 1305 of the Panama Canal Act of 1979 (22 U.S.C. 3714a).

In subsection (a)(1), subparagraph (B) restates the amendment made by section 409(a) of the Amtrak Reform and Accountability Act of 1997 (Public Law 105-134, 111 Stat. 2586). That provision amended section 8G(a)(2) of the Inspector General Act of 1978 by striking “Amtrak” from the definition of “designated Federal entity”. However, the amendment was enacted with a conditional effective date; it will take effect at the beginning of the first fiscal year after a fiscal year for which Amtrak receives no Federal subsidy. The condi-

tional effective date creates uncertainty because it cannot be known in advance when the condition will be met and the amendment will take effect. In subsection (a)(1), subparagraph (B) explicitly incorporates the amendatory language and the conditional effective date within the restatement text in order to clarify that although “Amtrak” is currently included in the definition of “designated Federal entity”, it is automatically struck from the definition, without further congressional action, whenever the specified condition is met.

In subsection (f)(3), in subparagraph (A)(iii) and subparagraph (C), the words “[Committee] on Homeland Security and Governmental Affairs [of the Senate]” are substituted for “[Committee] on Governmental Affairs [of the Senate]” because of Senate Resolution No. 445, 108th Congress, October 9, 2004 (effective January 4, 2005).

In subsection (f)(3), in subparagraph (A)(iii) and subparagraph (C), the words “Committee on Oversight and Reform” are substituted for “Committee on Government Reform and Oversight” on authority of rule X(1)(n) of the Rules of the House of Representatives, adopted by House Resolution No. 6 (116th Congress, January 9, 2019).

In subsection (f)(3)(B)(ii), the word “ensuring” is substituted for “insuring” for clarity.

In subsection (g)(3), the words “Notwithstanding the last sentence of subsection (d)(1) of this section” are substituted for “Notwithstanding the last sentence of subsection (d) of this section” for clarity and to correct an obsolete reference in the law. In section 8G of the Inspector General Act of 1978, subsection (d) was redesignated as subsection (d)(1) by section 431(c)(1) of the Intelligence Authorization Act for Fiscal Year 2010 (Public Law 111-259, 124 Stat. 2731).

In subsection (h)(1), the words “Each year,” are substituted for “No later than April 30, 1989, and annually thereafter,” to eliminate obsolete language.

In subsection (h)(2), the words “On October 31 of each year,” are substituted for “Beginning on October 31, 1989, and on October 31 of each succeeding calendar year,” to eliminate obsolete language.

Editorial Notes

REFERENCES IN TEXT

The National Labor Relations Act, referred to in subsec. (f)(4), is act July 5, 1935, ch. 372, 49 Stat. 449, which is classified generally to subchapter II (§151 et seq.) of chapter 7 of Title 29, Labor. For complete classification of this Act to the Code, see section 167 of Title 29 and Tables.

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

Committee on Oversight and Reform of House of Representatives changed to Committee on Oversight and Accountability of House of Representatives by House Resolution No. 5, One Hundred Eighteenth Congress, Jan. 9, 2023.

SAVINGS PROVISION; REFERENCES TO INSPECTOR GENERAL OF THE POSTAL REGULATORY COMMISSION

Pub. L. 117-108, title II, § 209(c), Apr. 6, 2022, 136 Stat. 1152, provided that:

“(1) PERSONNEL, DOCUMENTS, ASSETS.—All personnel, documents, assets, unexpended balances of appropriations, and obligations of the Inspector General for the Postal Regulatory Commission shall transfer to the Inspector General of the Postal Service on the effective date of this section [see section 209(e) of Pub. L. 117-108, set out as an Effective Date of 2022 Amendment note under section 202 of Title 39, Postal Service].

“(2) LEGAL DOCUMENTS.—Any order, determination, rule, regulation, permit, grant, loan, contract, agreement, certificate, license, or privilege that has been issued, made, granted, or allowed to become effective

by the Inspector General of the Postal Regulatory Commission that is in effect on the effective date of this section shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law.

“(3) **PROCEEDINGS.**—This section and the amendments made by this section shall not affect any proceeding pending on the effective date of this section before the Inspector General of the Postal Regulatory Commission, but such proceeding shall be continued by the Inspector General of the Postal Service, at the discretion of that Inspector General. Nothing in this paragraph shall be construed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that the proceeding could have been discontinued or modified if this section and those amendments had not been enacted.

“(4) **SUITS.**—This section and the amendments made by this section shall not affect any suit commenced before the effective date of this section, and in any such suit, proceeding shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this section or such amendments had not been enacted.

“(5) **REFERENCES.**—Any reference in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document relating to the Inspector General of the Postal Regulatory Commission shall be deemed to refer to the Inspector General of the United States Postal Service.”

[For definition of “Postal Service” as used in section 209(c) of Pub. L. 117–108, set out above, see section 102 of Title 39, Postal Service, as made applicable by section 2(b) of Pub. L. 117–108, which is set out as a note under section 501 of Title 39.]

INSPECTOR GENERAL OVERSIGHT OF FUND

Pub. L. 115–91, div. A, title XV, §1521(e), Dec. 12, 2017, 131 Stat. 1714, provided that:

“(1) **QUALITY STANDARDS FOR IG PRODUCTS.**—Except as provided in paragraph (3), each product published or issued by an Inspector General relating to the oversight of programs and activities funded under the Afghanistan Security Forces Fund shall be prepared—

“(A) in accordance with the Generally Accepted Government Auditing Standards/Government Auditing Standards (GAGAS/GAS), as issued and updated by the Government Accountability Office; or

“(B) if not prepared in accordance with the standards referred to in subparagraph (A), in accordance with the Quality Standards for Inspection and Evaluation issued by the Council of the Inspectors General on Integrity and Efficiency (commonly referred to as the ‘CIGIE Blue Book’).

“(2) **SPECIFICATION OF QUALITY STANDARDS FOLLOWED.**—Each product published or issued by an Inspector General relating to the oversight of programs and activities funded under the Afghanistan Security Forces Fund shall cite within such product the quality standards followed in conducting and reporting the work concerned.

“(3) **WAIVER.**—The Lead Inspector General for Operation Freedom’s Sentinel may waive the applicability of paragraph (1) to a specific product relating to the oversight by an Inspector General of activities and programs funded under the Afghanistan Security Forces Fund if the Lead Inspector General determines that the waiver would facilitate timely efforts to promote efficiency and effectiveness and prevent, detect, and deter fraud, waste, and abuse. Any product published or issued pursuant to a waiver under this paragraph shall include a statement that work for such product was not conducted in accordance with the standards referred to in paragraph (1) and an explanation why such standards were not employed.”

INSPECTOR GENERAL FOR COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Pub. L. 114–113, div. H, title IV, §401(b), Dec. 18, 2015, 129 Stat. 2640, provided that: “Not later than 180 days

after the date of the enactment of this Act [Dec. 18, 2015], the Chairman of the Committee for Purchase From People Who Are Blind or Severely Disabled shall appoint an Inspector General for the Committee.”

[Pub. L. 114–113, div. H, title IV, §401(c), Dec. 18, 2015, 129 Stat. 2640, provided that: “This section [amending former section 8G of Pub. L. 95–452 (see this section), and enacting provisions set out as a note above], and the amendments made by this section, shall take effect on the date that is 180 days after the date of the enactment of this Act [Dec. 18, 2015].”]

AMTRAK INSPECTOR GENERAL

Pub. L. 114–94, div. A, title XI, §11314, Dec. 4, 2015, 129 Stat. 1674, as amended by Pub. L. 117–286, §4(b)(13), Dec. 27, 2022, 136 Stat. 4344, provided that:

“(a) **AUTHORITY.**—

“(1) **IN GENERAL.**—The Inspector General of Amtrak shall have the authority available to other Inspectors General, as necessary in carrying out the duties specified in chapter 4 of title 5, United States Code, to investigate any alleged violation of sections 286, 287, 371, 641, 1001, 1002 and 1516 of title 18, United States Code.

“(2) **AGENCY.**—For purposes of sections 286, 287, 371, 641, 1001, 1002, and 1516 of title 18, United States Code, Amtrak and the Amtrak Office of Inspector General, shall be considered a corporation in which the United States has a proprietary interest as set forth in section 6 of such title.

“(b) **ASSESSMENT.**—The Inspector General of Amtrak shall—

“(1) not later than 60 days after the date of enactment of this Act [Dec. 4, 2015], initiate an assessment to determine whether current expenditures or procurements involving Amtrak’s fulfillment of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) utilize competitive, market-driven provisions that are applicable throughout the entire term of such related expenditures or procurements; and

“(2) not later than 6 months after the date of enactment of this Act, transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives the assessment under paragraph (1).

“(c) **LIMITATION.**—The authority provided by subsection (a) shall be effective only with respect to a fiscal year for which Amtrak receives a Federal subsidy.”

INSPECTOR GENERAL AT THE COMMISSION ON CIVIL RIGHTS

Pub. L. 113–76, div. B, title IV, Jan. 17, 2014, 128 Stat. 75, provided in part: “That the Inspector General for the Commission on Civil Rights (CCR IG), as provided in Public Law 113–6 [set out below], is authorized to close out all work related to pending or closed investigations, to complete pending investigations, and to terminate all activities related to the duties, responsibilities and authorities of the CCR IG: *Provided further*, That when the CCR IG concludes that all pending investigations have been completed, all work related to pending or closed investigations has been closed out, and all activities related to the duties, responsibilities and authorities of the CCR IG have ended, the CCR IG shall certify that conclusion to the Committees on Appropriations of the House of Representatives and the Senate, and the Office of the CCR IG shall then be terminated”.

Pub. L. 113–6, div. B, title IV, Mar. 26, 2013, 127 Stat. 266, as amended by Pub. L. 117–286, §4(b)(14), Dec. 27, 2022, 136 Stat. 4344, provided in part: “That there shall be an Inspector General at the Commission on Civil Rights who shall have the duties, responsibilities, and authorities specified in chapter 4 of title 5, United States Code: *Provided further*, That an individual appointed to the position of Inspector General of the Government Accountability Office (GAO) shall, by virtue of

such appointment, also hold the position of Inspector General of the Commission on Civil Rights: *Provided further*, That the Inspector General of the Commission on Civil Rights shall utilize personnel of the Office of Inspector General of GAO in performing the duties of the Inspector General of the Commission on Civil Rights, and shall not appoint any individuals to positions within the Commission on Civil Rights”.

Similar provisions were contained in the following prior appropriation act:

Pub. L. 112–55, div. B, title IV, Nov. 18, 2011, 125 Stat. 628.

SPECIAL INSPECTOR GENERAL FOR AFGHANISTAN
RECONSTRUCTION

Pub. L. 110–181, div. A, title XII, § 1229, Jan. 28, 2008, 122 Stat. 378, as amended by Pub. L. 110–417, [div. A], title X, § 1061(b)(11), Oct. 14, 2008, 122 Stat. 4613; Pub. L. 111–38, § 1, June 30, 2009, 123 Stat. 1932; Pub. L. 117–286, § 4(b)(15), Dec. 27, 2022, 136 Stat. 4344, provided that:

“(a) PURPOSES.—The purposes of this section are as follows:

“(1) To provide for the independent and objective conduct and supervision of audits and investigations relating to the programs and operations funded with amounts appropriated or otherwise made available for the reconstruction of Afghanistan.

“(2) To provide for the independent and objective leadership and coordination of, and recommendations on, policies designed to—

“(A) promote economy efficiency, and effectiveness in the administration of the programs and operations described in paragraph (1); and

“(B) prevent and detect waste, fraud, and abuse in such programs and operations.

“(3) To provide for an independent and objective means of keeping the Secretary of State and the Secretary of Defense fully and currently informed about problems and deficiencies relating to the administration of such programs and operations and the necessity for and progress on corrective action.

“(b) OFFICE OF INSPECTOR GENERAL.—There is hereby established the Office of the Special Inspector General for Afghanistan Reconstruction to carry out the purposes of subsection (a).

“(c) APPOINTMENT OF INSPECTOR GENERAL; REMOVAL.—

“(1) APPOINTMENT.—The head of the Office of the Special Inspector General for Afghanistan Reconstruction is the Special Inspector General for Afghanistan Reconstruction (in this section referred to as the ‘Inspector General’), who shall be appointed by the President. The President may appoint the Special Inspector General for Iraq Reconstruction to serve as the Special Inspector General for Afghanistan Reconstruction, in which case the Special Inspector General for Iraq Reconstruction shall have all of the duties, responsibilities, and authorities set forth under this section with respect to such appointed position for the purpose of carrying out this section.

“(2) QUALIFICATIONS.—The appointment of the Inspector General shall be made solely on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations.

“(3) DEADLINE FOR APPOINTMENT.—The appointment of an individual as Inspector General shall be made not later than 30 days after the date of the enactment of this Act [Jan. 28, 2008].

“(4) COMPENSATION.—The annual rate of basic pay of the Inspector General shall be the annual rate of basic pay provided for positions at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

“(5) PROHIBITION ON POLITICAL ACTIVITIES.—For purposes of section 7324 of title 5, United States Code, the Inspector General shall not be considered an employee who determines policies to be pursued by the United States in the nationwide administration of Federal law.

“(6) REMOVAL.—The Inspector General shall be removable from office in accordance with the provisions of section 403(b) of title 5, United States Code.

“(d) ASSISTANT INSPECTORS GENERAL.—The Inspector General shall, in accordance with applicable laws and regulations governing the civil service—

“(1) appoint an Assistant Inspector General for Auditing who shall have the responsibility for supervising the performance of auditing activities relating to programs and operations supported by amounts appropriated or otherwise made available for the reconstruction of Afghanistan; and

“(2) appoint an Assistant Inspector General for Investigations who shall have the responsibility for supervising the performance of investigative activities relating to such programs and operations.

“(e) SUPERVISION.—

“(1) IN GENERAL.—Except as provided in paragraph (2), the Inspector General shall report directly to, and be under the general supervision of, the Secretary of State and the Secretary of Defense.

“(2) INDEPENDENCE TO CONDUCT INVESTIGATIONS AND AUDITS.—No officer of the Department of Defense, the Department of State, or the United States Agency for International Development shall prevent or prohibit the Inspector General from initiating, carrying out, or completing any audit or investigation related to amounts appropriated or otherwise made available for the reconstruction of Afghanistan or from issuing any subpoena during the course of any such audit or investigation.

“(f) DUTIES.—

“(1) OVERSIGHT OF AFGHANISTAN RECONSTRUCTION.—It shall be the duty of the Inspector General to conduct, supervise, and coordinate audits and investigations of the treatment, handling, and expenditure of amounts appropriated or otherwise made available for the reconstruction of Afghanistan, and of the programs, operations, and contracts carried out utilizing such funds, including—

“(A) the oversight and accounting of the obligation and expenditure of such funds;

“(B) the monitoring and review of reconstruction activities funded by such funds;

“(C) the monitoring and review of contracts funded by such funds;

“(D) the monitoring and review of the transfer of such funds and associated information between and among departments, agencies, and entities of the United States and private and nongovernmental entities;

“(E) the maintenance of records on the use of such funds to facilitate future audits and investigations of the use of such fund;

“(F) the monitoring and review of the effectiveness of United States coordination with the Government of Afghanistan and other donor countries in the implementation of the Afghanistan Compact and the Afghanistan National Development Strategy; and

“(G) the investigation of overpayments such as duplicate payments or duplicate billing and any potential unethical or illegal actions of Federal employees, contractors, or affiliated entities and the referral of such reports, as necessary, to the Department of Justice to ensure further investigations, prosecutions, recovery of further funds, or other remedies.

“(2) OTHER DUTIES RELATED TO OVERSIGHT.—The Inspector General shall establish, maintain, and oversee such systems, procedures, and controls as the Inspector General considers appropriate to discharge the duties under paragraph (1).

“(3) DUTIES AND RESPONSIBILITIES UNDER CHAPTER 4 OF TITLE 5, UNITED STATES CODE.—In addition to the duties specified in paragraphs (1) and (2), the Inspector General shall also have the duties and responsibilities of inspectors general under chapter 4 of title 5, United States Code.

“(4) COORDINATION OF EFFORTS.—In carrying out the duties, responsibilities, and authorities of the Inspec-

tor General under this section, the Inspector General shall coordinate with, and receive the cooperation of each of the following:

“(A) The Inspector General of the Department of Defense.

“(B) The Inspector General of the Department of State.

“(C) The Inspector General of the United States Agency for International Development.

“(g) POWERS AND AUTHORITIES.—

“(1) AUTHORITIES UNDER CHAPTER 4 OF TITLE 5, UNITED STATES CODE.—In carrying out the duties specified in subsection (f), the Inspector General shall have the authorities provided in section 406 of title 5, United States Code, including the authorities under subsection (e) [now (f)] of such section.

“(2) AUDIT STANDARDS.—The Inspector General shall carry out the duties specified in subsection (f)(1) in accordance with section 404(b)(1) of title 5, United States Code.

“(h) PERSONNEL, FACILITIES, AND OTHER RESOURCES.—

“(1) PERSONNEL.—

“(A) IN GENERAL.—The Inspector General may select, appoint, and employ such officers and employees as may be necessary for carrying out the duties of the Inspector General, subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates.

“(B) ADDITIONAL AUTHORITIES.—

“(i) IN GENERAL.—Subject to clause (ii), the Inspector General may exercise the authorities of subsections (b) through (i) of section 3161 of title 5, United States Code (without regard to subsection (a) of that section).

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

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

“(II) no period of appointment may exceed the date on which the Office of the Special Inspector General for Afghanistan Reconstruction terminates under subsection (o).

“(2) EMPLOYMENT OF EXPERTS AND CONSULTANTS.—The Inspector General may obtain services as authorized by section 3109 of title 5, United States Code, at daily rates not to exceed the equivalent rate prescribed for grade GS-15 of the General Schedule by section 5332 of such title.

“(3) CONTRACTING AUTHORITY.—To the extent and in such amounts as may be provided in advance by appropriations Acts, the Inspector General may enter into contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons, and make such payments as may be necessary to carry out the duties of the Inspector General.

“(4) RESOURCES.—The Secretary of State or the Secretary of Defense, as appropriate, shall provide the Inspector General with appropriate and adequate office space at appropriate locations of the Department of State or the Department of Defense, as the case may be, in Afghanistan, together with such equipment, office supplies, and communications facilities and services as may be necessary for the operation of such offices, and shall provide necessary maintenance services for such offices and the equipment and facilities located therein.

“(5) ASSISTANCE FROM FEDERAL AGENCIES.—

“(A) IN GENERAL.—Upon request of the Inspector General for information or assistance from any department, agency, or other entity of the Federal Government, the head of such entity shall, insofar as is practicable and not in contravention of any existing law, furnish such information or assistance to the Inspector General, or an authorized designee.

“(B) REPORTING OF REFUSED ASSISTANCE.—Whenever information or assistance requested by the Inspector General is, in the judgment of the Inspector General, unreasonably refused or not provided, the Inspector General shall report the circumstances to the Secretary of State or the Secretary of Defense, as appropriate, and to the appropriate congressional committees without delay.

“(6) USE OF PERSONNEL, FACILITIES, AND OTHER RESOURCES OF THE OFFICE OF THE SPECIAL INSPECTOR GENERAL FOR IRAQ RECONSTRUCTION.—Upon the request of the Inspector General, the Special Inspector General for Iraq Reconstruction—

“(A) may detail, on a reimbursable basis, any of the personnel of the Office of the Special Inspector General for Iraq Reconstruction to the Office of the Inspector General for Afghanistan Reconstruction for the purpose of carrying out this section; and

“(B) may provide, on a reimbursable basis, any of the facilities or other resources of the Office of the Special Inspector General for Iraq Reconstruction to the Office of the Inspector General for Afghanistan Reconstruction for the purpose of carrying out this section.

“(i) REPORTS.—

“(1) QUARTERLY REPORTS.—Not later than 30 days after the end of each fiscal-year quarter, the Inspector General shall submit to the appropriate congressional committees a report summarizing, for the period of that quarter and, to the extent possible, the period from the end of such quarter to the time of the submission of the report, the activities during such period of the Inspector General and the activities under programs and operations funded with amounts appropriated or otherwise made available for the reconstruction of Afghanistan. Each report shall include, for the period covered by such report, a detailed statement of all obligations, expenditures, and revenues associated with reconstruction and rehabilitation activities in Afghanistan, including the following:

“(A) Obligations and expenditures of appropriated funds.

“(B) A project-by-project and program-by-program accounting of the costs incurred to date for the reconstruction of Afghanistan, together with the estimate of the Department of Defense, the Department of State, and the United States Agency for International Development, as applicable, of the costs to complete each project and each program.

“(C) Revenues attributable to or consisting of funds provided by foreign nations or international organizations to programs and projects funded by any department or agency of the United States Government, and any obligations or expenditures of such revenues.

“(D) Revenues attributable to or consisting of foreign assets seized or frozen that contribute to programs and projects funded by any department or agency of the United States Government, and any obligations or expenditures of such revenues.

“(E) Operating expenses of agencies or entities receiving amounts appropriated or otherwise made available for the reconstruction of Afghanistan.

“(F) In the case of any contract, grant, agreement, or other funding mechanism described in paragraph (2)—

“(i) the amount of the contract, grant, agreement, or other funding mechanism;

“(ii) a brief discussion of the scope of the contract, grant, agreement, or other funding mechanism;

“(iii) a discussion of how the department or agency of the United States Government involved in the contract, grant, agreement, or other funding mechanism identified, and solicited offers from, potential individuals or entities to perform the contract, grant, agreement, or other funding mechanism, together with a list of the potential individuals or entities that were issued solicitations for the offers; and

“(iv) the justification and approval documents on which was based the determination to use procedures other than procedures that provide for full and open competition.

“(2) COVERED CONTRACTS, GRANTS, AGREEMENTS, AND FUNDING MECHANISMS.—A contract, grant, agreement, or other funding mechanism described in this paragraph is any major contract, grant, agreement, or other funding mechanism that is entered into by any department or agency of the United States Government that involves the use of amounts appropriated or otherwise made available for the reconstruction of Afghanistan with any public or private sector entity for any of the following purposes:

“(A) To build or rebuild physical infrastructure of Afghanistan.

“(B) To establish or reestablish a political or societal institution of Afghanistan.

“(C) To provide products or services to the people of Afghanistan.

“(3) PUBLIC AVAILABILITY.—The Inspector General shall publish on a publicly-available Internet website each report under paragraph (1) of this subsection in English and other languages that the Inspector General determines are widely used and understood in Afghanistan.

“(4) FORM.—Each report required under this subsection shall be submitted in unclassified form, but may include a classified annex if the Inspector General considers it necessary.

“(5) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to authorize the public disclosure of information that is—

“(A) specifically prohibited from disclosure by any other provision of law;

“(B) specifically required by Executive order to be protected from disclosure in the interest of national defense or national security or in the conduct of foreign affairs; or

“(C) a part of an ongoing criminal investigation.

“(j) REPORT COORDINATION.—

“(1) SUBMISSION TO SECRETARIES OF STATE AND DEFENSE.—The Inspector General shall also submit each report required under subsection (i) to the Secretary of State and the Secretary of Defense.

“(2) SUBMISSION TO CONGRESS.—Not later than 30 days after receipt of a report under paragraph (1), the Secretary of State or the Secretary of Defense may submit to the appropriate congressional committees any comments on the matters covered by the report as the Secretary of State or the Secretary of Defense, as the case may be, considers appropriate. Any comments on the matters covered by the report shall be submitted in unclassified form, but may include a classified annex if the Secretary of State or the Secretary of Defense, as the case may be, considers it necessary.

“(k) TRANSPARENCY.—

“(1) REPORT.—Not later than 60 days after submission to the appropriate congressional committees of a report under subsection (i), the Secretary of State and the Secretary of Defense shall jointly make copies of the report available to the public upon request, and at a reasonable cost.

“(2) COMMENTS ON MATTERS COVERED BY REPORT.—Not later than 60 days after submission to the appropriate congressional committees under subsection (j)(2) of comments on a report under subsection (i), the Secretary of State and the Secretary of Defense shall jointly make copies of the comments available to the public upon request, and at a reasonable cost.

“(l) WAIVER.—

“(1) AUTHORITY.—The President may waive the requirement under paragraph (1) or (2) of subsection (k) with respect to availability to the public of any element in a report under subsection (i), or any comment under subsection (j)(2), if the President determines that the waiver is justified for national security reasons.

“(2) NOTICE OF WAIVER.—The President shall publish a notice of each waiver made under this subsection in

the Federal Register no later than the date on which a report required under subsection (i), or any comment under subsection (j)(2), is submitted to the appropriate congressional committees. The report and comments shall specify whether waivers under this subsection were made and with respect to which elements in the report or which comments, as appropriate.

“(m) DEFINITIONS.—In this section:

“(1) AMOUNTS APPROPRIATED OR OTHERWISE MADE AVAILABLE FOR THE RECONSTRUCTION OF AFGHANISTAN.—The term ‘amounts appropriated or otherwise made available for the reconstruction of Afghanistan’ means—

“(A) amounts appropriated or otherwise made available for any fiscal year—

“(i) to the Afghanistan Security Forces Fund;

or

“(ii) to the program to assist the people of Afghanistan established under subsection (a)(2) of section 1202 of the National Defense Authorization for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3455-3456); and

“(B) amounts appropriated or otherwise made available for any fiscal year for the reconstruction of Afghanistan under—

“(i) the Economic Support Fund;

“(ii) the International Narcotics Control and Law Enforcement account; or

“(iii) any other provision of law.

“(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ‘appropriate congressional committees’ means—

“(A) the Committees on Appropriations, Armed Services, and Foreign Relations of the Senate; and

“(B) the Committees on Appropriations, Armed Services, and Foreign Affairs of the House of Representatives.

“(n) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There is authorized to be appropriated \$20,000,000 for fiscal year 2008 to carry out this section.

“(2) OFFSET.—The amount authorized to be appropriated by section 1513 [122 Stat. 428] for the Afghanistan Security Forces Fund is hereby reduced by \$20,000,000.

“(o) TERMINATION.—

“(1) IN GENERAL.—The Office of the Special Inspector General for Afghanistan Reconstruction shall terminate 180 days after the date on which amounts appropriated or otherwise made available for the reconstruction of Afghanistan that are unexpended are less than \$250,000,000.

“(2) FINAL REPORT.—The Inspector General shall, prior to the termination of the Office of the Special Inspector General for Afghanistan Reconstruction under paragraph (1), prepare and submit to the appropriate congressional committees a final forensic audit report on programs and operations funded with amounts appropriated or otherwise made available for the reconstruction of Afghanistan.”

INSPECTOR GENERAL OF CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

Pub. L. 117-328, div. G, title III, Dec. 29, 2022, 136 Stat. 4813, provided in part: “That notwithstanding any other provision of law, the individual appointed to the position of Inspector General of the Environmental Protection Agency (EPA) shall, by virtue of such appointment, also hold the position of Inspector General of the Board: *Provided further*, That notwithstanding any other provision of law, the Inspector General of the Board shall utilize personnel of the Office of Inspector General of EPA in performing the duties of the Inspector General of the Board, and shall not appoint any individuals to positions within the Board.”

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 117-103, div. G, title III, Mar. 15, 2022, 136 Stat. 402.

Pub. L. 116-260, div. G, title III, Dec. 27, 2020, 134 Stat. 1529.

Pub. L. 116-94, div. D, title III, Dec. 20, 2019, 133 Stat. 2735.

Pub. L. 116-6, div. E, title III, Feb. 15, 2019, 133 Stat. 252.

Pub. L. 115-141, div. G, title III, Mar. 23, 2018, 132 Stat. 681.

Pub. L. 115-31, div. G, title III, May 5, 2017, 131 Stat. 488.

Pub. L. 114-113, div. G, title III, Dec. 18, 2015, 129 Stat. 2569.

Pub. L. 113-235, div. F, title III, Dec. 16, 2014, 128 Stat. 2438.

Pub. L. 113-76, div. G, title III, Jan. 17, 2014, 128 Stat. 332.

Pub. L. 112-74, div. E, title III, Dec. 23, 2011, 125 Stat. 1031.

Pub. L. 111-88, div. A, title III, Oct. 30, 2009, 123 Stat. 2950.

Pub. L. 111-8, div. E, title III, Mar. 11, 2009, 123 Stat. 739.

Pub. L. 110-161, div. F, title III, Dec. 26, 2007, 121 Stat. 2139.

Pub. L. 109-54, title III, Aug. 2, 2005, 119 Stat. 543.

Pub. L. 108-447, div. I, title III, Dec. 8, 2004, 118 Stat. 3322.

Pub. L. 108-199, div. G, title III, Jan. 23, 2004, 118 Stat. 399.

Pub. L. 107-73, title III, Nov. 26, 2001, 115 Stat. 679, as amended by Pub. L. 117-286, §4(b)(16), Dec. 27, 2022, 136 Stat. 4345, provided in part: “That, hereafter, there shall be an Inspector General at the [Chemical Safety and Hazard Investigation] Board who shall have the duties, responsibilities, and authorities specified in chapter 4 of title 5, United States Code: *Provided further*, That an individual appointed to the position of Inspector General of the Federal Emergency Management Agency (FEMA) shall, by virtue of such appointment, also hold the position of Inspector General of the Board: *Provided further*, That the Inspector General of the Board shall utilize personnel of the Office of Inspector General of FEMA in performing the duties of the Inspector General of the Board, and shall not appoint any individuals to positions within the Board.”

[For transfer of all functions, personnel, assets, components, authorities, grant programs, and liabilities of the Federal Emergency Management Agency, including the functions of the Under Secretary for Federal Emergency Management relating thereto, to the Federal Emergency Management Agency, see section 315(a)(1) of Title 6, Domestic Security.]

[For transfer of functions, personnel, assets, and liabilities of the Federal Emergency Management Agency, including the functions of the Director of the Federal Emergency Management Agency relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see former section 313(1) and sections 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.]

Similar provisions were contained in the following prior appropriations act:

Pub. L. 106-377, §1(a)(1) [title III], Oct. 27, 2000, 114 Stat. 1441, 1441A-36.

Pub. L. 108-7, div. K, title III, Feb. 20, 2003, 117 Stat. 515, provided in part: “That notwithstanding any other provision of law, the Inspector General of the Federal Emergency Management Agency shall hereafter also serve as the Inspector General of the Chemical Safety and Hazard Investigation Board.”

Similar provisions were contained in the following prior appropriations acts:

Pub. L. 107-73, title III, Nov. 26, 2001, 115 Stat. 688.

Pub. L. 106-377, §1(a)(1) [title III], Oct. 27, 2000, 114 Stat. 1441, 1441A-46.

SPECIAL INSPECTOR GENERAL FOR IRAQ RECONSTRUCTION

Pub. L. 108-375, div. A, title XII, §1203(b), Oct. 28, 2004, 118 Stat. 2079, provided that: “The individual serving as

the Inspector General of the Coalition Provisional Authority as of the date of the enactment of this Act [Oct. 28, 2004] may continue to serve in that position after that date without reappointment under paragraph (1) of section 3001(c) of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 [Pub. L. 108-106, set out below], but remaining subject to removal as specified in paragraph (4) of that section.”

Pub. L. 108-106, title III, §3001, Nov. 6, 2003, 117 Stat. 1234, as amended by Pub. L. 108-375, div. A, title XII, §1203(a)(1)–(3)(A), (c)–(j), Oct. 28, 2004, 118 Stat. 2078–2081; Pub. L. 109-102, title V, §599, Nov. 14, 2005, 119 Stat. 2240; Pub. L. 109-364, div. A, title X, §§1054(b), 1071(g)(13), Oct. 17, 2006, 120 Stat. 2397, 2403; Pub. L. 109-440, §2, Dec. 20, 2006, 120 Stat. 3286; Pub. L. 110-28, title III, §3801, May 25, 2007, 121 Stat. 147; Pub. L. 110-181, div. A, title XII, §1221, Jan. 28, 2008, 122 Stat. 371; Pub. L. 117-286, §4(b)(17), Dec. 27, 2022, 136 Stat. 4345, provided that:

“(a) PURPOSES.—The purposes of this section are as follows:

“(1) To provide for the independent and objective conduct and supervision of audits and investigations relating to the programs and operations funded with amounts appropriated or otherwise made available for the reconstruction of Iraq.

“(2) To provide for the independent and objective leadership and coordination of, and recommendations on, policies designed to—

“(A) promote economy efficiency, and effectiveness in the administration of such programs and operations; and

“(B) prevent and detect waste, fraud, and abuse in such programs and operations.

“(3) To provide for an independent and objective means of keeping the Secretary of State and the Secretary of Defense fully and currently informed about problems and deficiencies relating to the administration of such programs and operations and the necessity for and progress for corrective action.

“(b) OFFICE OF INSPECTOR GENERAL.—There is hereby established the Office of the Special Inspector General for Iraq Reconstruction.

“(c) APPOINTMENT OF INSPECTOR GENERAL; REMOVAL.—(1) The head of the Office of the Special Inspector General for Iraq Reconstruction is the Special Inspector General for Iraq Reconstruction (in this section referred to as the ‘Inspector General’), who shall be appointed by the Secretary of Defense, in consultation with the Secretary of State.

“(2) The appointment of Inspector General shall be made solely on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations.

“(3) The nomination of an individual as Inspector General shall be made not later than 30 days after the date of the enactment of this Act [Nov. 6, 2003].

“(4) The Inspector General shall be removable from office in accordance with the provisions of section 403(b) of title 5, United States Code.

“(5) For purposes of section 7324 of title 5, United States Code, the Inspector General shall not be considered an employee who determines policies to be pursued by the United States in the nationwide administration of Federal law.

“(6) The annual rate of basic pay of the Inspector General shall be the annual rate of basic pay provided for positions at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

“(d) ASSISTANT INSPECTORS GENERAL.—The Inspector General shall, in accordance with applicable laws and regulations governing the civil service—

“(1) appoint an Assistant Inspector General for Auditing who shall have the responsibility for supervising the performance of auditing activities relating to programs and operations supported by amounts appropriated or otherwise made available for the reconstruction of Iraq; and

“(2) appoint an Assistant Inspector General for Investigations who shall have the responsibility for supervising the performance of investigative activities relating to such programs and operations.

“(e) SUPERVISION.—(1) Except as provided in paragraph (2), the Inspector General shall report directly to, and be under the general supervision of, the Secretary of State and the Secretary of Defense.

“(2) No officer of the Department of Defense, the Department of State, or the United States Agency for International Development shall prevent or prohibit the Inspector General from initiating, carrying out, or completing any audit or investigation related to amounts appropriated or otherwise made available for the reconstruction of Iraq or from issuing any subpoena during the course of any such audit or investigation.

“(f) DUTIES.—(1) It shall be the duty of the Inspector General to conduct, supervise, and coordinate audits and investigations of the treatment, handling, and expenditure of amounts appropriated or otherwise made available for the reconstruction of Iraq, and of the programs, operations, and contracts carried out utilizing such funds, including—

“(A) the oversight and accounting of the obligation and expenditure of such funds;

“(B) the monitoring and review of reconstruction activities funded by such funds;

“(C) the monitoring and review of contracts funded by such funds;

“(D) the monitoring and review of the transfer of such funds and associated information between and among departments, agencies, and entities of the United States and private and nongovernmental entities; and

“(E) the maintenance of records on the use of such funds to facilitate future audits and investigations of the use of such funds.

“(2) The Inspector General shall establish, maintain, and oversee such systems, procedures, and controls as the Inspector General considers appropriate to discharge the duty under paragraph (1).

“(3) In addition to the duties specified in paragraphs (1) and (2), the Inspector General shall also have the duties and responsibilities of inspectors general under chapter 4 of title 5, United States Code.

“(4) In carrying out the duties, responsibilities, and authorities of the Inspector General under this section, the Inspector General shall coordinate with, and receive the cooperation of, each of the following:

“(A) The Inspector General of the Department of State.

“(B) The Inspector General of the Department of Defense.

“(C) The Inspector General of the United States Agency for International Development.

“(g) POWERS AND AUTHORITIES.—(1) In carrying out the duties specified in subsection (f), the Inspector General shall have the authorities provided in section 406 of title 5, United States Code, including the authorities under subsection (e) [now (f)] of such section.

“(2) The Inspector General shall carry out the duties specified in subsection (f)(1) in accordance with section 404(b)(1) of title 5, United States Code.

“(h) PERSONNEL, FACILITIES, AND OTHER RESOURCES.—(1) The Inspector General may select, appoint, and employ such officers and employees as may be necessary for carrying out the duties of the Inspector General, subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates, and may exercise the authorities of subsections (b) through (i) of section 3161 of title 5, United States Code (without regard to subsection (a) of such section).

“(2) The Inspector General may obtain services as authorized by section 3109 of title 5, United States Code, at daily rates not to exceed the equivalent rate prescribed for grade GS-15 of the General Schedule by section 5332 of such title.

“(3) To the extent and in such amounts as may be provided in advance by appropriations Acts, the Inspector General may enter into contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons, and make such payments as may be necessary to carry out the duties of the Inspector General.

“(4)(A) Upon request of the Inspector General for information or assistance from any department, agency, or other entity of the Federal Government, the head of such entity shall, insofar as is practicable and not in contravention of any existing law, furnish such information or assistance to the Inspector General, or an authorized designee.

“(B) Whenever information or assistance requested by the Inspector General is, in the judgment of the Inspector General, unreasonably refused or not provided, the Inspector General shall report the circumstances to the Secretary of State or Secretary of Defense, as appropriate, and to the appropriate committees of Congress without delay.

“(5) The Secretary of State or Secretary of Defense, as appropriate, shall provide the Inspector General with appropriate and adequate office space within the Department of Defense or at appropriate locations of the Department of State in Iraq, together with such equipment, office supplies, and communications facilities and services as may be necessary for the operation of such offices, and shall provide necessary maintenance services for such offices and the equipment and facilities located therein.

“(i) REPORTS.—(1) Not later than 30 days after the end of each fiscal-year quarter, the Inspector General shall submit to the appropriate committees of Congress a report summarizing, for the period of that quarter and, to the extent possible, the period from the end of such quarter to the time of the submission of the report, the activities during such period of the Inspector General and the activities under programs and operations funded with amounts appropriated or otherwise made available for the reconstruction of Iraq. Each report shall include, for the period covered by such report, a detailed statement of all obligations, expenditures, and revenues associated with reconstruction and rehabilitation activities in Iraq, including the following:

“(A) Obligations and expenditures of appropriated funds.

“(B) A project-by-project and program-by-program accounting of the costs incurred to date for the reconstruction of Iraq, together with the estimate of the Department of Defense, the Department of State, and the United States Agency for International Development, as applicable, of the costs to complete each project and each program.

“(C) Revenues attributable to or consisting of funds provided by foreign nations or international organizations, and any obligations or expenditures of such revenues.

“(D) Revenues attributable to or consisting of foreign assets seized or frozen, and any obligations or expenditures of such revenues.

“(E) Operating expenses of agencies or entities receiving amounts appropriated or otherwise made available for the reconstruction of Iraq.

“(F) In the case of any contract described in paragraph (2)—

“(i) the amount of the contract or other agreement;

“(ii) a brief discussion of the scope of the contract or other agreement;

“(iii) a discussion of how the contracting department or agency identified, and solicited offers from, potential contractors to perform the contract, together with a list of the potential contractors that were issued solicitations for the offers; and

“(iv) the justification and approval documents on which was based the determination to use procedures other than procedures that provide for full and open competition.

“(2) A contract described in this paragraph is any major contract or other agreement that is entered into

by any department or agency of the United States Government that involves the use of amounts appropriated or otherwise made available for the reconstruction of Iraq with any public or private sector entity for any of the following purposes:

“(A) To build or rebuild physical infrastructure of Iraq.

“(B) To establish or reestablish a political or societal institution of Iraq.

“(C) To provide products or services to the people of Iraq.

“(3) The Inspector General shall submit to the appropriate committees of Congress semiannual reports meeting the requirements of section 405 of title 5, United States Code. The first such report for a year, covering the first six months of the year, shall be submitted not later than July 31 of that year, and the second such report, covering the second six months of the year, shall be submitted not later than January 31 of the following year.

“(4) The Inspector General shall publish each report under this subsection in both English and Arabic on the Internet website of the Department of State and of the Department of Defense.

“(5) Each report under this subsection may include a classified annex if the Inspector General considers it necessary.

“(6) Nothing in this subsection shall be construed to authorize the public disclosure of information that is—

“(A) specifically prohibited from disclosure by any other provision of law;

“(B) specifically required by Executive order to be protected from disclosure in the interest of national defense or national security or in the conduct of foreign affairs; or

“(C) a part of an ongoing criminal investigation.

“(j) REPORT COORDINATION.—(1) The Inspector General shall also submit each report under subsection (i) to the Secretary of State and the Secretary of Defense.

“(2)(A) Not later than 30 days after receipt of a report under paragraph (1), the Secretary of State or the Secretary of Defense may submit to the appropriate committees of Congress any comments on the matters covered by the report as the Secretary of State or the Secretary of Defense, as the case may be, considers appropriate.

“(B) A report under this paragraph may include a classified annex if the Secretary of State or the Secretary of Defense, as the case may be, considers it necessary.

“(k) TRANSPARENCY.—(1) Not later than 60 days after the date of the submittal to Congress of a report under subsection (i), the Secretary of State and the Secretary of Defense shall jointly make copies of such report available to the public upon request, and at a reasonable cost.

“(2) Not later than 60 days after the date of the submittal to Congress under subsection (j)(2) of comments on a report under subsection (i), the Secretary of State and the Secretary of Defense shall jointly make copies of such comments available to the public upon request, and at a reasonable cost.

“(l) WAIVER.—(1) The President may waive the requirement under paragraph (1) or (3) of subsection (i) for the inclusion in a report under such paragraph of any element otherwise provided for under such paragraph if the President determines that the waiver is justified for national security reasons.

“(2) The President shall publish a notice of each waiver made under this subsection in the Federal Register no later than the date on which the reports required under paragraph (1) or (3) of subsection (i) are submitted to Congress. The reports required under paragraph (1) or (3) of subsection (i) shall specify whether waivers under this subsection were made and with respect to which elements.

“(m) DEFINITIONS.—In this section—

“(1) the term ‘appropriate committees of Congress’ means—

“(A) the Committees on Appropriations, Armed Services, and Foreign Relations of the Senate; and

“(B) the Committees on Appropriations, Armed Services, Foreign Affairs, and Oversight and Government Reform [now Committee on Oversight and Accountability] of the House of Representatives; and

“(2) the term ‘amounts appropriated or otherwise made available for the reconstruction of Iraq’ means amounts appropriated or otherwise made available for any fiscal year—

“(A) to the Iraq Relief and Reconstruction Fund, the Iraq Security Forces Fund, and the Commanders’ Emergency Response Program authorized under section 1202 of the National Defense Authorization for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3455-3456); or

“(B) for assistance for the reconstruction of Iraq under—

“(i) the Economic Support Fund authorized under chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.);

“(ii) the International Narcotics Control and Law Enforcement account authorized under section 481 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291); or

“(iii) any other provision of law.

“(n) FUNDING.—(1) Of the amounts appropriated for fiscal year 2004 for the Operating Expenses of the Coalition Provisional Authority in title II of this Act [117 Stat. 1226], \$75,000,000 shall be available to carry out this section.

“(2) The amount available under paragraph (1) shall remain available until expended.

“(o) TERMINATION.—(1) The Office of the Inspector General shall terminate 180 days after the date on which amounts appropriated or otherwise made available for the reconstruction of Iraq that are unexpended are less than \$250,000,000.

“(2) The Special Inspector General for Iraq Reconstruction shall, prior to the termination of the Office of the Special Inspector General under paragraph (1), prepare a final forensic audit report on all amounts appropriated or otherwise made available for the reconstruction of Iraq.”

AMTRAK NOT FEDERAL ENTITY; FEDERAL SUBSIDY

Pub. L. 105-134, title IV, § 409(b), (c), Dec. 2, 1997, 111 Stat. 2587, as amended by Pub. L. 117-286, § 4(b)(18), Dec. 27, 2022, 136 Stat. 4345, provided that:

“(b) AMTRAK NOT FEDERAL ENTITY.—Amtrak shall not be considered a Federal entity for purposes of chapter 4 of title 5, United States Code. The preceding sentence shall apply for any fiscal year for which Amtrak receives no Federal subsidy.

“(c) FEDERAL SUBSIDY.—

“(1) ASSESSMENT.—In any fiscal year for which Amtrak requests Federal assistance, the Inspector General of the Department of Transportation shall review Amtrak’s operations and conduct an assessment similar to the assessment required by section 202(a) [Pub. L. 105-134, 49 U.S.C. 24101 note]. The Inspector General shall report the results of the review and assessment to—

“(A) the President of Amtrak;

“(B) the Secretary of Transportation;

“(C) the United States Senate Committee on Appropriations;

“(D) the United States Senate Committee on Commerce, Science, and Transportation;

“(E) the United States House of Representatives Committee on Appropriations; and

“(F) the United States House of Representatives Committee on Transportation and Infrastructure.

“(2) REPORT.—The report shall be submitted, to the extent practicable, before any such committee reports legislation authorizing or appropriating funds for Amtrak for capital acquisition, development, or operating expenses.

“(3) SPECIAL EFFECTIVE DATE.—This subsection takes effect 1 year after the date of enactment of this Act [Dec. 2, 1997].”

§ 416. Additional provisions with respect to Inspectors General of the intelligence community

(a) DEFINITIONS.—In this section:

(1) INTELLIGENCE COMMITTEES.—The term “intelligence committees” means the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

(2) URGENT CONCERN.—The term “urgent concern” means any of the following:

(A) A serious or flagrant problem, abuse, violation of law or Executive order, or deficiency relating to the funding, administration, or operations of an intelligence activity involving classified information, but does not include differences of opinions concerning public policy matters.

(B) A false statement to Congress, or a willful withholding from Congress, on an issue of material fact relating to the funding, administration, or operation of an intelligence activity.

(C) An action, including a personnel action described in section 2302(a)(2)(A) of this title constituting reprisal or threat of reprisal prohibited under section 407(c) of this title in response to an employee’s reporting an urgent concern in accordance with this section.

(b) COMPLAINT OR INFORMATION WITH RESPECT TO URGENT CONCERN.—

(1) TO WHOM REPORTS MAY BE MADE.—

(A) INSPECTOR GENERAL OF DEPARTMENT OF DEFENSE.—An employee of the Defense Intelligence Agency, the National Geospatial-Intelligence Agency, the National Reconnaissance Office, or the National Security Agency, or of a contractor of any of those Agencies, who intends to report to Congress a complaint or information with respect to an urgent concern may report the complaint or information to the Inspector General of the Department of Defense (or designee).

(B) INSPECTOR GENERAL OF INTELLIGENCE COMMUNITY.—An employee of an element of the intelligence community, an employee assigned or detailed to an element of the intelligence community, or an employee of a contractor to the intelligence community, who intends to report to Congress a complaint or information with respect to an urgent concern may report such complaint or information to the Inspector General of the Intelligence Community.

(C) INSPECTOR GENERAL OF DEPARTMENT OF JUSTICE.—An employee of the Federal Bureau of Investigation, or of a contractor of the Bureau, who intends to report to Congress a complaint or information with respect to an urgent concern may report the complaint or information to the Inspector General of the Department of Justice (or designee).

(D) OTHER APPROPRIATE INSPECTOR GENERAL.—Any other employee of, or contractor to, an executive agency, or element or unit thereof, determined by the President under section 2302(a)(2)(C)(ii) of this title, to have as its principal function the conduct of for-

eign intelligence or counterintelligence activities, who intends to report to Congress a complaint or information with respect to an urgent concern may report the complaint or information to the appropriate Inspector General (or designee) under this chapter, section 17 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3517), or section 103H(k) of the National Security Act of 1947 (50 U.S.C. 3033(k)).

(2) DESIGNEE TO REPORT COMPLAINT OR INFORMATION TO INSPECTOR GENERAL WITHIN 7 DAYS.—If a designee of an Inspector General under this section receives a complaint or information of an employee with respect to an urgent concern, that designee shall report the complaint or information to the Inspector General within 7 calendar days of receipt.

(3) DESIGNEES OF INSPECTOR GENERAL OF DEPARTMENT OF DEFENSE.—The Inspectors General of the Defense Intelligence Agency, the National Geospatial-Intelligence Agency, the National Reconnaissance Office, and the National Security Agency shall be designees of the Inspector General of the Department of Defense for purposes of this section.

(c) INITIAL DETERMINATIONS AND TRANSMITTALS.—

(1) CREDIBILITY.—Not later than the end of the 14-calendar day period beginning on the date of receipt of an employee complaint or information under subsection (b), the Inspector General shall determine whether the complaint or information appears credible. Upon making such a determination, the Inspector General shall transmit to the head of the establishment notice of that determination, together with the complaint or information.

(2) CONFLICT OF INTEREST.—If the head of an establishment determines that a complaint or information transmitted under paragraph (1) would create a conflict of interest for the head of the establishment, the head of the establishment shall return the complaint or information to the Inspector General with that determination and the Inspector General shall make the transmission to the Director of National Intelligence and, if the establishment is within the Department of Defense, to the Secretary of Defense. In such a case, the requirements of this section for the head of the establishment apply to each recipient of the Inspector General’s transmission.

(d) FORWARDING TRANSMITTALS.—Upon receipt of a transmittal from the Inspector General under subsection (c), the head of the establishment shall, within 7 calendar days of such receipt, forward such transmittal to the intelligence committees, together with any comments the head of the establishment considers appropriate.

(e) SUBMITTING COMPLAINT OR INFORMATION TO CONGRESS.—

(1) IN GENERAL.—If the Inspector General does not find credible under subsection (c) a complaint or information submitted to the Inspector General under subsection (b), or does not transmit the complaint or information to the head of the establishment in accurate form under subsection (c), the employee (sub-