

**§ 419. Special provisions concerning overseas contingency operations**

(a) **ADDITIONAL RESPONSIBILITIES OF CHAIR OF COUNCIL OF INSPECTORS GENERAL ON INTEGRITY AND EFFICIENCY.**—The Chair of the Council of Inspectors General on Integrity and Efficiency (CIGIE) shall, in consultation with the members of the Council, have the additional responsibilities specified in subsection (b) with respect to the Inspectors General specified in subsection (c) upon the earlier of—

(1) the commencement or designation of a military operation as an overseas contingency operation that exceeds 60 days; or

(2) receipt of a notification under section 113(n)<sup>1</sup> of title 10 with respect to an overseas contingency operation.

(b) **SPECIFIC RESPONSIBILITIES.**—The responsibilities specified in this subsection are the following:

(1) **DESIGNATE LEAD INSPECTOR GENERAL.**—In consultation with the Inspectors General specified in subsection (c), to designate a lead Inspector General in accordance with subsection (d) to discharge the authorities of the lead Inspector General for the overseas contingency operation concerned as set forth in subsection (d).

(2) **RESOLVE CONFLICTS OF JURISDICTION.**—To resolve conflicts of jurisdiction among the Inspectors General specified in subsection (c) on investigations, inspections, and audits with respect to such contingency operation in accordance with subsection (d)(2)(B).

(3) **IDENTIFY OFFICE PERSONNEL.**—To assist in identifying for the lead inspector general for such contingency operation, Inspectors General and inspector general office personnel available to assist the lead Inspector General and the other Inspectors General specified in subsection (c) on matters relating to such contingency operation.

(c) **INSPECTORS GENERAL.**—The Inspectors General specified in this subsection are the Inspectors General as follows:

(1) The Inspector General of the Department of Defense.

(2) The Inspector General of the Department of State.

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

(d) **LEAD INSPECTOR GENERAL FOR OVERSEAS CONTINGENCY OPERATION.**—

(1) **DESIGNATION.**—A lead Inspector General for an overseas contingency operation shall be designated by the Chair of the Council of Inspectors General on Integrity and Efficiency under subsection (b)(1) not later than 30 days after the earlier of—

(A) the commencement or designation of the military operation concerned as an overseas<sup>2</sup> contingency operation that exceeds 60 days; or

(B) receipt of a notification under section 113(n)<sup>1</sup> of title 10 with respect to an overseas contingency operation.

The lead Inspector General for a contingency operation shall be designated from among the Inspectors General specified in subsection (c).

(2) **RESPONSIBILITIES.**—The lead Inspector General for an overseas contingency operation shall have the following responsibilities:

(A) **APPOINT ASSOCIATE INSPECTOR GENERAL.**—To appoint, from among the offices of the other Inspectors General specified in subsection (c), an Inspector General to act as associate Inspector General for the contingency operation who shall act in a coordinating role to assist the lead Inspector General in the discharge of responsibilities under this subsection.

(B) **STRATEGIC PLAN TO CONDUCT COMPREHENSIVE OVERSIGHT.**—To develop and carry out, in coordination with the offices of the other Inspectors General specified in subsection (c), a joint strategic plan to conduct comprehensive oversight over all aspects of the contingency operation and to ensure through either joint or individual audits, inspections, and investigations, independent and effective oversight of all programs and operations of the Federal Government in support of the contingency operation.

(C) **ACCURACY OF INFORMATION.**—To review and ascertain the accuracy of information provided by Federal agencies relating to obligations and expenditures, costs of programs and projects, accountability of funds, and the award and execution of major contracts, grants, and agreements in support of the contingency operation.

(D) **JURISDICTIONAL MATTERS.**—

(i) **NO INSPECTOR GENERAL WITH PRINCIPAL JURISDICTION.**—If none of the Inspectors General specified in subsection (c) has principal jurisdiction over a matter with respect to the contingency operation, to identify and coordinate with the Inspector General who has principal jurisdiction over the matter to ensure effective oversight.

(ii) **MORE THAN ONE INSPECTOR GENERAL WITH JURISDICTION.**—If more than one of the Inspectors General specified in subsection (c) has jurisdiction over a matter with respect to the contingency operation, to determine principal jurisdiction for discharging oversight responsibilities in accordance with this chapter with respect to such matter.

(iii) **INVESTIGATIONS.**—

(I) **REQUEST BY INSPECTOR GENERAL WITH PRINCIPAL JURISDICTION.**—Upon written request by the Inspector General with principal jurisdiction over a matter with respect to the contingency operation, and with the approval of the lead Inspector General, an Inspector General specified in subsection (c) may provide investigative support or conduct an independent investigation of an allegation of criminal activity by any United States personnel, contractor, subcontractor, grantee, or vendor in the applicable theater of operations.

(II) **NO INSPECTOR GENERAL WITH PRINCIPAL JURISDICTION.**—In the case of a de-

<sup>1</sup> See References in Text note below.

<sup>2</sup> So in original. Probably should be “overseas”.

termination by the lead Inspector General that no Inspector General has principal jurisdiction over a matter with respect to the contingency operation, the lead Inspector General may—

(aa) conduct an independent investigation of an allegation described in subclause (I); or

(bb) request that an Inspector General specified in subsection (c) conduct such investigation.

(E) PERSONNEL.—To employ, or authorize the employment by the other Inspectors General specified in subsection (c), on a temporary basis using the authorities in section 3161 of this title (without regard to subsection (b)(2) of that section), such auditors, investigators, and other personnel as the lead Inspector General considers appropriate to assist the lead Inspector General and such other Inspectors General on matters relating to the contingency operation.

(F) REPORT ON ACTIVITY.—To submit to Congress on a bi-annual basis, and to make available on an internet website available to the public, a report on the activities of the lead Inspector General and the other Inspectors General specified in subsection (c) with respect to the contingency operation, including—

(i) the status and results of investigations, inspections, and audits and of referrals to the Department of Justice; and

(ii) overall plans for the review of the contingency operation by inspectors general, including plans for investigations, inspections, and audits.

(G) REPORT ON CONTINGENCY OPERATION.—To submit to Congress on a quarterly basis, and to make available on an Internet website available to the public, a report on the contingency operation.

(H) OTHER RESPONSIBILITIES.—To carry out such other responsibilities relating to the coordination and efficient and effective discharge by the Inspectors General specified in subsection (c) of duties relating to the contingency operation as the lead Inspector General shall specify.

(I) ENHANCING COOPERATION.—To enhance cooperation among Inspectors General and encourage comprehensive oversight of the contingency operation, any Inspector General responsible for conducting oversight of any program or operation performed in support of the contingency operation may, to the maximum extent practicable and consistent with the duties, responsibilities, policies, and procedures of that Inspector General—

(i) coordinate such oversight activities with the lead Inspector General; and

(ii) provide information requested by the lead Inspector General relating to the responsibilities of the lead Inspector General described in subparagraphs (B), (C), and (G).

(3) EMPLOYMENT OF ANNUITANTS.—

(A) IN GENERAL.—The lead Inspector General for an overseas contingency operation

may employ, or authorize the employment by the other Inspectors General specified in subsection (c) of, annuitants covered by section 9902(g) of this title, for purposes of assisting the lead Inspector General in discharging responsibilities under this subsection with respect to the contingency operation.

(B) DEEMED DEPARTMENT OF DEFENSE.—The employment of annuitants under this paragraph shall be subject to the provisions of section 9902(g) of this title as if the lead Inspector General concerned was the Department of Defense.

(C) FOREIGN SERVICE ANNUITANTS.—

(i) CONTINUANCE OF ANNUITY.—An annuitant receiving an annuity under the Foreign Service Retirement and Disability System or the Foreign Service Pension System under chapter 8 of title I of the Foreign Service Act of 1980 (22 U.S.C. 4041 et seq.) who is reemployed under this subsection—

(I) shall continue to receive the annuity; and

(II) shall not be considered a participant for purposes of chapter 8 of title I of the Foreign Service Act of 1980 (22 U.S.C. 4041 et seq.) or an employee for purposes of subchapter III of chapter 83 or chapter 84 of this title.

(ii) ELECTION REGARDING REEMPLOYMENT.—An annuitant described in clause (i) may elect in writing for the reemployment of the annuitant under this subsection to be subject to section 824 of the Foreign Service Act of 1980 (22 U.S.C. 4064). A reemployed annuitant shall make an election under this clause not later than 90 days after the date of the reemployment of the annuitant.

(4) DISCHARGE OF RESPONSIBILITIES IN ACCORDANCE WITH CHAPTER.—The lead Inspector General for an overseas contingency operation shall discharge the responsibilities for the contingency operation under this subsection in a manner consistent with the authorities and requirements of this chapter generally and the authorities and requirements applicable to the Inspectors General specified in subsection (c) under this chapter.

(5) CCOMPETITIVE<sup>3</sup> STATUS FOR APPOINTMENT.—

(A) IN GENERAL.—A person employed by a lead Inspector General for an overseas contingency operation under this section shall acquire competitive status for appointment to any position in the competitive service for which the employee possesses the required qualifications upon the completion of 2 years of continuous service as an employee under this section.

(B) LIMITATION.—No person who is first employed as described in subparagraph (A) more than 5 years after December 19, 2019,<sup>1</sup> may acquire competitive status under subparagraph (A).

(e) SUNSET FOR PARTICULAR CONTINGENCY OPERATIONS.—The requirements and authorities of

<sup>3</sup> So in original.

this section with respect to an overseas contingency operation shall cease at the end of the first fiscal year after the commencement or designation of the contingency operation in which the total amount appropriated for the contingency operation is less than \$100,000,000.

(f) CONSTRUCTION OF AUTHORITY.—Nothing in this section shall be construed to limit the ability of the Inspectors General specified in subsection (c) to enter into agreements to conduct joint audits, inspections, or investigations in the exercise of their oversight responsibilities in accordance with this chapter with respect to overseas contingency operations.

(Pub. L. 117–286, §3(b), Dec. 27, 2022, 136 Stat. 4247; Pub. L. 118–31, div. A, title XI, §1106, Dec. 22, 2023, 137 Stat. 427.)

#### AMENDMENTS NOT SHOWN IN TEXT

*This section was derived from section 8L 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 8L of Pub. L. 95–452 was amended by Pub. L. 117–81, div. E, title LIII, §5321, Dec. 27, 2021, 135 Stat. 2368, prior to being repealed and reenacted as this section by Pub. L. 117–286, §§3(b), 7, Dec. 27, 2022, 136 Stat. 4247, 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 8L of Pub. L. 95–452 was amended in subsection (d)(5)(A) by substituting “any of the Inspectors General specified in subsection (c) for oversight of” for “a lead Inspector General for”.*

#### HISTORICAL AND REVISION NOTES

| Revised Section | Source (U.S. Code)          | Source (Statutes at Large)   |
|-----------------|-----------------------------|--|
| 419 .....       | 5 U.S.C. App. (IGA Sec. 8L) | Pub. L. 95–452, §8L, as added Pub. L. 112–239, div. A, title VIII, §848(2), Jan. 2, 2013, 126 Stat. 1851; Pub. L. 116–92, div. A, title XVII, §§1732(b) through 1734, Dec. 20, 2019, 133 Stat. 1817, 1818. |

In subsection (d)(5)(B), the date “December 19, 2019” is substituted for “the date of the enactment of the National Defense Authorization Act for Fiscal Year 2020” for clarity.

#### Editorial Notes

##### REFERENCES IN TEXT

Section 113(n) of title 10, referred to in subsecs. (a)(2) and (d)(1)(B), was redesignated section 113(o) of title 10 by Pub. L. 116–283, div. A, title V, §551(a)(1)(C), Jan. 1, 2021, 134 Stat. 3628.

The Foreign Service Act of 1980, referred to in subsec. (d)(3)(C)(i), is Pub. L. 96–465, Oct. 17, 1980, 94 Stat. 2071. Chapter 8 of title I of the Act is classified generally to part I (§4041 et seq.) of subchapter VIII of chapter 52 of Title 22, Foreign Relations and Intercourse. For complete classification of this Act to the Code, see Short Title note set out under section 3901 of Title 22 and Tables.

December 19, 2019, referred to in subsec. (d)(5)(B), probably should be “December 20, 2019”. Prior to repeal and restatement as this section, the source section referred instead to “the date of the enactment of the National Defense Authorization Act for Fiscal Year 2020”, which Act was approved Dec. 20, 2019. See Historical and Revision note above.

#### AMENDMENTS

2023—Subsec. (d)(5)(B). Pub. L. 118–31 substituted “5 years” for “2 years”.

#### Statutory Notes and Related Subsidiaries

OVERSIGHT OF PROGRAMS AND OPERATIONS FUNDED WITH AMOUNTS APPROPRIATED BY THE UNITED STATES FOR UKRAINE

Pub. L. 118–31, div. A, title XII, §1250B(a)–(h), Dec. 22, 2023, 137 Stat. 465–467, provided that:

“(a) SPECIAL INSPECTOR GENERAL FOR OPERATION ATLANTIC RESOLVE.—

“(1) IN GENERAL.—Subject to the requirements of this section, the President, acting through the Chair of the Council of the Inspectors General on Integrity and Efficiency, shall maintain the position of the Lead Inspector General for Operation Atlantic Resolve in accordance with section 419 of title 5, United States Code.

“(2) REDESIGNATION.—

“(A) IN GENERAL.—The title of the position of the Lead Inspector General for Operation Atlantic Resolve is hereby redesignated as the ‘Special Inspector General for Operation Atlantic Resolve’ (in this section referred to as the ‘Special Inspector General’).

“(B) REFERENCES.—Any reference in law, regulation, document, paper, or other record of the United States to the Lead Inspector General for Operation Atlantic Resolve shall be deemed to be a reference to the Special Inspector General for Operation Atlantic Resolve.

“(b) BRIEFINGS.—Upon request by the Chair or Ranking Member of an appropriate committee of Congress, not later than 30 days after receiving the request, the Special Inspector General shall to the extent practicable provide a briefing to such committee on the activities of the Special Inspector General with respect to programs and operations funded with amounts appropriated by the United States for Ukraine.

“(c) PUBLICATION OF ACCOUNTING OF UNITED STATES ASSISTANCE FOR UKRAINE.—Not later than 45 days after the date of the enactment of this Act [Dec. 22, 2023], and every 90 days thereafter, the President shall publish on a publicly available website of the United States Government a comprehensive accounting of unclassified amounts appropriated by the United States for Ukraine.

“(d) QUARTERLY REPORTS.—

“(1) IN GENERAL.—Not later than 45 days after the end of each fiscal-year quarter, the Special Inspector General shall submit to the appropriate committees of Congress a report summarizing, with respect to that quarter and, to the extent possible, the period beginning on the date on which such quarter ends and ending on the date on which the report is submitted, the activities of the Special Inspector General with respect to programs and operations funded with amounts appropriated by the United States for Ukraine for—

“(A) security, economic, and humanitarian assistance to Ukraine and other countries affected by the war;

“(B) United States European Command operations and related support for the United States military; and

“(C) operations of other relevant United States Government agencies involved in the Ukraine response, as appropriate.

“(2) ELEMENTS.—Each report required by paragraph (1) shall include, for the period covered by the report—

“(A) a description of any waste, fraud, or abuse identified by the Inspectors General with respect to programs and operations funded with amounts appropriated by the United States for Ukraine;

“(B) a description of the status and results of—

“(i) investigations, inspections, and audits; and

“(ii) referrals to the Department of Justice; and  
 “(C) a description of the overall plans for review by the Inspectors General of such support of Ukraine, including plans for investigations, inspections, and audits.

“(3) AVAILABILITY.—The Special Inspector General shall publish on a publicly available website the unclassified form of each report required by paragraph (1).

“(4) FORM.—Each report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex if the Special Inspector General considers it necessary.

“(e) RULE OF CONSTRUCTION.—Nothing in this section may be construed to limit the Special Inspector General from exercising all authorities and discharging all responsibilities granted to the Lead Inspector General for Operation Atlantic Resolve in accordance with section 419 of title 5, United States Code, in the exercise of oversight responsibilities for Operation Atlantic Resolve generally and under this section with respect to Ukraine.

“(f) SUNSET.—The requirements and authorities of this section with respect to the Special Inspector General shall cease in accordance with the sunset provisions for the Lead Inspector General for Operation Atlantic Resolve pursuant to section 419(f) [probably should be “419(e)”] of title 5, United States Code.

“(g) DEFINITIONS.—In this section:

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

“(A) the Committee on Appropriations, the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Homeland Security and Governmental Affairs of the Senate; and

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

“(2) The term ‘Inspectors General’ means 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.

“(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for fiscal year 2024 \$8,000,000 to carry out this section.”

#### § 420. Information on websites of Offices of Inspectors General

(a) DIRECT LINKS TO INSPECTORS GENERAL OFFICES.—

(1) IN GENERAL.—Each Federal agency and designated Federal entity shall establish and maintain on the homepage of the website of that Federal agency or designated Federal entity, a direct link to the website of the Office of the Inspector General of that Federal agency or designated Federal entity.

(2) ACCESSIBILITY.—The direct link under paragraph (1) shall be obvious and facilitate accessibility to the website of the Office of the Inspector General.

(b) REQUIREMENTS FOR INSPECTORS GENERAL WEBSITES.—

(1) POSTING OF REPORTS AND AUDITS.—The Inspector General of each Federal agency and designated Federal entity shall—

(A) not later than 3 days after any audit report, inspection report, or evaluation report (or portion of any such report) is submitted in final form to the head of the Fed-

eral agency or the head of the designated Federal entity, as applicable, post that report (or portion of that report) on the website of the Office of Inspector General; and

(B) ensure that any posted report (or portion of that report) described under subparagraph (A)—

(i) is easily accessible from a direct link on the homepage of the website of the Office of the Inspector General;

(ii) includes a summary of the findings of the Inspector General; and

(iii) is in a format that—

(I) is searchable and downloadable; and

(II) facilitates printing by individuals of the public accessing the website.

(2) REPORTING OF FRAUD, WASTE, AND ABUSE.—

(A) IN GENERAL.—The Inspector General of each Federal agency and designated Federal entity shall establish and maintain a direct link on the homepage of the website of the Office of the Inspector General for individuals to report fraud, waste, and abuse. Individuals reporting fraud, waste, or abuse using the direct link established under this paragraph shall not be required to provide personally identifying information relating to that individual.

(B) ANONYMITY.—The Inspector General of each Federal agency and designated Federal entity shall not disclose the identity of any individual making a report under this paragraph without the consent of the individual unless the Inspector General determines that such a disclosure is unavoidable during the course of the investigation.

(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed as authorizing an Inspector General to publicly disclose information otherwise prohibited from disclosure by law.

(c) DEFINITIONS.—In this section, the terms “designated Federal entity” and “head of the designated Federal entity” have the meanings given those terms in section 415(a) of this title.

(Pub. L. 117-286, §3(b), Dec. 27, 2022, 136 Stat. 4251.)

#### HISTORICAL AND REVISION NOTES

| <i>Revised Section</i> | <i>Source (U.S. Code)</i> | <i>Source (Statutes at Large)</i>  |
|------------------------|---------------------------|--|
| 420 .....              | 5 U.S.C. App. (IGA §8M)   | Pub. L. 95-452, §8M, formerly §8L, as added Pub. L. 110-409, §13(a), Oct. 14, 2008, 122 Stat. 4315; renumbered §8M, Pub. L. 112-239, div. A, title VIII, §848(1), Jan. 2, 2013, 126 Stat. 1851; amended Pub. L. 114-317, §§4(e), 7(b)(1)(A), (c), Dec. 16, 2016, 130 Stat. 1602, 1605, 1606. |

#### § 421. Additional provisions with respect to the Department of Energy

(a) AUTHORITY TO PROHIBIT ACCESS TO CERTAIN MATERIALS.—The Secretary of Energy may prohibit the Inspector General of the Department of Energy from accessing Restricted Data and nuclear safeguards information protected from dis-