

(2) One member who is an agency Chief Privacy Officer.

(3) One member who is an agency Chief Performance Officer.

(4) Three members who are agency Chief Data Officers.

(5) Three members who are agency Evaluation Officers.

(6) Three members who are members of the Interagency Council for Statistical Policy¹ established under section 3504(e)(8) of title 44.

(7) At least 10 members who are representatives of State and local governments and non-governmental stakeholders with expertise in government data policy, privacy, technology, transparency policy, evaluation and research methodologies, and other relevant subjects, of whom—

(A) at least one shall have expertise in transparency policy;

(B) at least one shall have expertise in privacy policy;

(C) at least one shall have expertise in statistical data use;

(D) at least one shall have expertise in information management;

(E) at least one shall have expertise in information technology; and

(F) at least one shall be from the research and evaluation community.

(c) **TERM OF SERVICE.**—

(1) **IN GENERAL.**—Each member of the Advisory Committee shall serve for a term of 2 years.

(2) **VACANCY.**—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(d) **COMPENSATION.**—Members of the Advisory Committee shall serve without compensation.

(e) **DUTIES.**—The Advisory Committee shall—

(1) assist the Director in carrying out the duties of the Director under part D of subchapter III of chapter 35 of title 44;

(2) evaluate and provide recommendations to the Director on how to facilitate data sharing, enable data linkage, and develop privacy enhancing techniques; and

(3) review the coordination of data sharing or availability for evidence building across all agencies.

(f) **REPORTS.**—The Advisory Committee shall submit to the Director and make publicly available an annual report on the activities and findings of the Advisory Committee.

(g) **TERMINATION.**—The Advisory Committee shall terminate not later than two years after the date of the first meeting.

(Added Pub. L. 115–435, title I, § 101(a)(2), Jan. 14, 2019, 132 Stat. 5531.)

¹ So in original. Probably should be “Interagency Council on Statistical Policy”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective 180 days after Jan. 14, 2019, see section 403 of Pub. L. 115–435, set out as an Effective Date of 2019 Amendment note under section 306 of this title.

CHAPTER 4—INSPECTORS GENERAL

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§ 401. Definitions

In this chapter:

(1) **ESTABLISHMENT.**—The term “establishment” means the Department of Agriculture, Commerce, Defense, Education, Energy, Health and Human Services, Housing and Urban Development, the Interior, Justice, Labor, State, Transportation, Homeland Security, the Treasury, or Veterans Affairs; the Agency for International Development, the Community Development Financial Institutions Fund, the Environmental Protection Agency, the Federal Communications Commission, the Federal Emergency Management Agency, the General Services Administration, the National Aeronautics and Space Administration, the Nuclear Regulatory Commission, the Office of Personnel Management, the Railroad Retirement Board, the Federal Deposit Insurance Corporation, the Small Business Administration, the Corporation for National and Community Service, the Social Security Administration, the Federal Housing Finance Agency, the Tennessee Valley Authority, the Export-Import Bank of the United States, the

Commissions established under section 15301 of title 40, the National Security Agency, or the National Reconnaissance Office, as the case may be.

(2) **FEDERAL AGENCY.**—The term “Federal agency” means an agency as defined in section 552(f) of this title (including an establishment as defined in paragraph (1)), but shall not be construed to include the Government Accountability Office.

(3) **HEAD OF THE ESTABLISHMENT.**—The term “head of the establishment” means the Secretary of Agriculture, Commerce, Defense, Education, Energy, Health and Human Services, Housing and Urban Development, the Interior, Labor, State, Transportation, Homeland Security, the Treasury, or Veterans Affairs; the Attorney General; the Administrator of the Agency for International Development, Environmental Protection, General Services, National Aeronautics and Space, Small Business, or the Federal Emergency Management Agency; the Director of the Office of Personnel Management; the Chairman of the Nuclear Regulatory Commission, the Federal Communications Commission, or the Railroad Retirement Board; the Chief Executive Officer of the Corporation for National and Community Service; the Administrator of the Community Development Financial Institutions Fund; the Chairperson of the Federal Deposit Insurance Corporation; the Commissioner of Social Security, Social Security Administration; the Director of the Federal Housing Finance Agency; the Board of Directors of the Tennessee Valley Authority; the President of the Export-Import Bank of the United States; the Federal Co-chairpersons of the Commissions established under section 15301 of title 40; the Director of the National Security Agency; or the Director of the National Reconnaissance Office; as the case may be.

(4) **INSPECTOR GENERAL.**—The term “Inspector General” means the Inspector General of an establishment.

(5) **OFFICE.**—The term “Office” means the Office of Inspector General of an establishment. (Pub. L. 117–286, §3(b), Dec. 27, 2022, 136 Stat. 4207.)

AMENDMENTS NOT SHOWN IN TEXT

This section was derived from section 12 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 12 of Pub. L. 95–452 was amended by Pub. L. 117–263, div. E, title LII, §§5202(b), 5272(10), Dec. 23, 2022, 136 Stat. 3227, 3241, prior to being repealed and reenacted as this section by Pub. L. 117–286, §§3(b), 7, Dec. 27, 2022, 136 Stat. 4207, 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 12 of Pub. L. 95–452 was amended as follows:

(1) in paragraph (3) [enacted by Pub. L. 117–286 as paragraph (4) of this section] by inserting “except as otherwise expressly provided,” before “the term”; and

(2) by striking “and” at the end of paragraph (4), by substituting “; and” for the period at

the end of paragraph (5), and by adding at the end the following:

“(6) the term ‘appropriate congressional committees’ means—

“(A) the Committee on Homeland Security and Governmental Affairs of the Senate;

“(B) the Committee on Oversight and Reform of the House of Representatives; and

“(C) any other relevant congressional committee or subcommittee of jurisdiction.”

Section 12 of Pub. L. 95–452 began with “the term” in paragraphs (1) to (5) and ended with semicolons in paragraphs (1) to (3), “; and” in paragraph (4), and a period in paragraph (5). As restated by Pub. L. 117–286, the text of paragraphs (1) to (5) began with “The term” and all ended with periods.

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
401	5 U.S.C. App. (IGA §12)	Pub. L. 95–452, §12, formerly §11, Oct. 12, 1978, 92 Stat. 1109; Pub. L. 96–88, title V, §508(n)(3), (4), Oct. 17, 1979, 93 Stat. 695; Pub. L. 97–113, title VII, §705(a)(2), Dec. 29, 1981, 95 Stat. 1544; Pub. L. 97–252, title XI, §1117(a)(4), (5), Sept. 8, 1982, 96 Stat. 751; Pub. L. 99–93, title I, §150(a)(2), Aug. 16, 1985, 99 Stat. 427; Pub. L. 99–399, title IV, §412(a)(2), Aug. 27, 1986, 100 Stat. 867; Pub. L. 100–504, title I, §102(c), Oct. 18, 1988, 102 Stat. 2515; Pub. L. 100–527, §13(h)(2), (3), Oct. 5, 1988, 102 Stat. 2643; Pub. L. 101–73, title V, §501(b)(1), Aug. 9, 1989, 103 Stat. 393; Pub. L. 102–233, title III, §315(a), Dec. 12, 1991, 105 Stat. 1772; Pub. L. 103–82, title II, §202(g)(4), Sept. 21, 1993, 107 Stat. 890; Pub. L. 103–204, §23(a)(1), Dec. 17, 1993, 107 Stat. 2407; Pub. L. 103–296, title I, §108(l)(2), Aug. 15, 1994, 108 Stat. 1489; Pub. L. 103–325, title I, §118(a), Sept. 23, 1994, 108 Stat. 2188; Pub. L. 104–106, div. D, title XLIII, §4322(b)(1), (3), Feb. 10, 1996, 110 Stat. 677; Pub. L. 105–277, div. G, subdiv. A, title XIII, §1314(b), Oct. 21, 1998, 112 Stat. 2681–776; Pub. L. 106–422, §1(b)(2), Nov. 1, 2000, 114 Stat. 1872; Pub. L. 107–189, §22(a), (d), June 14, 2002, 116 Stat. 707, 708; Pub. L. 107–296, title XVII, §1701, Nov. 25, 2002, 116 Stat. 2313; Pub. L. 108–271, §8(b), July 7, 2004, 118 Stat. 814; Pub. L. 109–295, title VI, §612(c), Oct. 4, 2006, 120 Stat. 1410; Pub. L. 110–234, title XIV, §14217(c), May 22, 2008, 122 Stat. 1482; Pub. L. 110–246, §4(a), title XIV, §14217(c), June 18, 2008, 122 Stat. 1664, 2244; Pub. L. 110–289, div. A, title I, §1105(c), July 30, 2008, 122 Stat. 2668; renumbered §12, Pub. L. 110–409, §7(a), Oct. 14, 2008, 122 Stat. 4305; Pub. L. 113–126, title IV, §§402(2), 412(2), July 7, 2014, 128 Stat. 1408, 1409; Pub. L. 115–141, div. P, title V, §501(a)(2), Mar. 23, 2018, 132 Stat. 1090.

In paragraph (1), the words “Veterans Affairs” are inserted in the list of Departments, and the words “Vet-

erans' Administration" are deleted from the list of Administrations, to update obsolete references in the law.

In paragraph (1), the words "the Resolution Trust Corporation" have been omitted as obsolete because section 21A(m)(1) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(m)(1)) provided for termination of the Resolution Trust Corporation not later than December 31, 1995, and the authority and responsibilities of the Resolution Trust Corporation were transferred to the Federal Deposit Insurance Corporation under section 40(n)(4) of the Federal Deposit Insurance Act (12 U.S.C. 1831q(n)(4)).

In paragraphs (1) and (3), the words "of the United States" are inserted after "Export-Import Bank" to correct errors in the law.

In paragraph (3), the words "Veterans Affairs" are inserted in the list of Secretaries, and the words "Veterans' Affairs" are deleted from the list of Administrations, to update obsolete references in the law.

In paragraph (3), the words "the Director of" are inserted before "the Office of Personnel Management" to correct an error in the law. The Office of Personnel Management is headed by a director (rather than an administrator) as provided in section 1102(a) of title 5, United States Code.

In paragraph (3), the words "the Chairperson of the Thrift Depositor Protection Oversight Board" are omitted because the Thrift Depositor Protection Oversight Board was abolished by section 14(a) through (d) of the Homeowners Protection Act of 1998 (Public Law 105-216, 112 Stat. 908).

In paragraph (3), the words "the chief executive officer of the Resolution Trust Corporation" are omitted because section 21A(m)(1) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(m)(1)) provided for termination of the Resolution Trust Corporation not later than December 31, 1995, and the authority and responsibilities of the Resolution Trust Corporation were transferred to the Federal Deposit Insurance Corporation under section 40(n)(4) of the Federal Deposit Insurance Act (12 U.S.C. 1831q(n)(4)).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1978 ACT

Pub. L. 95-452, § 13, formerly § 12, Oct. 12, 1978, 92 Stat. 1109, renumbered § 13 by Pub. L. 110-409, § 7(a), Oct. 14, 2008, 122 Stat. 4305, provided that: "The provisions of this Act [see Tables for classification] and the amendments made by this Act [amending sections 5315 and 5316 of this title and section 3522 of Title 42, The Public Health and Welfare] shall take effect October 1, 1978."

SHORT TITLE OF 2022 AMENDMENT

Pub. L. 117-263, div. E, title LII, § 5201, Dec. 23, 2022, 136 Stat. 3222, provided that: "This subtitle [subtitle A (§§ 5201-5204) of title LII of div. E of Pub. L. 117-263, see Tables for classification] may be cited as the 'Securing Inspector General Independence Act of 2022'."

Pub. L. 117-263, div. E, title LII, § 5231, Dec. 23, 2022, 136 Stat. 3234, provided that: "This subtitle [subtitle C (§§ 5231-5237) of title LII of div. E of Pub. L. 117-263, see Tables for classification] may be cited as the 'Integrity Committee Transparency Act of 2022'."

SHORT TITLE OF 2018 ACT

Pub. L. 115-192, § 1, June 25, 2018, 132 Stat. 1502, provided that: "This Act [see Tables for classification] may be cited as the 'Whistleblower Protection Coordination Act'."

SHORT TITLE OF 2016 ACT

Pub. L. 114-317, § 1(a), Dec. 16, 2016, 130 Stat. 1595, provided that: "This Act [see Tables for classification] may be cited as the 'Inspector General Empowerment Act of 2016'."

SHORT TITLE OF 2008 ACT

Pub. L. 110-409, § 1, Oct. 14, 2008, 122 Stat. 4302, provided that: "This Act [see Tables for classification]

may be cited as the 'Inspector General Reform Act of 2008'."

SHORT TITLE OF 2006 ACT

Pub. L. 109-440, § 1, Dec. 20, 2006, 120 Stat. 3286, provided that: "This Act [see Tables for classification] may be cited as the 'Iraq Reconstruction Accountability Act of 2006'."

SHORT TITLE OF 1998 ACT

Pub. L. 105-272, title VII, § 701(a), Oct. 20, 1998, 112 Stat. 2413, provided that: "This title [see Tables for classification] may be cited as the 'Intelligence Community Whistleblower Protection Act of 1998'."

SHORT TITLE OF 1988 ACT

Pub. L. 100-504, title I, § 101, Oct. 18, 1988, 102 Stat. 2515, provided that: "This title [see Tables for classification] may be cited as the 'Inspector General Act Amendments of 1988'."

SHORT TITLE OF 1978 ACT

Pub. L. 95-452, § 1, Oct. 12, 1978, 92 Stat. 1101, provided: "That this Act [see Tables for classification] be cited as the 'Inspector General Act of 1978'."

MERGER OF OFFICE OF INSPECTOR GENERAL OF UNITED STATES INFORMATION AGENCY WITH OFFICE OF INSPECTOR GENERAL OF DEPARTMENT OF STATE; TRANSFER OF FUNCTIONS

Pub. L. 104-134, title I, § 101[(a)] [title IV], Apr. 26, 1996, 110 Stat. 1321, 1321-37; renumbered title I, Pub. L. 104-140, § 1(a), May 2, 1996, 110 Stat. 1327, provided: "That notwithstanding any other provision of law, (1) the Office of the Inspector General of the United States Information Agency is hereby merged with the Office of the Inspector General of the Department of State; (2) the functions exercised and assigned to the Office of the Inspector General of the United States Information Agency before the effective date of this Act [Apr. 26, 1996] (including all related functions) are transferred to the Office of the Inspector General of the Department of State; and (3) the Inspector General of the Department of State shall also serve as the Inspector General of the United States Information Agency."

[Pub. L. 104-208, div. A, title I, § 101(a) [title IV], Sept. 30, 1996, 110 Stat. 3009, 3009-47, provided in part: "That notwithstanding any other provision of law, the merger of the Office of Inspector General of the United States Information Agency with the Office of Inspector General of the Department of State provided for in the Departments of Commerce, Justice, and State, the Judiciary and Related Agencies Appropriations Act, 1996, contained in Public Law 104-134 [set out above], is effective hereafter."]

[For abolition of Office of Inspector General of the United States Information Agency and transfer of functions to Office of Inspector General of Department of State and Foreign Service, see section 6533 of Title 22, Foreign Relations and Intercourse.]

PAYMENT AUTHORITY SUBJECT TO APPROPRIATIONS

Pub. L. 100-504, title I, § 112, Oct. 18, 1988, 102 Stat. 2530, provided that: "Any authority to make payments under this title [see Tables for classification] shall be effective only to such extent as provided in appropriations Acts."

§ 402. Establishment and purpose of Offices of Inspector General

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Subject to paragraph (2), in each of the establishments listed in section 401(1) of this title, there is established an Office of Inspector General.

(2) DEPARTMENT OF THE TREASURY.—In the establishment of the Department of the Treasury, there is established—

(A) an Office of Inspector General of the Department of the Treasury; and

(B) an Office of Treasury Inspector General for Tax Administration.

(b) **PURPOSE.**—The offices established under subsection (a) are established in order to create independent and objective units—

(1) to conduct and supervise audits and investigations relating to the programs and operations of the establishments listed in section 401(1) of this title;

(2) to provide leadership and coordination and recommend policies for activities designed—

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

(B) to prevent and detect fraud and abuse in those programs and operations; and

(3) to provide a means for keeping the head of the establishments and Congress fully and currently informed about problems and deficiencies relating to the administration of those programs and operations and the necessity for and progress of corrective action.

(Pub. L. 117–286, §3(b), Dec. 27, 2022, 136 Stat. 4208.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
402	5 U.S.C. App. (IGA §2)	Pub. L. 95–452, §2, Oct. 12, 1978, 92 Stat. 1101; Pub. L. 96–88, title V, §508(n)(1), Oct. 17, 1979, 93 Stat. 694; Pub. L. 97–113, title VII, §705(a)(1), Dec. 29, 1981, 95 Stat. 1544; Pub. L. 97–252, title XI, §1117(a)(1), Sept. 8, 1982, 96 Stat. 750; Pub. L. 99–93, title I, §150(a)(1), Aug. 16, 1985, 99 Stat. 427; Pub. L. 99–399, title IV, §412(a)(1), Aug. 27, 1986, 100 Stat. 867; Pub. L. 100–504, title I, §102(a), (b), Oct. 18, 1988, 102 Stat. 2515; Pub. L. 100–527, §13(h)(1), Oct. 25, 1988, 102 Stat. 2643; Pub. L. 105–206, title I, §1103(a), July 22, 1998, 112 Stat. 705; Pub. L. 110–409, §7(d)(1)(A), Oct. 14, 2008, 122 Stat. 4313.

§ 403. Appointments

(a) **IN GENERAL.**—There shall be at the head of each Office an Inspector General who shall be appointed by the President, by and with the advice and consent of the Senate, 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. Each Inspector General shall report to and be under the general supervision of the head of the establishment involved or, to the extent such authority is delegated, the officer next in rank below such head, but shall not report to, or be subject to supervision by, any other officer of the establishment. Neither the head of the establishment nor the officer next in rank below the head shall 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.

(b) **REMOVAL OR TRANSFER.**—An Inspector General may be removed from office by the President. If an Inspector General is removed from office or is transferred to another position or location within an establishment, the President 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.

(c) **NOT EMPLOYEE DETERMINING POLICY.**—For the purposes of section 7324 of this title, an Inspector General shall not be considered to be an employee who determines policies to be pursued by the United States in the nationwide administration of Federal laws.

(d) **ASSISTANT INSPECTORS GENERAL AND WHISTLEBLOWER PROTECTION COORDINATOR.**—

(1) **IN GENERAL.**—Each Inspector General shall, in accordance with applicable laws and regulations governing the civil service—

(A) appoint an Assistant Inspector General for Auditing who shall have the responsibility for supervising the performance of auditing activities relating to programs and operations of the establishment;

(B) 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; and

(C) designate a Whistleblower Protection Coordinator who shall—

(i) educate agency employees—

(I) about prohibitions against retaliation for protected disclosures; and

(II) who have made or are contemplating making a protected disclosure about the rights and remedies against retaliation for protected disclosures, including—

(aa) the means by which employees may seek review of any allegation of reprisal, including the roles of the Office of the Inspector General, the Office of Special Counsel, the Merit Systems Protection Board, and any other relevant entities; and

(bb) general information about the timeliness of such cases, the availability of any alternative dispute mechanisms, and avenues for potential relief;

(ii) assist the Inspector General in promoting the timely and appropriate handling and consideration of protected disclosures and allegations of reprisal, to the extent practicable, by the Inspector General; and

(iii) assist the Inspector General in facilitating communication and coordination with the Special Counsel, the Council of the Inspectors General on Integrity and Efficiency, the establishment, Congress, and any other relevant entity regarding the timely and appropriate handling and consideration of protected disclosures, allegations of reprisal, and general matters regarding the implementation and administration of whistleblower protection laws, rules, and regulations.

(2) WHISTLEBLOWER PROTECTION COORDINATOR NOT TO ACT AS LEGAL REPRESENTATIVE, AGENT, OR ADVOCATE.—The Whistleblower Protection Coordinator shall not act as a legal representative, agent, or advocate of the employee or former employee.

(3) WHISTLEBLOWER PROTECTION COORDINATOR ACCESS TO INSPECTOR GENERAL.—The Whistleblower Protection Coordinator shall have direct access to the Inspector General as needed to accomplish the requirements of this subsection.

(4) WHISTLEBLOWER PROTECTION COORDINATOR EXCEPTION FOR INTELLIGENCE ACTIVITY.—For the purposes of this section, the requirement of the designation of a Whistleblower Protection Coordinator under paragraph (1)(C) shall not apply to—

(A) any agency that is an element of the intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4))); or

(B) as determined by the President, any executive agency or unit thereof the principal function of which is the conduct of foreign intelligence or counter intelligence activities.

(e) RATE OF PAY.—The annual rate of basic pay for an Inspector General (as defined under section 401 of this title) shall be the rate payable for level III of the Executive Schedule under section 5314 of this title, plus 3 percent.

(f) PROHIBITION ON CASH AWARDS.—An Inspector General (as defined under section 401 or 415(a) of this title) may not receive any cash award or cash bonus, including any cash award under chapter 45 of this title.

(g) LEGAL ADVICE.—Each Inspector General shall, in accordance with applicable laws and regulations governing the civil service, obtain legal advice from a counsel either reporting directly to the Inspector General or another Inspector General.

(Pub. L. 117–286, §3(b), Dec. 27, 2022, 136 Stat. 4208.)

AMENDMENTS NOT SHOWN IN TEXT

This section was derived from section 3 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 3 of Pub. L. 95–452 was amended by Pub. L. 117–263, div. E, title LII, §§5202(a)(1), 5203(a), 5204(a), Dec. 23, 2022, 136 Stat. 3222, 3227, 3233, prior to being repealed and reenacted as this section by Pub. L. 117–286, §§3(b), 7, Dec. 27, 2022, 136 Stat. 4208, 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 3 of Pub. L. 95–452 was amended as follows:

(1) in subsection (b)—

(A) by inserting “(1)(A)” after “(b)”;

(B) in paragraph (1), as so designated—

(i) in subparagraph (A), as so designated, in the second 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

(ii) 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:

“(2)(A) Subject to the other provisions of this paragraph, only the President may place an Inspector General on non-duty status.

“(B) If the President places an Inspector General on non-duty status, the President 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 President may submit that communication not later than the date on which the change in status takes effect if—

“(i) the President 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 President 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 President 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) The President 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 (1)(A) unless the President—

“(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) For the purposes of this paragraph—

“(i) the term ‘Inspector General’—

“(I) means an Inspector General who was appointed by the President, without regard to whether the Senate provided advice and consent with respect to that appointment; and

“(II) includes the Inspector General of an establishment, the Special Inspector General for Afghanistan Reconstruction, the Special Inspector General for the Troubled Asset Relief Program, and the Special Inspector General for Pandemic Recovery; and

“(ii) a reference to the removal or transfer of an Inspector General under paragraph (1), or to the written communication described in that paragraph, shall be considered to be—

“(I) in the case of the Special Inspector General for Afghanistan Reconstruction, a reference to section 1229(c)(6) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 378);

“(II) in the case of the Special Inspector General for the Troubled Asset Relief Program, a reference to section 121(b)(4) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5231(b)(4)); and

“(III) in the case of the Special Inspector General for Pandemic Recovery, a reference to section 4018(b)(3) of the CARES Act (15 U.S.C. 9053(b)(3)).”;

(2) in subsection (d)(1)(C)—

(A) in clause (i), in the matter preceding subclause (I), by inserting “, including employees of that Office of Inspector General” after “employees”; and

(B) in clause (iii), by inserting “(including the Integrity Committee of that Council)” after “and Efficiency”; and

(3) by adding at the end the following:

“(h)(1) In this subsection—

“(A) the term ‘first assistant to the position of Inspector General’ means, with respect to an Office of Inspector General—

“(i) an individual who, as of the day before the date on which the Inspector General dies, resigns, or otherwise becomes unable to perform the functions and duties of that position—

“(I) is serving in a position in that Office; and

“(II) has been designated in writing by the Inspector General, through an order of succession or otherwise, as the first assistant to the position of Inspector General; or

“(ii) if the Inspector General has not made a designation described in clause (i)(II)—

“(I) the Principal Deputy Inspector General of that Office, as of the day before the date on which the Inspector General dies, resigns, or otherwise becomes unable to perform the functions and duties of that position; or

“(II) if there is no Principal Deputy Inspector General of that Office, the Deputy Inspector General of that Office, as of the day before the date on which the Inspector General dies, resigns, or otherwise becomes unable to perform the functions and duties of that position; and

“(B) the term ‘Inspector General’—

“(i) means an Inspector General who is appointed by the President, by and with the advice and consent of the Senate; and

“(ii) includes the Inspector General of an establishment, the Special Inspector General for the Troubled Asset Relief Program, and the Special Inspector General for Pandemic Recovery.

“(2) If an Inspector General dies, resigns, or is otherwise unable to perform the functions and duties of the position—

“(A) section 3345(a) of title 5, United States Code, and section 103(e) of the National Security Act of 1947 (50 U.S.C. 3025(e)) shall not apply;

“(B) subject to paragraph (4), the first assistant to the position of Inspector General shall perform the functions and duties of the Inspector General temporarily in an acting capacity subject to the time limitations of section 3346 of title 5, United States Code; and

“(C) notwithstanding subparagraph (B), and subject to paragraphs (4) and (5), the President (and only the President) may direct an officer or employee of any Office of an Inspector General to perform the functions and duties of the Inspector General temporarily in an acting capacity subject to the time limitations of section 3346 of title 5, United States Code, only if—

“(i) during the 365-day period preceding the date of death, resignation, or beginning of inability to serve of the Inspector General, the officer or employee served in a position in an Office of an Inspector General for not less than 90 days, except that—

“(I) the requirement under this clause shall not apply if the officer is an Inspector General; and

“(II) for the purposes of this subparagraph, performing the functions and duties of an Inspector General temporarily in an acting capacity does not qualify as service in a position in an Office of an Inspector General;

“(ii) the rate of pay for the position of the officer or employee described in clause (i) is equal to or greater than the minimum rate of pay payable for a position at GS-15 of the General Schedule;

“(iii) the officer or employee has demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations; and

“(iv) not later than 30 days before the date on which the direction takes effect, the President communicates in writing to both Houses of Congress (including to the appropriate congressional committees) the substantive rationale, including the detailed and case-specific reasons, for such direction, including the reason for the direction that someone other than the individual who is performing the functions and duties of the Inspector General temporarily in an acting capacity (as of the date on which the President issues that direction) perform those functions and duties temporarily in an acting capacity.

“(3) Notwithstanding section 3345(a) of title 5, United States Code, and subparagraphs (B) and (C) of paragraph (2), and subject to paragraph (4), during any period in which an Inspector General is on non-duty status—

“(A) the first assistant to the position of Inspector General shall perform the functions and duties of the position temporarily in an acting capacity subject to the time limitations of section 3346 of title 5, United States Code; and

“(B) if the first assistant described in subparagraph (A) dies, resigns, or becomes otherwise unable to perform those functions and duties, the President (and only the President) may direct an officer or employee in that Office of Inspector General to perform those functions and duties temporarily in an acting capacity, subject to the time limitations of section 3346 of title 5, United States Code, if—

“(i) that direction satisfies the requirements under clauses (ii), (iii), and (iv) of paragraph (2)(C); and

“(ii) that officer or employee served in a position in that Office of Inspector General for not fewer than 90 of the 365 days preceding the date on which the President makes that direction.

“(4) An individual may perform the functions and duties of an Inspector General temporarily and in an acting capacity under subparagraph (B) or (C) of paragraph (2), or under paragraph (3), with respect to only 1 Inspector General position at any given time.

“(5) If the President makes a direction under paragraph (2)(C), during the 30-day period preceding the date on which the direction of the President takes effect, the functions and duties of the position of the applicable Inspector General shall be performed by—

“(A) the first assistant to the position of Inspector General; or

“(B) the individual performing those functions and duties temporarily in an acting capacity, as of the date on which the President issues that direction, if that individual is an individual other than the first assistant to the position of Inspector General.”

As enacted by Pub. L. 117–286, subsection (b) of this section contains a heading after the subsection designation. The amendment inserting “(1)(A)” after “(b)” in section 3(b) of Pub. L. 95–452 amended text that did not contain a subsection heading.

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)
403	5 U.S.C. App. (IGA §3)	Pub. L. 95–452, §3, Oct. 12, 1978, 92 Stat. 1101; Pub. L. 110–409, §§3(a), 4(a)(1), 5, 6(a), Oct. 14, 2008, 122 Stat. 4302, 4305; Pub. L. 112–199, title I, §117(a), Nov. 27, 2012, 126 Stat. 1474; Pub. L. 114–317, §7(d)(3)(A), Dec. 16, 2016, 130 Stat. 1606; Pub. L. 115–192, §2(a), June 25, 2018, 132 Stat. 1502.

In subsection (d)(4) (matter before subparagraph (A)), the words “Whistleblower Protection Coordinator” are substituted for “Whistleblower Protection Ombudsman” to correct an error in the law.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2022 AMENDMENT

Pub. L. 117–263, div. E, title LII, §5203(e), Dec. 23, 2022, 136 Stat. 3233, provided that:

“(1) DEFINITION.—In this subsection, the term ‘Inspector General’ has the meaning given the term in subsection (h)(1)(B) of section 3 of the Inspector General Act of 1978 (5 U.S.C. App.), as added by subsection (a) of this section [see Amendments Not Shown in Text note above].

“(2) APPLICABILITY.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), this section [amending section 3 of Pub. L. 95–452 (restated as this section), sections 3033 and 3517 of Title 50, War and National Defense, and enacting provisions set out as a note under this section], and the amendments made by this section, shall take effect on the date of enactment of this Act [Dec. 23, 2022].

“(B) EXISTING VACANCIES.—If, as of the date of enactment of this Act, an individual is performing the functions and duties of an Inspector General temporarily in an acting capacity, this section, and the amendments made by this section, shall take effect with respect to that Inspector General position on the date that is 30 days after the date of enactment of this Act.”

CONSTRUCTION

Pub. L. 117–263, div. E, title LII, §5203(d), Dec. 23, 2022, 136 Stat. 3233, provided that: “Nothing in the amendment made by subsection (a) [adding subsec. (h) to section 3 of Pub. L. 95–452 (restated as this section), see Amendments Not Shown in Text note above] may be construed to limit the applicability of sections 3345 through 3349d of title 5, United States Code (commonly known as the ‘Federal Vacancies Reform Act of 1998’), other than with respect to section 3345(a) of that title.”

Pub. L. 110–409, §6(c), Oct. 14, 2008, 122 Stat. 4305, as amended by Pub. L. 117–286, §4(b)(5), Dec. 27, 2022, 136 Stat. 4343, provided that: “Nothing in the amendments made by this section [amending former sections 3 and 8G of Pub. L. 95–452, see 5 U.S.C. 403, 415] shall be construed to alter the duties and responsibilities of the counsel for any establishment or designated Federal entity, except for the availability of counsel as provided under sections 403(g) and 415(g) of title 5, United States Code. The Counsel to the Inspector General shall perform such functions as the Inspector General may prescribe.”

ACTING TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION

Pub. L. 105–277, div. C, title I, §101, Oct. 21, 1998, 112 Stat. 2681–584, as amended by Pub. L. 106–113, div. B, §1000(a)(5) [title II, §239(a)], Nov. 29, 1999, 113 Stat. 1536, 1501A–302; Pub. L. 117–286, §4(b)(7), Dec. 27, 2022, 136 Stat. 4343, related to the appointment by the President of an Acting Treasury Inspector General for Tax Administration whose service was to conclude no later than Apr. 30, 1999.

[Pub. L. 106–113, div. B, §1000(a)(5) [title II, §239(b)], Nov. 29, 1999, 113 Stat. 1536, 1501A–302, provided that the amendment made by subsection §239(a) to section 101 of Pub. L. 105–277 was effective as if included in the enactment of Pub. L. 105–277.]

§ 404. Duties and responsibilities

(a) IN GENERAL.—It shall be the duty and responsibility of each Inspector General, with respect to the establishment within which the Inspector General’s Office is established—

(1) to provide policy direction for and to conduct, supervise, and coordinate audits and investigations relating to the programs and operations of the establishment;

(2) to review existing and proposed legislation and regulations relating to programs and operations of the establishment and to make recommendations in the semiannual reports required by section 405(b) of this title con-

cerning the impact of the legislation and regulations on the economy and efficiency in the administration of programs and operations administered or financed by the establishment, or the prevention and detection of fraud and abuse in the programs and operations;

(3) to recommend policies for, and to conduct, supervise, or coordinate other activities carried out or financed by, the establishment for the purpose of promoting economy and efficiency in the administration of, or preventing and detecting fraud and abuse in, its programs and operations;

(4) to recommend policies for the establishment, and to conduct, supervise, or coordinate relationships between the establishment and other Federal agencies, State and local governmental agencies, and nongovernmental entities, with respect to—

(A) all matters relating to the promotion of economy and efficiency in the administration of, or the prevention and detection of fraud and abuse in, programs and operations administered or financed by the establishment; or

(B) the identification and prosecution of participants in fraud or abuse referred to in subparagraph (A); and

(5) to keep the head of the establishment and Congress fully and currently informed, by means of the reports required by section 405 of this title and otherwise, concerning fraud and other serious problems, abuses, and deficiencies relating to the administration of programs and operations administered or financed by the establishment, to recommend corrective action concerning the problems, abuses, and deficiencies, and to report on the progress made in implementing the corrective action.

(b) STANDARDS AND GUIDELINES.—

(1) IN GENERAL.—In carrying out the responsibilities specified in subsection (a)(1), each Inspector General shall—

(A) comply with standards established by the Comptroller General of the United States for audits of Federal establishments, organizations, programs, activities, and functions;

(B) establish guidelines for determining when it shall be appropriate to use non-Federal auditors; and

(C) take appropriate steps to ensure that any work performed by non-Federal auditors complies with the standards established by the Comptroller General as described in paragraph (1).¹

(2) REVIEWS PERFORMED EXCLUSIVELY BY AUDIT ENTITIES IN FEDERAL GOVERNMENT.—For purposes of determining compliance with paragraph (1)(A) with respect to whether internal quality controls are in place and operating and whether established audit standards, policies, and procedures are being followed by Offices of Inspector General of establishments defined under section 401 of this title, Offices of Inspector General of designated Federal entities defined under section 415(a) of this title,

and any audit office established within a Federal entity defined under section 415(a) of this title, reviews shall be performed exclusively by an audit entity in the Federal Government, including the Government Accountability Office or the Office of Inspector General of each establishment defined under section 401 of this title, or the Office of Inspector General of each designated Federal entity defined under section 415(a) of this title.

(c) EFFECTIVE COORDINATION AND COOPERATION.—In carrying out the duties and responsibilities established under this chapter, each Inspector General shall give particular regard to the activities of the Comptroller General of the United States with a view toward avoiding duplication and ensuring effective coordination and cooperation.

(d) REPORTING VIOLATION OF FEDERAL CRIMINAL LAW.—In carrying out the duties and responsibilities established under this chapter, each Inspector General shall report expeditiously to the Attorney General whenever the Inspector General has reasonable grounds to believe there has been a violation of Federal criminal law.

(e) RECOMMENDATIONS FOR CORRECTIVE ACTIONS.—

(1) SUBMISSION OF DOCUMENTS.—In carrying out the duties and responsibilities established under this chapter, whenever an Inspector General issues a recommendation for corrective action to the agency, the Inspector General—

(A) shall submit the document making a recommendation for corrective action to—

(i) the head of the establishment;

(ii) the congressional committees of jurisdiction; and

(iii) if the recommendation for corrective action was initiated upon request by an individual or entity other than the Inspector General, that individual or entity;

(B) may submit the document making a recommendation for corrective action to any Member of Congress upon request; and

(C) not later than 3 days after the recommendation for corrective action is submitted in final form to the head of the establishment, post the document making a recommendation for corrective action on the website of the Office of Inspector General.

(2) PUBLIC DISCLOSURE OTHERWISE PROHIBITED BY LAW.—Nothing in this subsection shall be construed as authorizing an Inspector General to publicly disclose information otherwise prohibited from disclosure by law.

(Pub. L. 117-286, §3(b), Dec. 27, 2022, 136 Stat. 4210.)

AMENDMENTS NOT SHOWN IN TEXT

This section was derived from section 4 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 4 of Pub. L. 95-452 was amended by Pub. L. 117-263, div. E, title LII, §5273(1), Dec. 23, 2022, 136 Stat. 3241, prior to being repealed and reenacted as this section by Pub. L.

¹ See References in Text note below.

117–286, §§ 3(b), 7, Dec. 27, 2022, 136 Stat. 4210, 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 4 of Pub. L. 95–452 was amended in subsection (a)(2) as follows:

(1) by inserting “, including” after “to make recommendations”; and

(2) by inserting a comma after “section 5(a)”.

The phrase “section 5(a)” did not appear in the text of subsection (a)(2) as enacted by Pub. L. 117–286 but was changed to “section 405(b) of this title”.

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
404	5 U.S.C. App. (IGA § 4)	Pub. L. 95–452, § 4, Oct. 12, 1978, 92 Stat. 1102; Pub. L. 100–504, title I, § 109, Oct. 18, 1988, 102 Stat. 2529; Pub. L. 103–82, title II, § 202(g)(5)(A), Sept. 21, 1993, 107 Stat. 890; Pub. L. 108–271, § 8(b), July 7, 2004, 118 Stat. 814; Pub. L. 110–409, § 7(d)(1)(A), Oct. 14, 2008, 122 Stat. 4313; Pub. L. 114–317, §§ 4(d), 7(d)(2)(A), Dec. 16, 2016, 130 Stat. 1602, 1606

In subsection (a)(4) (matter before subparagraph (A)), the words “the establishment” are inserted after “to recommend policies for” and a comma is inserted after “and nongovernmental entities” for clarity.

In subsection (b)(1)(C), the word “ensure” is substituted for “assure” for clarity.

In subsection (c), the word “ensuring” is substituted for “insuring” for clarity.

Editorial Notes

REFERENCES IN TEXT

Paragraph (1), referred to in subsec. (b)(1)(C), means par. (1) of subsec. (b) of this section, but probably should be a reference to subpar. (A) of subsec. (b)(1) of this section. Prior to repeal and restatement as this section, subsec. (b)(1) of the source section had been redesignated as subsec. (b)(1)(A) by Pub. L. 100–504, title I, § 109(1), (2), Oct. 18, 1988, 102 Stat. 2529, with no conforming amendment to the reference, and the restated text carried over such reference without change.

§ 405. Reports

(a) DEFINITIONS.—In this section:

(1) DISALLOWED COST.—The term “disallowed cost” means a questioned cost that management, in a management decision, has sustained or agreed should not be charged to the Government.

(2) FINAL ACTION.—The term “final action” means—

(A) the completion of all actions that the management of an establishment has concluded, in its management decision, are necessary with respect to the findings and recommendations included in an audit report; and

(B) in the event that the management of an establishment concludes no action is necessary, final action occurs when a management decision has been made.

(3) MANAGEMENT DECISION.—The term “management decision” means the evaluation by

the management of an establishment of the findings and recommendations included in an audit report and the issuance of a final decision by management concerning its response to the findings and recommendations, including actions concluded to be necessary.

(4) QUESTIONED COST.—The term “questioned cost” means a cost that is questioned by the Office because of—

(A) an alleged violation of a provision of a law, regulation, contract, grant, cooperative agreement, or other agreement or document governing the expenditure of funds;

(B) a finding that, at the time of the audit, the cost is not supported by adequate documentation; or

(C) a finding that the expenditure of funds for the intended purpose is unnecessary or unreasonable.

(5) RECOMMENDATION THAT FUNDS BE PUT TO BETTER USE.—The term “recommendation that funds be put to better use” means a recommendation by the Office that funds could be used more efficiently if management of an establishment took actions to implement and complete the recommendation, including—

(A) reductions in outlays;

(B) deobligation of funds from programs or operations;

(C) withdrawal of interest subsidy costs on loans or loan guarantees, insurance, or bonds;

(D) costs not incurred by implementing recommended improvements related to the operations of the establishment, a contractor, or grantee;

(E) avoidance of unnecessary expenditures noted in preaward reviews of contract or grant agreements; or

(F) any other savings which are specifically identified.

(6) SENIOR GOVERNMENT EMPLOYEE.—The term “senior Government employee” means—

(A) an officer or employee in the executive branch (including a special Government employee as defined in section 202 of title 18) who occupies a position classified at or above GS–15 of the General Schedule or, in the case of positions not under the General Schedule, for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS–15 of the General Schedule; and

(B) any commissioned officer in the Armed Forces in pay grades O–6 and above.

(7) UNSUPPORTED COST.—The term “unsupported cost” means a cost that is questioned by the Office because the Office found that, at the time of the audit, such cost is not supported by adequate documentation.

(b) SEMIANNUAL REPORTS.—Each Inspector General shall, not later than April 30 and October 31 of each year, prepare semiannual reports summarizing the activities of the Office during the immediately preceding 6-month periods ending March 31 and September 30. The reports shall include, but need not be limited to—

(1) a description of significant problems, abuses, and deficiencies relating to the admin-

istration of programs and operations of such establishment disclosed by such activities during the reporting period;

(2) a description of the recommendations for corrective action made by the Office during the reporting period with respect to significant problems, abuses, or deficiencies identified pursuant to paragraph (1);

(3) an identification of each significant recommendation described in previous semi-annual reports on which corrective action has not been completed;

(4) a summary of matters referred to prosecutive authorities and the prosecutions and convictions which have resulted;

(5) a summary of each report made to the head of the establishment under section 406(c)(2) of this title during the reporting period;

(6) a listing, subdivided according to subject matter, of each audit report, inspection report, and evaluation report issued by the Office during the reporting period and for each report, where applicable, the total dollar value of questioned costs (including a separate category for the dollar value of unsupported costs) and the dollar value of recommendations that funds be put to better use;

(7) a summary of each particularly significant report;

(8) statistical tables showing the total number of audit reports, inspection reports, and evaluation reports and the total dollar value of questioned costs (including a separate category for the dollar value of unsupported costs), for reports—

(A) for which no management decision had been made by the commencement of the reporting period;

(B) which were issued during the reporting period;

(C) for which a management decision was made during the reporting period, including—

(i) the dollar value of disallowed costs; and

(ii) the dollar value of costs not disallowed; and

(D) for which no management decision has been made by the end of the reporting period;

(9) statistical tables showing the total number of audit reports, inspection reports, and evaluation reports and the dollar value of recommendations that funds be put to better use by management, for reports—

(A) for which no management decision had been made by the commencement of the reporting period;

(B) which were issued during the reporting period;

(C) for which a management decision was made during the reporting period, including—

(i) the dollar value of recommendations that were agreed to by management; and

(ii) the dollar value of recommendations that were not agreed to by management; and

(D) for which no management decision has been made by the end of the reporting period;

(10) a summary of each audit report, inspection report, and evaluation report issued before the commencement of the reporting period—

(A) for which no management decision has been made by the end of the reporting period (including the date and title of each such report), an explanation of the reasons such management decision has not been made, and a statement concerning the desired timetable for achieving a management decision on each such report;

(B) for which no establishment comment was returned within 60 days of providing the report to the establishment; and

(C) for which there are any outstanding unimplemented recommendations, including the aggregate potential cost savings of those recommendations;

(11) a description and explanation of the reasons for any significant revised management decision made during the reporting period;

(12) information concerning any significant management decision with which the Inspector General is in disagreement;

(13) the information described under section 804(b) of the Federal Financial Management Improvement Act of 1996 (Public Law 104-208, §101(f) [title VIII], 31 U.S.C. 3512 note);

(14)(A) an appendix containing the results of any peer review conducted by another Office of Inspector General during the reporting period; or

(B) if no peer review was conducted within that reporting period, a statement identifying the date of the last peer review conducted by another Office of Inspector General;

(15) a list of any outstanding recommendations from any peer review conducted by another Office of Inspector General that have not been fully implemented, including a statement describing the status of the implementation and why implementation is not complete;

(16) a list of any peer reviews conducted by the Inspector General of another Office of the Inspector General during the reporting period, including a list of any outstanding recommendations made from any previous peer review (including any peer review conducted before the reporting period) that remain outstanding or have not been fully implemented;

(17) statistical tables showing—

(A) the total number of investigative reports issued during the reporting period;

(B) the total number of persons referred to the Department of Justice for criminal prosecution during the reporting period;

(C) the total number of persons referred to State and local prosecuting authorities for criminal prosecution during the reporting period; and

(D) the total number of indictments and criminal informations during the reporting period that resulted from any prior referral to prosecuting authorities;

(18) a description of the metrics used for developing the data for the statistical tables under paragraph (17);

(19) a report on each investigation conducted by the Office involving a senior Government

employee where allegations of misconduct were substantiated, including the name of the senior government official (as defined by the department or agency) if already made public by the Office, and a detailed description of—

(A) the facts and circumstances of the investigation; and

(B) the status and disposition of the matter, including—

(i) if the matter was referred to the Department of Justice, the date of the referral; and

(ii) if the Department of Justice declined the referral, the date of the declination;

(20)(A) a detailed description of any instance of whistleblower retaliation, including information about the official found to have engaged in retaliation; and

(B) what, if any, consequences the establishment actually imposed to hold the official described in subparagraph (A) accountable;

(21) a detailed description of any attempt by the establishment to interfere with the independence of the Office, including—

(A) with budget constraints designed to limit the capabilities of the Office; and

(B) incidents where the establishment has resisted or objected to oversight activities of the Office or restricted or significantly delayed access to information, including the justification of the establishment for such action; and

(22) detailed descriptions of the particular circumstances of each—

(A) inspection, evaluation, and audit conducted by the Office that is closed and was not disclosed to the public; and

(B) investigation conducted by the Office involving a senior Government employee that is closed and was not disclosed to the public.

(c) FURNISHING SEMIANNUAL REPORTS TO HEAD OF ESTABLISHMENT AND CONGRESS.—Semiannual reports of each Inspector General shall be furnished to the head of the establishment involved not later than April 30 and October 31 of each year and shall be transmitted by the head of the establishment to the appropriate committees or subcommittees of the Congress within 30 days after receipt of the report, together with a report by the head of the establishment containing—

(1) any comments the head of the establishment determines appropriate;

(2) statistical tables showing the total number of audit reports, inspection reports, and evaluation reports and the dollar value of disallowed costs, for reports—

(A) for which final action had not been taken by the commencement of the reporting period;

(B) on which management decisions were made during the reporting period;

(C) for which final action was taken during the reporting period, including—

(i) the dollar value of disallowed costs that were recovered by management through collection, offset, property in lieu of cash, or otherwise; and

(ii) the dollar value of disallowed costs that were written off by management; and

(D) for which no final action has been taken by the end of the reporting period;

(3) statistical tables showing the total number of audit reports, inspection reports, and evaluation reports and the dollar value of recommendations that funds be put to better use by management agreed to in a management decision, for reports—

(A) for which final action had not been taken by the commencement of the reporting period;

(B) on which management decisions were made during the reporting period;

(C) for which final action was taken during the reporting period, including—

(i) the dollar value of recommendations that were actually completed; and

(ii) the dollar value of recommendations that management has subsequently concluded should not or could not be implemented or completed; and

(D) for which no final action has been taken by the end of the reporting period;

(4) whether the establishment entered into a settlement agreement with the official described in subsection (b)(20)(A), which shall be reported regardless of any confidentiality agreement relating to the settlement agreement; and

(5) a statement with respect to audit reports on which management decisions have been made but final action has not been taken, other than audit reports on which a management decision was made within the preceding year, containing—

(A) a list of such audit reports and the date each such report was issued;

(B) the dollar value of disallowed costs for each report;

(C) the dollar value of recommendations that funds be put to better use agreed to by management for each report; and

(D) an explanation of the reasons final action has not been taken with respect to each audit report,

except that the statement may exclude any audit reports that are under formal administrative or judicial appeal or upon which management of an establishment has agreed to pursue a legislative solution, but the statement shall identify the number of reports in each category so excluded.

(d) REPORTS AVAILABLE TO PUBLIC.—Within 60 days of the transmission of the semiannual reports of each Inspector General to Congress, the head of each establishment shall make copies of the report available to the public upon request and at a reasonable cost. Within 60 days after the transmission of the semiannual reports of each establishment head to Congress, the head of each establishment shall make copies of the report available to the public upon request and at a reasonable cost.

(e) REPORTING SERIOUS PROBLEMS, ABUSES, OR DEFICIENCIES.—Each Inspector General shall report immediately to the head of the establishment involved whenever the Inspector General becomes aware of particularly serious or flagrant problems, abuses, or deficiencies relating

to the administration of programs and operations of the establishment. The head of the establishment shall transmit any such report to the appropriate committees or subcommittees of Congress within 7 calendar days, together with a report by the head of the establishment containing any comments the establishment head deems appropriate.

(f) LIMITATION ON PUBLIC DISCLOSURE OF INFORMATION.—

(1) IN GENERAL.—Nothing in this section 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.

(2) CRIMINAL INVESTIGATION INFORMATION IN PUBLIC RECORDS.—Notwithstanding paragraph (1)(C), any report under this section may be disclosed to the public in a form which includes information with respect to a part of an ongoing criminal investigation if such information has been included in a public record.

(3) NO AUTHORIZATION TO WITHHOLD INFORMATION FROM CONGRESS.—Except to the extent and in the manner provided under section 6103(f) of the Internal Revenue Code of 1986 (26 U.S.C. 6103(f)), nothing in this section or in any other provision of this chapter shall be construed to authorize or permit the withholding of information from Congress, or from any committee or subcommittee of Congress.

(4) PROVISION OF INFORMATION TO MEMBERS OF CONGRESS.—Subject to any other provision of law that would otherwise prohibit disclosure of such information, the information described in paragraph (1) may be provided to any Member of Congress upon request.

(5) PROTECTION OF PERSONALLY IDENTIFIABLE INFORMATION OF WHISTLEBLOWERS.—An Office may not provide to Congress or the public any information that reveals the personally identifiable information of a whistleblower under this section unless the Office first obtains the consent of the whistleblower.

(Pub. L. 117–286, § 3(b), Dec. 27, 2022, 136 Stat. 4212.)

AMENDMENTS NOT SHOWN IN TEXT

This section was derived from section 5 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 5 of Pub. L. 95–452 was amended by Pub. L. 117–263, div. E, title LII, §§ 5235, 5241, 5272(1), 5273(2), 5274(a), Dec. 23, 2022, 136 Stat. 3236, 3237, 3239, 3241, 3244, prior to being repealed and reenacted as this section by Pub. L. 117–286, §§ 3(b), 7, Dec. 27, 2022, 136 Stat. 4212, 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 5 of Pub. L. 95–452 was amended as follows:

(1) in subsection (a) [enacted by Pub. L. 117–286 as subsection (b) of this section]—

(A) by striking paragraphs (1) through (12) and inserting the following:

“(1) a description of significant problems, abuses, and deficiencies relating to the administration of programs and operations of the establishment and associated reports and recommendations for corrective action made by the Office;

“(2) an identification of each recommendation made before the reporting period, for which corrective action has not been completed, including the potential costs savings associated with the recommendation;

“(3) a summary of significant investigations closed during the reporting period;

“(4) an identification of the total number of convictions during the reporting period resulting from investigations;

“(5) information regarding each audit, inspection, or evaluation report issued during the reporting period, including—

“(A) a listing of each audit, inspection, or evaluation;

“(B) if applicable, the total dollar value of questioned costs (including a separate category for the dollar value of unsupported costs) and the dollar value of recommendations that funds be put to better use, including whether a management decision had been made by the end of the reporting period;

“(6) information regarding any management decision made during the reporting period with respect to any audit, inspection, or evaluation issued during a previous reporting period;”;

(B) by redesignating paragraphs (13) through (22) as paragraphs (7) through (16), respectively;

(C) by amending paragraph (13), as so redesignated, to read as follows:

“(13) a report on each investigation conducted by the Office where allegations of misconduct were substantiated involving a senior Government employee or senior official (as defined by the Office) if the establishment does not have senior Government employees, which shall include—

“(A) the name of the senior Government employee, if already made public by the Office; and

“(B) a detailed description of—

“(i) the facts and circumstances of the investigation; and

“(ii) the status and disposition of the matter, including—

“(I) if the matter was referred to the Department of Justice, the date of the referral; and

“(II) if the Department of Justice declined the referral, the date of the declination;”;

and

(D) by amending paragraph (15), as so redesignated, to read as follows:

“(15) information related to interference by the establishment, including—

“(A) a detailed description of any attempt by the establishment to interfere with the independence of the Office, including—

“(i) with budget constraints designed to limit the capabilities of the Office; and

“(ii) incidents where the establishment has resisted or objected to oversight activities of the Office or restricted or significantly de-

layed access to information, including the justification of the establishment for such action; and

“(B) a summary of each report made to the head of the establishment under section 6(c)(2) during the reporting period;”;

(2) in subsection (b) [enacted by Pub. L. 117-286 as subsection (c) of this section]—

(A) in the matter preceding paragraph (1), by striking “committees or subcommittees of the Congress” and inserting “congressional committees”;

(B) by striking paragraphs (2) and (3) and inserting the following:

“(2) where final action on audit, inspection, and evaluation reports had not been taken before the commencement of the reporting period, statistical tables showing—

“(A) with respect to management decisions—

“(i) for each report, whether a management decision was made during the reporting period;

“(ii) if a management decision was made during the reporting period, the dollar value of disallowed costs and funds to be put to better use as agreed to in the management decision; and

“(iii) total number of reports where a management decision was made during the reporting period and the total corresponding dollar value of disallowed costs and funds to be put to better use as agreed to in the management decision; and

“(B) with respect to final actions—

“(i) whether, if a management decision was made before the end of the reporting period, final action was taken during the reporting period;

“(ii) if final action was taken, the dollar value of—

“(I) disallowed costs that were recovered by management through collection, offset, property in lieu of cash, or otherwise;

“(II) disallowed costs that were written off by management;

“(III) disallowed costs and funds to be put to better use not yet recovered or written off by management;

“(IV) recommendations that were completed; and

“(V) recommendations that management has subsequently concluded should not or could not be implemented or completed; and

“(iii) total number of reports where final action was not taken and total number of reports where final action was taken, including the total corresponding dollar value of disallowed costs and funds to be put to better use as agreed to in the management decisions;”;

(C) by redesignating paragraph (4) as paragraph (3);

(D) in paragraph (3), as so redesignated, by striking “subsection (a)(20)(A)” [enacted by Pub. L. 117-286 as “subsection (b)(20)(A)”] and inserting “subsection (a)(14)(A)” [probably should be “subsection (b)(14)(A)”]; and

(E) by striking paragraph (5) and inserting the following:

“(4) a statement explaining why final action has not been taken with respect to each audit, in-

spection, and evaluation report in which a management decision has been made but final action has not yet been taken, except that such statement—

“(A) may exclude reports if—

“(i) a management decision was made within the preceding year; or

“(ii) the report is under formal administrative or judicial appeal or management of the establishment has agreed to pursue a legislative solution; and

“(B) shall identify the number of reports in each category so excluded.”;

(3) in subsection (d) [enacted by Pub. L. 117-286 as subsection (e) of this section], by striking “committees or subcommittees of Congress” and inserting “congressional committees”;

(4) by redesignating subsections (e) and (f) [enacted by Pub. L. 117-286 as subsections (f) and (a) of this section, respectively] as subsections (g) and (h), respectively, and by inserting after subsection (d) the following:

“(e) **ADDITIONAL REPORTS.**—

“(1) **REPORT TO INSPECTOR GENERAL.**—The Chairperson of the Integrity Committee of the Council of the Inspectors General on Integrity and Efficiency shall, immediately whenever the Chairperson of the Integrity Committee becomes aware of particularly serious or flagrant problems, abuses, or deficiencies relating to the administration of programs and operations of an Office of Inspector General for which the Integrity Committee may receive, review, and refer for investigation allegations of wrongdoing under section 11(d), submit a report to the Inspector General who leads the Office at which the serious or flagrant problems, abuses, or deficiencies were alleged.

“(2) **REPORT TO PRESIDENT, CONGRESS, AND THE ESTABLISHMENT.**—Not later than 7 days after the date on which an Inspector General receives a report submitted under paragraph (1), the Inspector General shall submit to the President, the appropriate congressional committees, and the head of the establishment—

“(A) the report received under paragraph (1); and

“(B) a report by the Inspector General containing any comments the Inspector General determines appropriate.”;

(5) by inserting after subsection (e), as added by section “5625” of title LII of Pub. L. 117-263 [probably should be section “5235”], the following:

“(f)(1) Except as provided in paragraph (2), not later than 15 days after an Inspector General is removed, placed on paid or unpaid nonduty status, or transferred to another position or location within an establishment, the officer or employee performing the functions and duties of the Inspector General temporarily in an acting capacity shall submit to the appropriate congressional committees information regarding work being conducted by the Office as of the date on which the Inspector General was removed, placed on paid or unpaid non-duty status, or transferred, which shall include—

“(A) for each investigation—

“(i) the type of alleged offense;

“(ii) the fiscal quarter in which the Office initiated the investigation;

“(iii) the relevant Federal agency, including the relevant component of that Federal agency for any Federal agency listed in section 901(b) of title 31, United States Code, under investigation or affiliated with the individual or entity under investigation; and

“(iv) whether the investigation is administrative, civil, criminal, or a combination thereof, if known; and

“(B) for any work not described in subparagraph (A)—

“(i) a description of the subject matter and scope;

“(ii) the relevant agency, including the relevant component of that Federal agency, under review;

“(iii) the date on which the Office initiated the work; and

“(iv) the expected time frame for completion.

“(2) With respect to an inspector general of an element of the intelligence community specified in section 8G(d)(2) of the Inspector General Act of 1978 (5 U.S.C. App.), the submission required by paragraph (1) shall only be made to the committees of Congress specified in section 8G(d)(2)(E).” [section 8G(d)(2) of the Inspector General Act of 1978 restated by Pub. L. 117–286 as section 415(d)(2) of this title];

(6) by adding at the end of subsection (g) [corresponding to subsection (f) of this section], as redesignated by section “5625” of title LII of Pub. L. 117–263 [probably should be section “5235”] the following:

“(6)(A) Except as provided in subparagraph (B), if an audit, evaluation, inspection, or other non-investigative report prepared by an Inspector General specifically identifies a specific non-governmental organization or business entity, whether or not the non-governmental organization or business entity is the subject of that audit, evaluation, inspection, or non-investigative report—

“(i) the Inspector General shall notify the non-governmental organization or business entity;

“(ii) the non-governmental organization or business entity shall have—

“(I) 30 days to review the audit, evaluation, inspection, or non-investigative report beginning on the date of publication of the audit, evaluation, inspection, or non-investigative report; and

“(II) the opportunity to submit a written response for the purpose of clarifying or providing additional context as it directly relates to each instance wherein an audit, evaluation, inspection, or non-investigative report specifically identifies that non-governmental organization or business entity; and

“(iii) if a written response is submitted under clause (ii)(II) within the 30-day period described in clause (ii)(I)—

“(I) the written response shall be attached to the audit, evaluation, inspection, or non-investigative report; and

“(II) in every instance where the report may appear on the public-facing website of the Inspector General, the website shall be updated in order to access a version of the audit, evaluation, inspection, or non-inves-

tigative report that includes the written response.

“(B) Subparagraph (A) shall not apply with respect to a non-governmental organization or business entity that refused to provide information or assistance sought by an Inspector General during the creation of the audit, evaluation, inspection, or non-investigative report.

“(C) An Inspector General shall review any written response received under subparagraph (A) for the purpose of preventing the improper disclosure of classified information or other non-public information, consistent with applicable laws, rules, and regulations, and, if necessary, redact such information.”; and

(7) by redesignating subsection (h) [corresponding to subsection (a) of this section], as redesignated by section “5625” of title LII of Pub. L. 117–263 [probably should be section “5235”], as subsection (i) and by inserting after subsection (g), as redesignated by section “5625” of title LII of Pub. L. 117–263 [probably should be section “5235”], the following:

“(h) If an Office has published any portion of the report or information required under subsection (a) to the website of the Office or on oversight.gov, the Office may elect to provide links to the relevant webpage or website in the report of the Office under subsection (a) in lieu of including the information in that report.” [subsection (a) restated by Pub. L. 117–286 as subsection (b) of this section]

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)
405	5 U.S.C. App. (IGA § 5)	Pub. L. 95–452, § 5, Oct. 12, 1978, 92 Stat. 1103; Pub. L. 97–252, title XI, § 1117(c), Sept. 8, 1982, 96 Stat. 752; Pub. L. 100–504, title I, §§ 102(g), 106, Oct. 18, 1988, 102 Stat. 2521, 2525; Pub. L. 104–208, div. A, title I, § 101(f) [title VIII, § 805(c)], Sept. 30, 1996, 110 Stat. 3009–314, 3009–393; Pub. L. 110–409, § 12, Oct. 14, 2008, 122 Stat. 4315; Pub. L. 111–203, title IX, § 989C, July 21, 2010, 124 Stat. 1945; Pub. L. 114–317, §§ 4(c), 7(d)(2)(B), (C), Dec. 16, 2016, 130 Stat. 1600, 1606; Pub. L. 115–192, § 2(c), June 25, 2018, 132 Stat. 1503; Pub. L. 116–92, div. A, title XVII, § 1710, Dec. 20, 2019, 133 Stat. 1801.

In subsection (b)(6), the words “inspection report, and evaluation report” are substituted for “inspection reports, and evaluation reports” to correct typographical errors in the law.

In subsection (b)(10) (matter before subparagraph (A)), the words “inspection report, and evaluation report” are substituted for “inspection reports, and evaluation reports” to correct typographical errors in the law.

In subsection (b)(10), at the end of subparagraph (C), a semicolon is substituted for the period to correct a typographical error in the law.

In subsection (b)(13), the parenthetical “(Public Law 104–208, Sec. 101(f) [title VIII], 31 U.S.C. 3512 note)” is inserted after “section 804(b) of the Federal Financial Management Improvement Act of 1996” for clarity.

Editorial Notes**REFERENCES IN TEXT**

The General Schedule, referred to in subsec. (a)(6)(A), is set out under section 5332 of this title.

Commissioned officer pay grades O-6 and above, referred to in subsec. (a)(6)(B), is described in section 201 of Title 37, Pay and Allowances of the Uniformed Services, and is set out under section 5332 of this title.

Section 804(b) of the Federal Financial Management Improvement Act of 1996, referred to in subsec. (b)(13), is section 101(f) [title VIII, §804(b)] of title I of Pub. L. 104-208, Sept. 30, 1996, 110 Stat. 3009-314, 3009-392, which is set out in a note under section 3512 of Title 31, Money and Finance.

Statutory Notes and Related Subsidiaries**RETROACTIVE APPLICABILITY**

Pub. L. 117-263, div. E, title LII, §5274(b), Dec. 23, 2022, 136 Stat. 3245, provided that: “During the 30-day period beginning on the date of enactment of this Act [Dec. 23, 2022]—

“(1) the amendment made by subsection (a) [adding par. (6) to section 5(g) of Pub. L. 95-452 (restated as subsec. (f) of this section), see Amendments Not Shown in Text note above] shall apply upon the request of a non-governmental organization or business entity named in an audit, evaluation, inspection, or other non-investigative report prepared on or after January 1, 2019; and

“(2) any written response submitted under clause (iii) of section 5(g)(6)(A) of the Inspector General Act of 1978 (5 U.S.C. App.), as added by subsection (a), with respect to such an audit, evaluation, inspection, or other non-investigative report shall attach to the original report in the manner described in that clause.”

CORRECTIVE RESPONSES BY HEADS OF CERTAIN ESTABLISHMENTS TO DEFICIENCIES IDENTIFIED BY INSPECTORS GENERAL

Pub. L. 111-203, title IX, §989H, July 21, 2010, 124 Stat. 1948, provided that: “The Chairman of the Board of Governors of the Federal Reserve System, the Chairman of the Commodity Futures Trading Commission, the Chairman of the National Credit Union Administration, the Director of the Pension Benefit Guaranty Corporation, and the Chairman of the Securities and Exchange Commission shall each—

“(1) take action to address deficiencies identified by a report or investigation of the Inspector General of the establishment concerned; or

“(2) certify to both Houses of Congress that no action is necessary or appropriate in connection with a deficiency described in paragraph (1).”

DISCLOSURE OF GOVERNMENT CONTRACTOR AUDIT FINDINGS

Pub. L. 110-181, div. A, title VIII, §845, Jan. 28, 2008, 122 Stat. 240, as amended by Pub. L. 117-286, §4(b)(8), Dec. 27, 2022, 136 Stat. 4343, provided that:

“(a) **REQUIRED ANNEX ON SIGNIFICANT AUDIT FINDINGS.**—

“(1) **IN GENERAL.**—Each Inspector General appointed under chapter 4 of title 5, United States Code, shall submit, as part of the semiannual report submitted to Congress pursuant to section 5 of such Act, an annex on final, completed contract audit reports issued to the contracting activity containing significant audit findings issued during the period covered by the semiannual report concerned.

“(2) **ELEMENTS.**—Such annex shall include—

“(A) a list of such contract audit reports;

“(B) for each audit report, a brief description of the nature of the significant audit findings in the report; and

“(C) for each audit report, the specific amounts of costs identified as unsupported, questioned, or disallowed.

“(3) **INFORMATION EXEMPT FROM PUBLIC DISCLOSURE.**—(A) Nothing in this subsection shall be construed to require the release of information to the public that is exempt from public disclosure under section 552(b) of title 5, United States Code.

“(B) For each element required by paragraph (2), the Inspector General concerned shall note each instance where information has been redacted in accordance with the requirements of section 552(b) of title 5, United States Code, and submit an unredacted annex to the committees listed in subsection (d)(2) within 7 days after the issuance of the semiannual report.

“(b) **DEFENSE CONTRACT AUDIT AGENCY INCLUDED.**—For purposes of subsection (a), audits of the Defense Contract Audit Agency shall be included in the annex provided by the Inspector General of the Department of Defense if they include significant audit findings.

“(c) **EXCEPTION.**—Subsection (a) shall not apply to an Inspector General if no audits described in such subsection were issued during the covered period.

“(d) **SUBMISSION OF INDIVIDUAL AUDITS.**—

“(1) **REQUIREMENT.**—The head of each Federal department or agency shall provide, within 14 days after a request in writing by the chairman or ranking member of any committee listed in paragraph (2), a full and unredacted copy of any audit described in subsection (a). Such copy shall include an identification of information in the audit exempt from public disclosure under section 552(b) of title 5, United States Code.

“(2) **COMMITTEES.**—The committees listed in this paragraph are the following:

“(A) The Committee on Oversight and Government Reform [now Committee on Oversight and Accountability] of the House of Representatives.

“(B) The Committee on Homeland Security and Governmental Affairs of the Senate.

“(C) The Committees on Appropriations of the House of Representatives and the Senate.

“(D) With respect to the Department of Defense and the Department of Energy, the Committees on Armed Services of the Senate and House of Representatives.

“(E) The Committees of primary jurisdiction over the agency or department to which the request is made.

“(e) **CLASSIFIED INFORMATION.**—Nothing in this section shall be interpreted to require the handling of classified information or information relating to intelligence sources and methods in a manner inconsistent with any law, regulation, executive order, or rule of the House of Representatives or of the Senate relating to the handling or protection of such information.

“(f) **DEFINITIONS.**—In this section:

“(1) **SIGNIFICANT AUDIT FINDINGS.**—The term ‘significant audit findings’ includes—

“(A) unsupported, questioned, or disallowed costs in an amount in excess of \$10,000,000; or

“(B) other findings that the Inspector General of the agency or department concerned determines to be significant.

“(2) **CONTRACT.**—The term ‘contract’ includes a contract, an order placed under a task or delivery order contract, or a subcontract.”

PROMPT MANAGEMENT DECISIONS AND IMPLEMENTATION OF AUDIT RECOMMENDATIONS

Pub. L. 103-355, title VI, §6009, Oct. 13, 1994, 108 Stat. 3367, as amended by Pub. L. 104-106, div. A, title VIII, §810, Feb. 10, 1996, 110 Stat. 394; Pub. L. 117-286, §4(b)(9), Dec. 27, 2022, 136 Stat. 4343, provided that:

“(a) **MANAGEMENT DECISIONS.**—(1) The head of a Federal agency shall make management decisions on all findings and recommendations set forth in an audit report of the inspector general of the agency within a maximum of six months after the issuance of the report.

“(2) The head of a Federal agency shall make management decisions on all findings and recommendations

set forth in an audit report of any auditor from outside the Federal Government within a maximum of six months after the date on which the head of the agency receives the report.

“(b) COMPLETION OF FINAL ACTION.—The head of a Federal agency shall complete final action on each management decision required with regard to a recommendation in an inspector general’s report under subsection (a)(1) within 12 months after the date of the inspector general’s report. If the head of the agency fails to complete final action with regard to a management decision within the 12-month period, the inspector general concerned shall identify the matter in each of the inspector general’s semiannual reports pursuant to section 405(b)(3) of title 5, United States Code, until final action on the management decision is completed.”

§ 406. Authority of Inspector General

(a) IN GENERAL.—In addition to the authority otherwise provided by this chapter, each Inspector General, in carrying out the provisions of this chapter, is authorized—

(1)(A) to have timely access to all records, reports, audits, reviews, documents, papers, recommendations, or other materials available to the applicable establishment which relate to the programs and operations with respect to which that Inspector General has responsibilities under this chapter;

(B) to have access under subparagraph (A) notwithstanding any other provision of law, except pursuant to any provision of law enacted by Congress that expressly—

(i) refers to the Inspector General; and

(ii) limits the right of access of the Inspector General; and

(C) except as provided in subsection (i), with regard to Federal grand jury materials protected from disclosure pursuant to rule 6(e) of the Federal Rules of Criminal Procedure, to have timely access to such information if the Attorney General grants the request in accordance with subsection (h);

(2) to make such investigations and reports relating to the administration of the programs and operations of the applicable establishment as are, in the judgment of the Inspector General, necessary or desirable;

(3) to request such information or assistance as may be necessary for carrying out the duties and responsibilities provided by this chapter from any Federal, State, or local governmental agency or unit thereof;

(4) to require by subpoena the production of all information, documents, reports, answers, records, accounts, papers, and other data in any medium (including electronically stored information), as well as any tangible thing and documentary evidence necessary in the performance of the functions assigned by this chapter, which subpoena, in the case of contumacy or refusal to obey, shall be enforceable by order of any appropriate United States district court, but procedures other than subpoenas shall be used by the Inspector General to obtain documents and information from Federal agencies;

(5) to administer to or take from any person an oath, affirmation, or affidavit, whenever necessary in the performance of the functions assigned by this chapter, which oath, affirma-

tion, or affidavit when administered or taken by or before an employee of an Office of Inspector General designated by the Inspector General shall have the same force and effect as if administered or taken by or before an officer having a seal;

(6) to have direct and prompt access to the head of the establishment involved when necessary for any purpose pertaining to the performance of functions and responsibilities under this chapter;

(7) to select, appoint, and employ such officers and employees as may be necessary for carrying out the functions, powers, and duties of the Office subject to the provisions of this title, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of this title relating to classification and General Schedule pay rates;

(8) to obtain services as authorized by section 3109 of this title, at daily rates not to exceed the maximum rate payable under section 5376 of this title; and

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

(b) PUBLIC DISCLOSURE OTHERWISE PROHIBITED BY LAW.—Nothing in this section shall be construed as authorizing an Inspector General to publicly disclose information otherwise prohibited from disclosure by law.

(c) REQUESTS FOR INFORMATION.—

(1) COMPLIANCE IN GENERAL.—Upon request of an Inspector General for information or assistance under subsection (a)(3), the head of any Federal agency involved shall, insofar as is practicable and not in contravention of any existing statutory restriction or regulation of the Federal agency from which the information is requested, furnish to the Inspector General, or to an authorized designee, the requested information or assistance.

(2) UNREASONABLE REFUSAL.—Whenever information or assistance requested under subsection (a)(1) or (a)(3) is, in the judgment of an Inspector General, unreasonably refused or not provided, the Inspector General shall report the circumstances to the head of the establishment involved without delay.

(d) OFFICE SPACE AND SUPPLIES.—Each head of an establishment shall provide the Office within the establishment with appropriate and adequate office space at central and field office locations of the establishment, together with such equipment, office supplies, and communications facilities and services as may be necessary for the operation of the offices, and shall provide necessary maintenance services for the offices and the equipment and facilities provided.

(e) APPLYING CERTAIN PROVISIONS.—

(1) EACH OFFICE CONSIDERED SEPARATE AGENCY.—

(A) For purposes of applying the provisions of law identified in subparagraph (B)—

(i) each Office of Inspector General shall be considered to be a separate agency; and

(ii) the Inspector General who is the head of an office referred to in clause (i) shall, with respect to that office, have the functions, powers, and duties of an agency head or appointing authority under such provisions.

(B) This paragraph applies with respect to the following provisions of this title:

- (i) Subchapter II of chapter 35.
- (ii) Sections 8335(b), 8336, 8344, 8414, 8425(b), and 8468.
- (iii) All provisions relating to the Senior Executive Service (as determined by the Office of Personnel Management), subject to paragraph (2).

(2) APPLYING SECTION 4507(b).—For purposes of applying section 4507(b) of this title, paragraph (1)(A)(ii) shall be applied by substituting “the Council of the Inspectors General on Integrity and Efficiency (established by section 424 of this title) shall” for “the Inspector General who is the head of an office referred to in clause (i) shall, with respect to that office,”.

(f) ADDITIONAL AUTHORITY.—

(1) IN GENERAL.—In addition to the authority otherwise provided by this chapter, each Inspector General, any Assistant Inspector General for Investigations under such an Inspector General, and any special agent supervised by such an Assistant Inspector General may be authorized by the Attorney General to—

(A) carry a firearm while engaged in official duties as authorized under this chapter or other statute, or as expressly authorized by the Attorney General;

(B) make an arrest without a warrant while engaged in official duties as authorized under this chapter or other statute, or as expressly authorized by the Attorney General, for any offense against the United States committed in the presence of such Inspector General, Assistant Inspector General, or agent, or for any felony cognizable under the laws of the United States if such Inspector General, Assistant Inspector General, or agent has reasonable grounds to believe that the person to be arrested has committed or is committing such felony; and

(C) seek and execute warrants for arrest, search of a premises, or seizure of evidence issued under the authority of the United States upon probable cause to believe that a violation has been committed.

(2) DETERMINATION.—The Attorney General may authorize exercise of the powers under this subsection only upon an initial determination that—

(A) the affected Office of Inspector General is significantly hampered in the performance of responsibilities established by this chapter as a result of the lack of such powers;

(B) available assistance from other law enforcement agencies is insufficient to meet the need for such powers; and

(C) adequate internal safeguards and management procedures exist to ensure proper exercise of such powers.

(3) EXEMPTIONS FROM REQUIREMENT OF INITIAL DETERMINATION OF ELIGIBILITY.—The Inspector General offices of the Department of Commerce, Department of Education, Department of Energy, Department of Health and Human Services, Department of Homeland Security, Department of Housing and Urban Development, Department of the Interior, Department of Justice, Department of Labor, Department of State, Department of Transportation, Department of the Treasury, Department of Veterans' Affairs, Agency for International Development, Environmental Protection Agency, Federal Deposit Insurance Corporation, Federal Emergency Management Agency, General Services Administration, National Aeronautics and Space Administration, Nuclear Regulatory Commission, Office of Personnel Management, Railroad Retirement Board, Small Business Administration, Social Security Administration, and the Tennessee Valley Authority are exempt from the requirement of paragraph (2) for an initial determination of eligibility by the Attorney General.

(4) GUIDELINES.—The Attorney General shall promulgate, and revise as appropriate, guidelines which shall govern the exercise of the law enforcement powers established under paragraph (1).

(5) RESCINDING OR SUSPENDING POWERS.—

(A) POWERS AUTHORIZED FOR AN OFFICE OF INSPECTOR GENERAL.—Powers authorized for an Office of Inspector General under paragraph (1) may be rescinded or suspended upon a determination by the Attorney General that any of the requirements under paragraph (2) is no longer satisfied or that the exercise of authorized powers by that Office of Inspector General has not complied with the guidelines promulgated by the Attorney General under paragraph (4).

(B) POWERS AUTHORIZED TO BE EXERCISED BY AN INDIVIDUAL.—Powers authorized to be exercised by any individual under paragraph (1) may be rescinded or suspended with respect to that individual upon a determination by the Attorney General that such individual has not complied with guidelines promulgated by the Attorney General under paragraph (4).

(6) NOT REVIEWABLE.—A determination by the Attorney General under paragraph (2) or (5) shall not be reviewable in or by any court.

(7) MEMORANDUM OF UNDERSTANDING.—To ensure the proper exercise of the law enforcement powers authorized by this subsection, the Offices of Inspector General described under paragraph (3) shall, not later than 180 days after November 25, 2002, collectively enter into a memorandum of understanding to establish an external review process for ensuring that adequate internal safeguards and management procedures continue to exist within each Office and within any Office that later receives an authorization under paragraph (2). The review process shall be established in consultation with the Attorney General, who shall be provided with a copy of the memorandum of understanding that establishes the review process. Under the review process, the exercise of the law enforcement

powers by each Office of Inspector General shall be reviewed periodically by another Office of Inspector General or by a committee of Inspectors General. The results of each review shall be communicated in writing to the applicable Inspector General and to the Attorney General.

(8) NOT A LIMITATION ON OTHER LAW ENFORCEMENT POWERS.—No provision of this subsection shall limit the exercise of law enforcement powers established under any other statutory authority, including United States Marshals Service special deputation.

(9) DEFINITION OF INSPECTOR GENERAL.—In this subsection, the term “Inspector General” means an Inspector General appointed under section 403 of this title or an Inspector General appointed under section 415 of this title.

(g) BUDGETS.—

(1) INSPECTOR GENERAL’S BUDGET ESTIMATE AND REQUEST TRANSMITTED TO HEAD OF ESTABLISHMENT OR DESIGNATED FEDERAL ENTITY.—For each fiscal year, an Inspector General shall transmit a budget estimate and request to the head of the establishment or designated Federal entity to which the Inspector General reports. The budget request shall specify the aggregate amount of funds requested for such fiscal year for the operations of that Inspector General and shall specify the amount requested for all training needs, including a certification from the Inspector General that the amount requested satisfies all training requirements for the Inspector General’s office for that fiscal year, and any resources necessary to support the Council of the Inspectors General on Integrity and Efficiency. Resources necessary to support the Council of the Inspectors General on Integrity and Efficiency shall be specifically identified and justified in the budget request.

(2) HEAD OF ESTABLISHMENT OR DESIGNATED FEDERAL ENTITY’S PROPOSED BUDGET TRANSMITTED TO PRESIDENT.—In transmitting a proposed budget to the President for approval, the head of each establishment or designated Federal entity shall include—

(A) an aggregate request for the Inspector General;

(B) amounts for Inspector General training;

(C) amounts for support of the Council of the Inspectors General on Integrity and Efficiency; and

(D) any comments of the affected Inspector General with respect to the proposal.

(3) PRESIDENT’S BUDGET SUBMITTED TO CONGRESS.—The President shall include in each budget of the United States Government submitted to Congress—

(A) a separate statement of the budget estimate prepared in accordance with paragraph (1);

(B) the amount requested by the President for each Inspector General;

(C) the amount requested by the President for training of Inspectors General;

(D) the amount requested by the President for support for the Council of the Inspectors General on Integrity and Efficiency; and

(E) any comments of the affected Inspector General with respect to the proposal if the Inspector General concludes that the budget submitted by the President would substantially inhibit the Inspector General from performing the duties of the office.

(h) FEDERAL GRAND JURY MATERIALS.—

(1) NOTIFICATION OF ATTORNEY GENERAL OF REQUEST.—If the Inspector General of an establishment submits a request to the head of the establishment for Federal grand jury materials pursuant to subsection (a)(1), the head of the establishment shall immediately notify the Attorney General of such request.

(2) DETERMINATION BY ATTORNEY GENERAL.—Not later than 15 days after the date on which a request is submitted to the Attorney General under paragraph (1), the Attorney General shall determine whether to grant or deny the request for Federal grand jury materials and shall immediately notify the head of the establishment of such determination. The Attorney General shall grant the request unless the Attorney General determines that granting access to the Federal grand jury materials would be likely to—

(A) interfere with an ongoing criminal investigation or prosecution;

(B) interfere with an undercover operation;

(C) result in disclosure of the identity of a confidential source, including a protected witness;

(D) pose a serious threat to national security; or

(E) result in significant impairment of the trade or economic interests of the United States.

(3) COMMENTS.—

(A) REQUIREMENT TO INFORM INSPECTOR GENERAL OF DETERMINATION BY ATTORNEY GENERAL.—The head of the establishment shall inform the Inspector General of the establishment of the determination made by the Attorney General with respect to the request for Federal grand jury materials.

(B) SUBMISSION OF COMMENTS BY INSPECTOR GENERAL.—The Inspector General of the establishment described under subparagraph (A) may submit comments on the determination submitted pursuant to such subparagraph to the committees listed under paragraph (4) that the Inspector General considers appropriate.

(4) STATEMENT OF ATTORNEY GENERAL REGARDING DENIAL OF REQUEST.—Not later than 30 days after notifying the head of an establishment of a denial pursuant to paragraph (2), the Attorney General shall submit a statement that the request for Federal grand jury materials by the Inspector General was denied and the reason for the denial to each of the following:

(A) The Committee on Homeland Security and Governmental Affairs, the Committee on the Judiciary, and the Select Committee on Intelligence of the Senate.

(B) The Committee on Oversight and Reform, the Committee on the Judiciary, and the Permanent Select Committee on Intelligence of the House of Representatives.

(C) Other appropriate committees and subcommittees of Congress.

(i) NON-APPLICABILITY OF CERTAIN PROVISIONS TO REQUESTS FROM INSPECTOR GENERAL OF DEPARTMENT OF JUSTICE.—Subsections (a)(1)(C) and (h) shall not apply to requests from the Inspector General of the Department of Justice.

(j) COMPUTERIZED COMPARISONS.—

(1) DEFINITIONS.—In this subsection, the terms “agency”, “matching program”, “record”, and “system of records” have the meanings given those terms in section 552a(a) of title 5.

(2) NON-CONSIDERATION OF COMPUTERIZED COMPARISONS AS MATCHING PROGRAMS.—For purposes of section 552a of title 5 or any other provision of law, a computerized comparison of two or more automated Federal systems of records, or a computerized comparison of a Federal system of records with other records or non-Federal records, performed by an Inspector General or by an agency in coordination with an Inspector General in conducting an audit, investigation, inspection, evaluation, or other review authorized under this chapter shall not be considered a matching program.

(3) LIMITATION.—Nothing in this subsection shall be construed to impede the exercise by an Inspector General of any matching program authority established under any other provision of law.

(k) NON-APPLICABILITY OF FEDERAL INFORMATION POLICY.—Subchapter I of chapter 35 of title 44 shall not apply to the collection of information during the conduct of an audit, investigation, inspection, evaluation, or other review conducted by the Council of the Inspectors General on Integrity and Efficiency or any Office of Inspector General, including any Office of Special Inspector General.

(Pub. L. 117–286, §3(b), Dec. 27, 2022, 136 Stat. 4218.)

AMENDMENTS NOT SHOWN IN TEXT

This section was derived from section 6 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 6 of Pub. L. 95–452 was amended by Pub. L. 117–263, div. E, title LII, §§5261, 5272(2), Dec. 23, 2022, 136 Stat. 3238, 3239, prior to being repealed and reenacted as this section by Pub. L. 117–286, §§3(b), 7, Dec. 27, 2022, 136 Stat. 4218, 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 6 of Pub. L. 95–452 was amended as follows:

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

“(3) If the information or assistance that is the subject of a report under paragraph (2) is not provided to the Inspector General by the date that is 30 days after the report is made, the Inspector General shall submit a notice that the information or assistance requested has not been provided by the head of the establishment involved or the head of the Federal agency involved, as applica-

ble, to the appropriate congressional committees.”; and

(2) in subsection (h)(4)—

(A) in subparagraph (B), by striking “Government”; and

(B) by amending subparagraph (C) to read as follows:

“(C) Any other relevant congressional committee or subcommittee of jurisdiction.”

The word “Government” did not appear before “Reform” in the text of subsection (h)(4)(B) as enacted by Pub. L. 117–286. See Historical and Revision note below.

For definition of “appropriate congressional committees” as seen in the above amendment 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)
406	5 U.S.C. App. (IGA §6)	Pub. L. 95–452, §6, Oct. 12, 1978, 92 Stat. 1104; Pub. L. 100–504, title I, §§107, 110(a), Oct. 18, 1988, 102 Stat. 2528, 2529; Pub. L. 107–296, title VIII, §812(a), Nov. 25, 2002, 116 Stat. 2222; Pub. L. 110–409, §§8, 9, 11, 14(a), Oct. 14, 2008, 122 Stat. 4313–4316; Pub. L. 114–317, §§2, 5, 7(d)(2)(D), (3)(B), Dec. 16, 2016, 130 Stat. 1595, 1603, 1606.

In subsection (a)(8), the words “maximum rate payable under section 5376 of this title” are substituted for “equivalent rate prescribed for grade GS–18 of the General Schedule by section 5332 of title 5, United States Code” for clarity and because of section 101(c) of the Federal Employees Pay Comparability Act of 1990 (enacted by section 529 of Public Law 101–509 (5 U.S.C. 5376 note)).

In subsection (f)(7), the date “November 25, 2002” is substituted for “the date of enactment of this subsection” for clarity. Subsection (f) (formerly subsection (e)) of section 6 of the Inspector General Act of 1978 was enacted on November 25, 2002, by section 812(a) of the Homeland Security Act of 2002 (Public Law 107–296, 116 Stat. 2222).

In subsection (h)(4)(B), the words “Committee on Oversight and Reform” are substituted for “Committee on Oversight and Government Reform” 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).

Editorial Notes

REFERENCES IN TEXT

The Federal Rules of Criminal Procedure, referred to in subsec. (a)(1)(C), are set out in the Appendix to Title 18, Crimes and Criminal Procedure.

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.

ESTABLISHMENT OF INSPECTORS GENERAL CRIMINAL INVESTIGATOR ACADEMY AND INSPECTORS GENERAL FORENSIC LABORATORY

Pub. L. 106–422, §2, Nov. 1, 2000, 114 Stat. 1873, as amended by Pub. L. 117–286, §4(b)(10), Dec. 27, 2022, 136 Stat. 4343, provided that:

“(a) INSPECTORS GENERAL CRIMINAL INVESTIGATOR ACADEMY.—

“(1) ESTABLISHMENT.—There is established the Criminal Investigator Academy within the Department of the Treasury. The Criminal Investigator Academy is established for the purpose of performing investigator training services for offices of inspectors general created under chapter 4 of title 5, United States Code.

“(2) EXECUTIVE DIRECTOR.—The Criminal Investigator Academy shall be administered by an Executive Director who shall report to an inspector general for an establishment as defined in section 401 of title 5, United States Code—

“(A) designated by the President’s Council on Integrity and Efficiency; or

“(B) if that council is eliminated, by a majority vote of the inspectors general created under chapter 4 of title 5, United States Code.

“(b) INSPECTORS GENERAL FORENSIC LABORATORY.—

“(1) ESTABLISHMENT.—There is established the Inspectors General Forensic Laboratory within the Department of the Treasury. The Inspectors General Forensic Laboratory is established for the purpose of performing forensic services for offices of inspectors general created under chapter 4 of title 5, United States Code.

“(2) EXECUTIVE DIRECTOR.—The Inspectors General Forensic Laboratory shall be administered by an Executive Director who shall report to an inspector general for an establishment as defined in section 401 of title 5, United States Code—

“(A) designated by the President’s Council on Integrity and Efficiency; or

“(B) if that council is eliminated, by a majority vote of the inspectors general created under chapter 4 of title 5, United States Code.

“(c) SEPARATE APPROPRIATIONS ACCOUNT.—[Amended section 1105 of Title 31, Money and Finance.]

“(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to carry out this section such sums as may be necessary for fiscal year 2001 and each fiscal year thereafter.”

§ 407. Complaints by employees

(a) RECEIPT AND INVESTIGATION.—The Inspector General may receive and investigate complaints or information from an employee of the establishment concerning the possible existence of an activity constituting a violation of law, rules, or regulations, or mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to the public health and safety.

(b) PROHIBITION ON DISCLOSURE OF IDENTITY.—The Inspector General shall not, after receipt of a complaint or information from an employee, disclose the identity of the employee without the consent of the employee, unless the Inspector General determines the disclosure is unavoidable during the course of the investigation.

(c) PROHIBITION ON REPRISAL.—Any employee who has authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to that authority, take or threaten to take any action against any employee as a reprisal for making a complaint or disclosing information to an Inspector General, unless the complaint was made or the information disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

(Pub. L. 117–286, §3(b), Dec. 27, 2022, 136 Stat. 4224.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
407	5 U.S.C. App. (IGA §7)	Pub. L. 95–452, §7, Oct. 12, 1978, 92 Stat. 1105.

§ 408. Additional provisions with respect to the Inspector General of the Department of Defense

(a) INSPECTOR GENERAL.—A member of the Armed Forces, active or reserve, shall not be appointed Inspector General of the Department of Defense.

(b) AUTHORITY OF SECRETARY OF DEFENSE.—

(1) IN GENERAL.—Notwithstanding the last two sentences of section 403(a) of this title, the Inspector General shall be under the authority, direction, and control of the Secretary of Defense with respect to audits or investigations, or the issuance of subpoenas, which require access to information concerning—

(A) sensitive operational plans;

(B) intelligence matters;

(C) counterintelligence matters;

(D) ongoing criminal investigations by other administrative units of the Department of Defense related to national security; or

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

(2) AUTHORITY TO PROHIBIT AUDIT OR INVESTIGATION.—With respect to the information described in paragraph (1), the Secretary of Defense may prohibit the Inspector General from initiating, carrying out, or completing any audit or investigation, from accessing information described in paragraph (1), or from issuing any subpoena, after the Inspector General has decided to initiate, carry out, or complete such audit or investigation, access such information, or to issue such subpoena, if the Secretary determines that such prohibition is necessary to preserve the national security interests of the United States.

(3) STATEMENT CONCERNING EXERCISE OF POWER.—If the Secretary of Defense exercises any power under paragraph (1) or (2), the Inspector General shall submit a statement concerning that exercise of power within 30 days to the Committee on Armed Services and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Armed Services and the Committee on Oversight and Reform of the House of Representatives and to other appropriate committees or subcommittees of the Congress.

(4) STATEMENT OF REASONS FOR EXERCISE OF POWER.—The Secretary shall, within 30 days after submission of a statement under paragraph (3), transmit a statement of the reasons for the exercise of power under paragraph (1) or (2) to the congressional committees specified in paragraph (3) and to other appropriate committees or subcommittees.

(c) ADDITIONAL DUTIES AND RESPONSIBILITIES.—In addition to the other duties and responsibilities specified in this chapter, the Inspector General of the Department of Defense shall—

(1) be the principal adviser to the Secretary of Defense for matters relating to the prevention and detection of fraud, waste, and abuse in the programs and operations of the Department;

(2) initiate, conduct, and supervise such audits and investigations in the Department of Defense (including the military departments) as the Inspector General considers appropriate;

(3) provide policy direction for audits and investigations relating to fraud, waste, and abuse and program effectiveness;

(4) investigate fraud, waste, and abuse uncovered as a result of other contract and internal audits, as the Inspector General considers appropriate;

(5) develop policy, monitor and evaluate program performance, and provide guidance with respect to all Department activities relating to criminal investigation programs;

(6) monitor and evaluate the adherence of Department auditors to internal audit, contract audit, and internal review principles, policies, and procedures;

(7) develop policy, evaluate program performance, and monitor actions taken by all components of the Department in response to contract audits, internal audits, internal review reports, and audits conducted by the Comptroller General of the United States;

(8) request assistance as needed from other audit, inspection, and investigative units of the Department of Defense (including military departments);

(9) give particular regard to the activities of the internal audit, inspection, and investigative units of the military departments with a view toward avoiding duplication and ensuring effective coordination and cooperation; and

(10) conduct, or approve arrangements for the conduct of, external peer reviews of Department of Defense audit agencies in accordance with, and in such frequency as provided by, Government auditing standards as established by the Comptroller General of the United States.

(d) REPORTING VIOLATIONS OF CHAPTER 47 OF TITLE 10.—Notwithstanding section 404(d) of this title, the Inspector General of the Department of Defense shall expeditiously report suspected or alleged violations of chapter 47 of title 10 (Uniform Code of Military Justice), to the Secretary of the military department concerned or the Secretary of Defense.

(e) MEMBER OF ARMED FORCES DEEMED TO BE EMPLOYEE.—For the purposes of section 407 of this title, a member of the Armed Forces shall be deemed to be an employee of the Department of Defense, except that, when the Coast Guard operates as a service of another department or agency of the Federal Government, a member of the Coast Guard shall be deemed to be an employee of that department or agency.

(f) REPORTS.—

(1) REPORTS TRANSMITTED TO CONGRESSIONAL COMMITTEES.—Each semiannual report prepared by the Inspector General of the Department of Defense under section 405(b) of this title shall be transmitted by the Secretary of Defense to the Committees on Armed Services

and on Homeland Security and Governmental Affairs of the Senate and the Committees on Armed Services and on Oversight and Reform of the House of Representatives and to other appropriate committees or subcommittees of Congress. Each report shall include—

(A) information concerning the numbers and types of contract audits conducted by the Department during the reporting period; and

(B) information concerning any Department of Defense audit agency that, during the reporting period, has either received a failed opinion from an external peer review or is overdue for an external peer review required to be conducted in accordance with subsection (c)(10).

(2) ADDITIONAL REPORTS TRANSMITTED TO CONGRESSIONAL COMMITTEES.—Any report required to be transmitted by the Secretary of Defense 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 in section 405(e) of this title, to the congressional committees specified in paragraph (1).

(g) NON-APPLICABILITY OF SECTION 1385 OF TITLE 18.—The provisions of section 1385 of title 18,¹ shall not apply to audits and investigations conducted by, under the direction of, or at the request of the Inspector General of the Department of Defense to carry out the purposes of this chapter.

(h) GENERAL COUNSEL TO INSPECTOR GENERAL OF DEPARTMENT OF DEFENSE.—

(1) IN GENERAL.—There is a General Counsel to the Inspector General of the Department of Defense, who shall be appointed by the Inspector General of the Department of Defense.

(2) DUTIES AND FUNCTIONS.—

(A) Notwithstanding section 140(b) of title 10, the General Counsel is the chief legal officer of the Office of the Inspector General.

(B) The Inspector General is the exclusive legal client of the General Counsel.

(C) The General Counsel shall perform such functions as the Inspector General may prescribe.

(D) The General Counsel shall serve at the discretion of the Inspector General.

(3) OFFICE OF GENERAL COUNSEL.—There is an Office of the General Counsel to the Inspector General of the Department of Defense. The Inspector General may appoint to the Office to serve as staff of the General Counsel such legal counsel as the Inspector General considers appropriate.

(i) AUTHORITY TO REQUIRE ATTENDANCE AND TESTIMONY OF WITNESSES.—

(1) SUBPOENA.—The Inspector General of the Department of Defense is authorized to require by subpoena the attendance and testimony of witnesses as necessary in the performance of functions assigned to the Inspector General by this chapter, except that the Inspector General shall use procedures other than subpoenas to obtain attendance and testimony from Federal employees.

¹ So in original. The comma probably should not appear.

(2) **ENFORCEMENT.**—A subpoena issued under this subsection, in the case of contumacy or refusal to obey, shall be enforceable by order of any appropriate United States district court.

(3) **NOTIFICATION.**—The Inspector General shall notify the Attorney General 7 days before issuing any subpoena under this section.

(Pub. L. 117–286, §3(b), Dec. 27, 2022, 136 Stat. 4224.)

AMENDMENTS NOT SHOWN IN TEXT

This section was derived from section 8 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 8 of Pub. L. 95–452 was amended by Pub. L. 117–263, div. E, title LII, §5272(3), Dec. 23, 2022, 136 Stat. 3239, prior to being repealed and reenacted as this section by Pub. L. 117–286, §§3(b), 7, Dec. 27, 2022, 136 Stat. 4224, 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 8 of Pub. L. 95–452 was amended as follows:

(1) in subsection (b)—

(A) in paragraph (3), by striking “the Committees on Armed Services and Governmental Affairs of the Senate and the Committee on Armed Services 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, including the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives”; and

(B) in paragraph (4), by striking “and to other appropriate committees or subcommittees”; and

(2) in subsection (f)—

(A) in paragraph (1), by striking “the Committees on Armed Services and on Homeland Security and Governmental Affairs of the Senate and the Committees on Armed Services and on Oversight and Government Reform of the House of Representatives and to other appropriate committees or subcommittees of Congress” and inserting “the appropriate congressional committees, including the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives”; and

(B) in paragraph (2), by striking “committees or subcommittees of the Congress” and inserting “congressional committees”.

The text directed to be stricken in subsections (b)(3) and (f)(1) 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)
408	5 U.S.C. App. (IGA §8)	Pub. L. 95–452, §8, Oct. 12, 1978, 92 Stat. 1105; Pub. L. 97–252, title XI, §1117(b), Sept. 8, 1982, 96 Stat. 751; Pub. L. 100–504, title I, §110(b), Oct. 18, 1988, 102 Stat. 2529; Pub. L. 104–106, div. A, title XV, §1502(f)(6), Feb. 10, 1996, 110 Stat. 510; Pub. L. 106–65, div. A, title X, §1067(17), Oct. 5, 1999, 113 Stat. 775; Pub. L. 110–417, [div. A], title IX, §907, Oct. 14, 2008, 122 Stat. 4569; Pub. L. 111–84, div. A, title X, §1042, Oct. 28, 2009, 123 Stat. 2455; Pub. L. 112–239, div. A, title XVI, §1614, Jan. 2, 2013, 126 Stat. 2066; Pub. L. 114–317, §6(1), Dec. 16, 2016, 130 Stat. 1604.

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

In subsection (b)(3), the words “Committee on Oversight and Reform” are substituted for “Committee on Government Reform and Oversight” on authority of House Resolution No. 5 (106th Congress, January 6, 1999), House Resolution No. 6 (110th Congress, January 5, 2007), and 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 (c)(9), the word “ensuring” is substituted for “insuring” for clarity.

In subsection (f)(1) (matter before subparagraph (A)), the words “[Committee on] Oversight and Reform” are substituted for “[Committee on] Oversight and Government Reform” 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).

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.

§ 409. Special provisions concerning the Agency for International Development

(a) **DEFINITION OF AGENCY FOR INTERNATIONAL DEVELOPMENT.**—As used in this chapter, the term “Agency for International Development” includes any successor agency primarily responsible for administering part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.).

(b) **MEMBERS OF FOREIGN SERVICE.**—In addition to the officers and employees provided for in section 406(a)(7) of this title, members of the Foreign Service may, at the request of the Inspector General of the Agency for International Development, be assigned as employees of the Inspector General. Members of the Foreign Service so assigned shall be responsible solely to the Inspector General, and the Inspector General (or the Inspector General’s designee) shall prepare the performance evaluation reports for the members assigned as employees of the Inspector General.

(c) **FIELD OFFICES.**—In establishing and staffing field offices pursuant to section 406(d) of this

title, the Administrator of the Agency for International Development shall not be bound by overseas personnel ceilings.

(d) **ADDITIONAL OFFICER.**—The Inspector General of the Agency for International Development shall be in addition to the officers provided for in section 624(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2384(a)).

(Pub. L. 117–286, §3(b), Dec. 27, 2022, 136 Stat. 4227.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
409(a)	5 U.S.C. App. (IGA §8A(f))	Pub. L. 95–452, §8A(f), formerly (h), as added Pub. L. 97–113, title VII, §705(a)(3), Dec. 29, 1981, 95 Stat. 1545; redesignated (f), Pub. L. 105–277, div. G, subd. A, title XIV, §1422(b)(2)(C), Oct. 21, 1998, 112 Stat. 2681–792.
409(b)	5 U.S.C. App. (IGA §8A(c))	Pub. L. 95–452, §8A(c), formerly (d), as added Pub. L. 97–113, title VII, §705(a)(3), Dec. 29, 1981, 95 Stat. 1545; redesignated (c), Pub. L. 105–277, div. G, subd. A, title XIV, §1422(b)(2)(C), Oct. 21, 1998, 112 Stat. 2681–792.
409(c)	5 U.S.C. App. (IGA §8A(d))	Pub. L. 95–452, §8A(d), formerly (e), as added Pub. L. 97–113, title VII, §705(a)(3), Dec. 29, 1981, 95 Stat. 1545; redesignated (d), Pub. L. 105–277, div. G, subd. A, title XIV, §1422(b)(2)(C), Oct. 21, 1998, 112 Stat. 2681–792; Pub. L. 114–317, §7(d)(2)(E), Dec. 16, 2016, 130 Stat. 1606.
409(d)	5 U.S.C. App. (IGA §8A(e))	Pub. L. 95–452, §8A(e), formerly (g), as added Pub. L. 97–113, title VII, §705(a)(3), Dec. 29, 1981, 95 Stat. 1545; redesignated (e), Pub. L. 105–277, div. G, subd. A, title XIV, §1422(b)(2)(C), Oct. 21, 1998, 112 Stat. 2681–792.

In subsection (b), the reference to “section 406(a)(7) of this title” is substituted for “section 6(a)(6) of this Act” for clarity and to correct an error in the law. In the source law (section 8A(c) of the Inspector General Act of 1978), the reference to “section 6(a)(6) of this Act” is incorrect. Section 6(a)(6) of the Inspector General Act of 1978 was redesignated as section 6(a)(7) of that Act by section 107(1) of the Inspector General Act Amendments of 1988 (Public Law 100–504, 102 Stat. 2528).

In subsection (c), the words “overseas personnel ceilings” are substituted for “overseas personnel ceilings established under the Monitoring Overseas Direct Employment policy” to eliminate obsolete language. The Monitoring Overseas Direct Employment (MODE) policy was superseded by National Security Decision Directive No. 38 (NSDD-38) (June 2, 1982). (See <https://www.state.gov/m/pri/nsdd/45148.htm>, last visited December 14, 2017).

Editorial Notes

REFERENCES IN TEXT

The Foreign Assistance Act of 1961, referred to in subsec. (a), is Pub. L. 87–195, Sept. 4, 1961, 75 Stat. 424. Part I of the Act is classified generally to subchapter I (§2151 et seq.) of chapter 32 of Title 22, Foreign Relations and Intercourse. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of Title 22 and Tables.

§ 410. Special provisions concerning the Nuclear Regulatory Commission

(a) **DELEGATION.**—The Chairman of the Commission may delegate the authority specified in the 2d sentence of section 403(a) of this title to another member of the Nuclear Regulatory Commission, but shall not delegate such authority to any other officer or employee of the Commission.

(b) **PERSONNEL.**—Notwithstanding paragraphs (7) and (8) of section 406(a) of this title, the Inspector General of the Nuclear Regulatory Commission 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 Nuclear Regulatory Commission.

(Pub. L. 117–286, §3(b), Dec. 27, 2022, 136 Stat. 4228.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
410	5 U.S.C. App. (IGA §8B)	Pub. L. 95–452, §8B, as added Pub. L. 100–504, title I, §102(f), Oct. 18, 1988, 102 Stat. 2517.

§ 411. Special provisions concerning the Federal Deposit Insurance Corporation

(a) **DELEGATION.**—The Chairperson of the Federal Deposit Insurance Corporation may delegate the authority specified in the 2d sentence of section 403(a) of this title to the Vice Chairperson of the Board of Directors of the Federal Deposit Insurance Corporation, but may not delegate such authority to any other officer or employee of the Corporation.

(b) **PERSONNEL.**—Notwithstanding paragraphs (7) and (8) of section 406(a) of this title, the Inspector General of the Federal Deposit Insurance Corporation may 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 may 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 Federal Deposit Insurance Corporation.

(Pub. L. 117–286, §3(b), Dec. 27, 2022, 136 Stat. 4228.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
411	5 U.S.C. App. (IGA §8C)	Pub. L. 95–452, §8C, as added Pub. L. 103–204, §23(a)(2), Dec. 17, 1993, 107 Stat. 2407.

§ 412. Special provisions concerning the Department of the Treasury

(a) IN GENERAL.—

(1) AUTHORITY OF SECRETARY OF TREASURY OVER CERTAIN AUDITS AND INVESTIGATIONS.—Notwithstanding the 2d sentence and last sentence of section 403(a) of this title, the Inspector General of the Department of the Treasury shall be under the authority, direction, and control of the Secretary of the Treasury with respect to audits or investigations, or the issuance of subpoenas, which require access to sensitive information concerning—

(A) ongoing criminal investigations or proceedings;

(B) undercover operations;

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

(D) deliberations and decisions on policy matters, including documented information used as a basis for making policy decisions, the disclosure of which could reasonably be expected to have a significant influence on the economy or market behavior;

(E) intelligence or counterintelligence matters; or

(F) other matters the disclosure of which would constitute a serious threat to national security or to the protection of any person or property authorized protection by section 3056 of title 18, section 3056A of title 18, or any provision of the Presidential Protection Assistance Act of 1976 (Public Law 94-524, 18 U.S.C. 3056 note).

(2) AUTHORITY OF SECRETARY OF TREASURY TO PROHIBIT CARRYING OUT OR COMPLETING CERTAIN AUDITS AND INVESTIGATIONS.—With respect to the information described under paragraph (1), the Secretary of the Treasury may prohibit the Inspector General of the Department of the Treasury from carrying out or completing any audit or investigation, from accessing information described in paragraph (1), or from issuing any subpoena, after such Inspector General has decided to initiate, carry out, or complete such audit or investigation, access such information, or to issue such subpoena, if the Secretary determines that such prohibition is necessary to prevent the disclosure of any information described under paragraph (1) or to prevent significant impairment to the national interests of the United States.

(3) NOTIFICATION AND STATEMENT OF REASONS FOR EXERCISE OF POWER.—If the Secretary of the Treasury exercises any power under paragraph (1) or (2), the Secretary of the Treasury shall notify the Inspector General of the Department of the Treasury in writing, stating the reasons for such exercise. Within 30 days after receipt of any such notice, the Inspector General of the Department of the Treasury shall transmit a copy of such notice to the Committee on Homeland Security and Governmental Affairs and the Committee on Finance of the Senate and the Committee on Oversight and Reform and the Committee on Ways and Means of the House of Representatives, and to other appropriate committees or subcommittees of the Congress.

(4) EXCEPTION RELATING TO TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION.—The

Secretary of the Treasury may not exercise any power under paragraph (1) or (2) with respect to the Treasury Inspector General for Tax Administration.

(b) OVERSIGHT RESPONSIBILITY FOR INTERNAL INVESTIGATIONS.—

(1) IN GENERAL.—In carrying out the duties and responsibilities specified in this chapter, the Inspector General of the Department of the Treasury shall have oversight responsibility for the internal investigations performed by the Office of Internal Affairs of the Tax and Trade Bureau. The head of such office shall promptly report to the Inspector General of the Department of the Treasury the significant activities being carried out by such office.

(2) EXERCISE OF DUTIES AND RESPONSIBILITIES.—The Inspector General of the Department of the Treasury shall exercise all duties and responsibilities of an Inspector General for the Department of the Treasury other than the duties and responsibilities exercised by the Treasury Inspector General for Tax Administration.

(3) ESTABLISHMENT OF PROCEDURES.—The Secretary of the Treasury shall establish procedures under which the Inspector General of the Department of the Treasury and the Treasury Inspector General for Tax Administration will—

(A) determine how audits and investigations are allocated in cases of overlapping jurisdiction; and

(B) provide for coordination, cooperation, and efficiency in the conduct of such audits and investigations.

(c) AUDITS AND INVESTIGATIONS IN DEPARTMENT OF TREASURY.—Notwithstanding subsection (b), the Inspector General of the Department of the Treasury may initiate, conduct and supervise such audits and investigations in the Department of the Treasury (including the bureau referred to in subsection (b)) as the Inspector General of the Department of the Treasury considers appropriate.

(d) AUTHORITY TO PROVIDE WRITTEN NOTICE TO TAX AND TRADE BUREAU.—If the Inspector General of the Department of the Treasury initiates an audit or investigation under subsection (c) concerning the bureau referred to in subsection (b), the Inspector General of the Department of the Treasury may provide the head of the office of such bureau referred to in subsection (b) with written notice that the Inspector General of the Department of the Treasury has initiated such an audit or investigation. If the Inspector General of the Department of the Treasury issues a notice under the preceding sentence, no other audit or investigation shall be initiated into the matter under audit or investigation by the Inspector General of the Department of the Treasury, and any other audit or investigation of such matter shall cease.

(e) TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION.—

(1) ACCESS TO RETURNS AND RETURN INFORMATION.—The Treasury Inspector General for Tax Administration shall have access to returns and return information, as defined in section

6103(b) of the Internal Revenue Code of 1986 (26 U.S.C. 6103(b)), only in accordance with the provisions of section 6103 of the Internal Revenue Code of 1986 (26 U.S.C. 6103) and this chapter.

(2) **STANDARDIZED RECORDS AND ACCOUNTINGS.**—The Internal Revenue Service shall maintain the same system of standardized records or accountings of all requests from the Treasury Inspector General for Tax Administration for inspection or disclosure of returns and return information (including the reasons for and dates of such requests), and of returns and return information inspected or disclosed pursuant to such requests, as described under section 6103(p)(3)(A) of the Internal Revenue Code of 1986 (26 U.S.C. 6103(p)(3)(A)). Such system of standardized records or accountings shall also be available for examination in the same manner as provided under section 6103(p)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 6103(p)(3)).

(3) **SAFEGUARDS AND CONDITIONS.**—The Treasury Inspector General for Tax Administration shall be subject to the same safeguards and conditions for receiving returns and return information as are described under section 6103(p)(4) of the Internal Revenue Code of 1986 (26 U.S.C. 6103(p)(4)).

(f) **AUDIT OR INVESTIGATION SHALL NOT AFFECT FINAL DECISION UNDER SECTION 6406 OF INTERNAL REVENUE CODE OF 1986.**—An audit or investigation conducted by the Inspector General of the Department of the Treasury or the Treasury Inspector General for Tax Administration shall not affect a final decision of the Secretary of the Treasury or the Secretary's delegate under section 6406 of the Internal Revenue Code of 1986 (26 U.S.C. 6406).

(g) **REPORTS.**—

(1) **REPORTS TO CONGRESSIONAL COMMITTEES.**—Any report required to be transmitted by the Secretary of the Treasury 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 and the Committee on Finance of the Senate and the Committee on Oversight and Reform and the Committee on Ways and Means of the House of Representatives.

(2) **REPORTS MADE BY TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION TO CONGRESSIONAL COMMITTEES.**—Any report made by the Treasury Inspector General for Tax Administration that is required to be transmitted by the Secretary of the Treasury to the appropriate committees or subcommittees of Congress under section 405(e) of this title shall also be transmitted, within the 7-day period specified under such subsection, to the Internal Revenue Service Oversight Board and the Commissioner of Internal Revenue.

(h) **DUTIES AND RESPONSIBILITIES OF TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION.**—The Treasury Inspector General for Tax Administration shall exercise all duties and responsibilities of an Inspector General of an establishment with respect to the Department of the

Treasury and the Secretary of the Treasury on all matters relating to the Internal Revenue Service. The Treasury Inspector General for Tax Administration shall have sole authority under this chapter to conduct an audit or investigation of the Internal Revenue Service Oversight Board and the Chief Counsel for the Internal Revenue Service.

(i) **ABILITY TO LEAD LARGE AND COMPLEX ORGANIZATION.**—In addition to the requirements of the 1st sentence of section 403(a) of this title, the Treasury Inspector General for Tax Administration should have demonstrated ability to lead a large and complex organization.

(j) **PROHIBITION ON APPOINTMENT OF EMPLOYEE OF INTERNAL REVENUE SERVICE TO CERTAIN POSITIONS.**—An individual appointed to the position of Treasury Inspector General for Tax Administration, the Assistant Inspector General for Auditing of the Office of the Treasury Inspector General for Tax Administration under section 403(d)(1)(B)(i) of this title (or, effective November 27, 2017, section 403(d)(2)(B)(i) of this title), the Assistant Inspector General for Investigations of the Office of the Treasury Inspector General for Tax Administration under section 403(d)(1)(B)(ii) of this title (or, effective November 27, 2017, section 403(d)(2)(B)(ii) of this title), or any position of Deputy Inspector General of the Office of the Treasury Inspector General for Tax Administration may not be an employee of the Internal Revenue Service—

(1) during the 2-year period preceding the date of appointment to such position; or

(2) during the 5-year period following the date such individual ends service in such position.

(k) **ADDITIONAL DUTIES AND RESPONSIBILITIES.**—

(1) **IN GENERAL.**—In addition to the duties and responsibilities exercised by an inspector general of an establishment, the Treasury Inspector General for Tax Administration—

(A) shall have the duty to enforce criminal provisions under section 7608(b) of the Internal Revenue Code of 1986 (26 U.S.C. 7608(b));

(B) in addition to the functions authorized under section 7608(b)(2) of the Internal Revenue Code of 1986 (26 U.S.C. 7608(b)(2)), may carry firearms;

(C) shall be responsible for protecting the Internal Revenue Service against external attempts to corrupt or threaten employees of the Internal Revenue Service, but shall not be responsible for the conducting of background checks and the providing of protection to the Commissioner of Internal Revenue; and

(D) may designate any employee in the Office of the Treasury Inspector General for Tax Administration to enforce such laws and perform such functions referred to under subparagraphs (A), (B), and (C).

(2) **REPORTING VIOLATIONS.**—

(A) **REPORTING REASONABLE GROUNDS TO BELIEVE A VIOLATION OF FEDERAL CRIMINAL LAW OCCURRED.**—In performing a law enforcement function under paragraph (1), the Treasury Inspector General for Tax Administration shall report any reasonable grounds to be-

lieve there has been a violation of Federal criminal law to the Attorney General at an appropriate time as determined by the Treasury Inspector General for Tax Administration, notwithstanding section 404(d) of this title.

(B) REPORTING PROBLEMS, ABUSES, OR DEFICIENCIES.—In the administration of section 405(e) of this title and subsection (g)(2) of this section, the Secretary of the Treasury may transmit the required report with respect to the Treasury Inspector General for Tax Administration at an appropriate time as determined by the Secretary, if the problem, abuse, or deficiency relates to—

- (i) the performance of a law enforcement function under paragraph (1); and
- (ii) sensitive information concerning matters under subsection (a)(1)(A) through (F).

(3) LIMITATION.—Nothing in this subsection shall be construed to affect the authority of any other person to carry out or enforce any provision specified in paragraph (1).

(I) REQUEST FOR AUDIT OR INVESTIGATION RELATING TO INTERNAL REVENUE SERVICE.—

(1) IN GENERAL.—The Commissioner of Internal Revenue or the Internal Revenue Service Oversight Board may request, in writing, the Treasury Inspector General for Tax Administration to conduct an audit or investigation relating to the Internal Revenue Service. If the Treasury Inspector General for Tax Administration determines not to conduct such audit or investigation, the Inspector General shall timely provide a written explanation for such determination to the person making the request.

(2) REPORTS.—

(A) FINAL REPORT OF AUDIT.—Any final report of an audit conducted by the Treasury Inspector General for Tax Administration shall be timely submitted by the Inspector General to the Commissioner of Internal Revenue and the Internal Revenue Service Oversight Board.

(B) PERIODIC LIST OF INVESTIGATIONS FOR WHICH FINAL REPORT COMPLETED.—The Treasury Inspector General for Tax Administration shall periodically submit to the Commissioner and Board a list of investigations for which a final report has been completed by the Inspector General and shall provide a copy of any such report upon request of the Commissioner or Board.

(C) APPLICABILITY.—This paragraph applies regardless of whether the applicable audit or investigation is requested under paragraph (1).

(Pub. L. 117–286, §3(b), Dec. 27, 2022, 136 Stat. 4229.)

AMENDMENTS NOT SHOWN IN TEXT

This section was derived from section 8D 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 8D of Pub. L. 95–452 was amended by Pub. L. 117–263, div. E, title LII, §5272(4), Dec. 23, 2022, 136 Stat. 3240, prior to being re-

pealed and reenacted as this section by Pub. L. 117–286, §§3(b), 7, Dec. 27, 2022, 136 Stat. 4229, 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 8D of Pub. L. 95–452 was amended as follows:

(1) in subsection (a)(3), by striking “Committees on Governmental Affairs and Finance of the Senate and the Committees on Government Operations and Ways and Means of the House of Representatives, and to other appropriate committees or subcommittees of the Congress” and inserting “appropriate congressional committees, including the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives”; and

(2) in subsection (g)—

(A) in paragraph (1)—

(i) by striking “committees or subcommittees of the Congress” and inserting “congressional committees”; and

(ii) by striking “Committees on Governmental Affairs and Finance of the Senate and the Committees on Government Reform and Oversight and Ways and Means of the House of Representatives” and inserting “Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives”; and

(B) in paragraph (2), by striking “committees or subcommittees of Congress” and inserting “congressional committees”.

Text directed to be stricken in subsections (a)(3) and (g)(1) 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)
412	5 U.S.C. App. (IGA §8D)	Pub. L. 95–452, §8D, formerly §8C, as added Pub. L. 100–504, title I, §102(f), Oct. 18, 1988, 102 Stat. 2518; renumbered §8D, Pub. L. 103–204, §23(a)(3), Dec. 17, 1993, 107 Stat. 2408; amended Pub. L. 105–206, title I, §1103(b), (e)(1), (2), July 22, 1998, 112 Stat. 705, 709; Pub. L. 107–296, title XI, §1112(a)(1), Nov. 25, 2002, 116 Stat. 2275; Pub. L. 108–7, div. L, §104(c)(2), Feb. 20, 2003, 117 Stat. 531; Pub. L. 109–177, title VI, §605(e)(3), Mar. 9, 2006, 120 Stat. 255; Pub. L. 110–409, §14(b), Oct. 14, 2008, 122 Stat. 4316; Pub. L. 112–199, title I, §117(b), Nov. 27, 2012, 126 Stat. 1475; Pub. L. 114–317, §§6(2), 7(d)(3)(C), Dec. 16, 2016, 130 Stat. 1604, 1606.

In subsection (a)(3) and subsection (g)(1), the words “[Committee] on Homeland Security and Governmental Affairs [of the Senate]” are substituted for “[Committee] on Governmental Affairs of the Senate” on authority of Senate Resolution No. 445, 108th Congress, October 9, 2004 (effective January 4, 2005).

In subsection (a)(3), the words “Committee on Oversight and Reform [of the House of Representatives]”

are substituted for “[Committee on] Government Operations [of the House of Representatives]” on authority of section 1(a) of Public Law 104-14 (2 U.S.C. note prec. 21), House Resolution No. 5 (106th Congress, January 6, 1999), House Resolution No. 6 (110th Congress, January 5, 2007), and 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 (g)(1), 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).

Editorial Notes

REFERENCES IN TEXT

The Presidential Protection Assistance Act of 1976, referred to in subsec. (a)(1)(F), is Pub. L. 94-524, Oct. 17, 1976, 90 Stat. 2475, which enacted and amended provisions set out as notes under section 3056 of Title 18, Crimes and Criminal Procedure. For complete classification of this Act to the Code, see 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.

§ 413. Special provisions concerning the Department of Justice

(a) IN GENERAL.—

(1) **AUTHORITY OF ATTORNEY GENERAL OVER CERTAIN AUDITS AND INVESTIGATIONS.**—Notwithstanding the 2d sentence and last sentence of section 403(a) of this title, the Inspector General shall be under the authority, direction, and control of the Attorney General with respect to audits or investigations, or the issuance of subpoenas, which require access to sensitive information concerning—

(A) ongoing civil or criminal investigations or proceedings;

(B) undercover operations;

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

(D) intelligence or counterintelligence matters; or

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

(2) **AUTHORITY OF ATTORNEY GENERAL TO PROHIBIT CARRYING OUT OR COMPLETING CERTAIN AUDITS AND INVESTIGATIONS.**—With respect to the information described under paragraph (1), the Attorney General may prohibit the Inspector General from carrying out or completing any audit or investigation, from accessing information described in paragraph (1), or from issuing any subpoena, after such Inspector General has decided to initiate, carry out, or complete such audit or investigation, access such information, or to issue such subpoena, if the Attorney General determines that such prohibition is necessary to prevent the disclosure of any information described under paragraph (1) or to prevent significant impairment to the national interests of the United States.

(3) **NOTIFICATION AND STATEMENT OF REASONS FOR EXERCISE OF POWER.**—If the Attorney General exercises any power under paragraph (1) or (2), the Attorney General 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 and the Committee on the Judiciary of the Senate and the Committee on Oversight and Reform and the Committee on the Judiciary of the House of Representatives, and to other appropriate committees or subcommittees of the Congress.

(b) **CARRYING OUT DUTIES AND RESPONSIBILITIES.**—In carrying out the duties and responsibilities specified in this chapter, the Inspector General of the Department of Justice—

(1) may initiate, conduct and supervise such audits and investigations in the Department of Justice as the Inspector General considers appropriate;

(2) except as specified in subsection (a) and paragraph (3), may investigate allegations of criminal wrongdoing or administrative misconduct by an employee of the Department of Justice, or may, in the discretion of the Inspector General, refer such allegations to the Office of Professional Responsibility or the internal affairs office of the appropriate component of the Department of Justice;

(3) shall refer to the Counsel, Office of Professional Responsibility of the Department of Justice, allegations of misconduct involving Department attorneys, investigators, or law enforcement personnel, where the allegations relate to the exercise of the authority of an attorney to investigate, litigate, or provide legal advice, except that no such referral shall be made if the attorney is employed in the Office of Professional Responsibility;

(4) may investigate allegations of criminal wrongdoing or administrative misconduct by a person who is the head of any agency or component of the Department of Justice; and

(5) shall forward the results of any investigation conducted under paragraph (4), along with any appropriate recommendation for disciplinary action, to the Attorney General.

(c) **REPORTS.**—Any report required to be transmitted by the Attorney General 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 that section, to the Committee on the Judiciary and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on the Judiciary and the Committee on Oversight and Reform of the House of Representatives.

(d) **REGULATION TO ENSURE REPORTING OF CERTAIN ALLEGATIONS TO INSPECTOR GENERAL.**—The Attorney General shall ensure by regulation that any component of the Department of Justice receiving a nonfrivolous allegation of criminal wrongdoing or administrative misconduct by an employee of the Department of Justice, except with respect to allegations described in subsection (b)(3), shall report that information to the Inspector General.

(Pub. L. 117–286, §3(b), Dec. 27, 2022, 136 Stat. 4233.)

AMENDMENTS NOT SHOWN IN TEXT

This section was derived from section 8E 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 8E of Pub. L. 95–452 was amended by Pub. L. 117–263, div. E, title LII, §5272(5), Dec. 23, 2022, 136 Stat. 3240, prior to being repealed and reenacted as this section by Pub. L. 117–286, §§3(b), 7, Dec. 27, 2022, 136 Stat. 4233, 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 8E of Pub. L. 95–452 was amended as follows:

(1) in subsection (a)(3), by striking “Committees on Governmental Affairs and Judiciary of the Senate and the Committees on Government Operations and Judiciary of the House of Representatives, and to other appropriate committees or subcommittees of the Congress” and inserting “appropriate congressional committees, including the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives”; and

(2) in subsection (c)—

(A) by striking “committees or subcommittees of the Congress” and inserting “congressional committees”; and

(B) by striking “Committees on the Judiciary and Governmental Affairs of the Senate and the Committees on the Judiciary and Government Operations of the House of Representatives” and inserting “Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives”.

Some of the text directed to be stricken in subsections (a)(3) and (c) 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)
413	5 U.S.C. App. (IGA §8E)	Pub. L. 95–452, §8E, formerly §8D, as added Pub. L. 100–504, title I, §102(f), Oct. 18, 1988, 102 Stat. 2520; renumbered §8E, Pub. L. 103–204, §23(a)(3), Dec. 17, 1993, 107 Stat. 2408; Pub. L. 107–273, div. A, title III, §308, Nov. 2, 2002, 116 Stat. 1784; Pub. L. 114–317, §§6(3), 7(d)(3)(D), Dec. 16, 2016, 130 Stat. 1604, 1606.

In subsection (a)(3) and subsection (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 (a)(3) and subsection (c), the words “Committee on Oversight and Reform [of the House of Representatives]” are substituted for “[Committee on] Government Operations [of the House of Representatives]” on authority of section 1(a) of Public Law 104–14

(2 U.S.C. note prec. 21), House Resolution No. 5 (106th Congress, January 6, 1999), House Resolution No. 6 (110th Congress, January 5, 2007), and rule X(1)(n) of the Rules of the House of Representatives, adopted by House Resolution No. 6 (116th Congress, January 9, 2019).

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.

APPOINTMENT OF OVERSIGHT OFFICIAL WITHIN THE OFFICE OF INSPECTOR GENERAL

Pub. L. 107–273, div. A, title III, §309(a), Nov. 2, 2002, 116 Stat. 1784, provided that:

“(1) IN GENERAL.—The Inspector General of the Department of Justice shall direct that 1 official from the office of the Inspector General be responsible for supervising and coordinating independent oversight of programs and operations of the Federal Bureau of Investigation until September 30, 2004.

“(2) CONTINUATION OF OVERSIGHT.—The Inspector General may continue individual oversight in accordance with paragraph (1) after September 30, 2004, at the discretion of the Inspector General.”

REVIEW OF CIVIL RIGHTS COMPLAINTS BY THE DEPARTMENT OF JUSTICE

Pub. L. 107–56, title X, §1001, Oct. 26, 2001, 115 Stat. 391, provided that: “The Inspector General of the Department of Justice shall designate one official who shall—

“(1) review information and receive complaints alleging abuses of civil rights and civil liberties by employees and officials of the Department of Justice;

“(2) make public through the Internet, radio, television, and newspaper advertisements information on the responsibilities and functions of, and how to contact, the official; and

“(3) submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate on a semi-annual basis a report on the implementation of this subsection [section] and detailing any abuses described in paragraph (1), including a description of the use of funds appropriations used to carry out this subsection [section].”

§ 414. Special provisions concerning the Corporation for National and Community Service

(a) PERSONNEL.—Notwithstanding the provisions of paragraphs (7) and (8) of section 406(a) of this title, it is within the exclusive jurisdiction of the Inspector General of the Corporation for National and Community Service to—

(1) appoint and determine the compensation of such officers and employees in accordance with section 195(b) of the National and Community Service Act of 1990 (42 U.S.C. 12651f(b)); and

(2) procure the temporary and intermittent services of and compensate such experts and consultants, in accordance with section 3109(b) of this title,

as may be necessary to carry out the functions, powers, and duties of the Inspector General.

(b) REPORTS TO BOARD OF DIRECTORS.—Not later than the date on which the Chief Executive Officer of the Corporation for National and Community Service transmits any report to the Congress under subsection (b) or (c) of section 405 of

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 re-enacted 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-

ject to paragraph (2)) may submit the complaint or information to Congress by contacting either or both of the intelligence committees directly.

(2) **LIMITATION.**—The employee may contact the intelligence committees directly as described in paragraph (1) only if the employee—

(A) before making such a contact, furnishes to the head of the establishment, through the Inspector General, a statement of the employee's complaint or information and notice of the employee's intent to contact the intelligence committees directly; and

(B) obtains and follows from the head of the establishment, through the Inspector General, direction on how to contact the intelligence committees in accordance with appropriate security practices.

(3) **INTELLIGENCE COMMITTEE RECEIPT OF COMPLAINT OR INFORMATION.**—A member or employee of one of the intelligence committees who receives a complaint or information under paragraph (1) does so in that member or employee's official capacity as a member or employee of that committee.

(f) **NOTIFICATION.**—The Inspector General shall notify an employee who reports a complaint or information under this section of each action taken under this section with respect to the complaint or information. Such notice shall be provided not later than 3 days after any such action is taken.

(g) **NO JUDICIAL REVIEW.**—An action taken by the head of an establishment or an Inspector General under subsections (b) through (f) shall not be subject to judicial review.

(h) **NOTICE OF SUBMISSION AND DATE.**—An individual who has submitted a complaint or information to an Inspector General under this section may notify any member of the Permanent Select Committee on Intelligence of the House of Representatives or the Select Committee on Intelligence of the Senate, or a staff member of either such Committee, of the fact that such individual has made a submission to that particular Inspector General, and of the date on which such submission was made.

(Pub. L. 117–286, §3(b), Dec. 27, 2022, 136 Stat. 4242.)

AMENDMENTS NOT SHOWN IN TEXT

This section was derived from section 8H 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 8H of Pub. L. 95–452 was amended by Pub. L. 117–103, div. X, title V, §502(b), Mar. 15, 2022, 136 Stat. 985, and by Pub. L. 117–263, div. F, title LXVI, §6609(b), Dec. 23, 2022, 136 Stat. 3560, prior to being repealed and reenacted as this section by Pub. L. 117–286, §§3(b), 7, Dec. 27, 2022, 136 Stat. 4242, 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 8H of Pub. L. 95–452 was amended by Pub. L. 117–103 as follows:

(1) in subsection (h)(1) [restated as subsection (a)(2) of this section], by redesignating subpara-

graphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively (and indenting such clauses accordingly);

(2) by redesignating subsection (h)(1) and (2) [restated as subsection (a)(2) and (1) of this section, respectively] as subparagraphs (A) and (B), respectively (and indenting such subparagraphs accordingly);

(3) in the matter preceding subparagraph (A), as redesignated, by inserting “(1)” before “In this”; and

(4) by adding at the end the following new paragraph:

“(2) Within the executive branch, an Inspector General to whom any complaint or information is reported under this section shall have sole authority to determine whether the complaint or information is a matter of urgent concern under this section.”

Section 8H of Pub. L. 95–452 was amended by Pub. L. 117–263 in subsection (h)(1)(A)(i) by striking “involving” and all that follows through “policy matters.” and inserting “of the Federal Government that is—

“(I) a matter of national security; and

“(II) not a difference of opinion concerning public policy matters.”

Subsection (h)(1)(A)(i) of former section 8H of Pub. L. 95–452 was restated by Pub. L. 117–286 as subsection (a)(2)(A) of this section.

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
416	5 U.S.C. App. (IGA §8H)	Pub. L. 95–452, §8H, as added Pub. L. 105–272, title VII, §702(b)(1), Oct. 20, 1998, 112 Stat. 2415; amended Pub. L. 107–108, title III, §309(b), Dec. 28, 2001, 115 Stat. 1400; Pub. L. 107–306, title VIII, §825, Nov. 27, 2002, 116 Stat. 2429; Pub. L. 110–417, [div. A], title IX, §931(b)(2), Oct. 14, 2008, 122 Stat. 4575; Pub. L. 111–259, title IV, §431(b), Oct. 7, 2010, 124 Stat. 2731; Pub. L. 113–126, title III, §310, title VI, §603(a), July 7, 2014, 128 Stat. 1398, 1420; Pub. L. 116–92, div. E, title LXVII, §6726(c), Dec. 20, 2019, 133 Stat. 2236.

§ 417. Special provisions concerning the Department of Homeland Security

(a) **IN GENERAL.**—

(1) **AUTHORITY OF SECRETARY OF HOMELAND SECURITY OVER CERTAIN AUDITS AND INVESTIGATIONS.**—Notwithstanding the 2d sentence and last sentence of section 403(a) of this title, the Inspector General of the Department of Homeland Security shall be under the authority, direction, and control of the Secretary of Homeland Security with respect to audits or investigations, or the issuance of subpoenas, that require access to sensitive information concerning—

(A) intelligence, counterintelligence, or counterterrorism matters;

(B) ongoing criminal investigations or proceedings;

(C) undercover operations;

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

(E) other matters the disclosure of which would, in the Secretary's judgment, constitute a serious threat to the protection of any person or property authorized protection by section 3056 of title 18, section 3056A of title 18, or any provision of the Presidential Protection Assistance Act of 1976 (18 U.S.C. 3056 note); or

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

(2) **AUTHORITY OF SECRETARY OF HOMELAND SECURITY TO PROHIBIT CARRYING OUT OR COMPLETING AUDITS OR INVESTIGATIONS.**—With respect to the information described in paragraph (1), the Secretary of Homeland Security may prohibit the Inspector General of the Department of Homeland Security from carrying out or completing any audit or investigation, from accessing information described in paragraph (1), or from issuing any subpoena, after such Inspector General has decided to initiate, carry out, or complete such audit or investigation, access such information, or to issue such subpoena, if the Secretary determines that such prohibition is necessary to prevent the disclosure of any information described in paragraph (1), to preserve the national security, or to prevent a significant impairment to the interests of the United States.

(3) **NOTIFICATION OF EXERCISE OF POWER.**—If the Secretary of Homeland Security exercises any power under paragraph (1) or (2), the Secretary shall notify the Inspector General of the Department of Homeland Security in writing within 7 days, stating the reasons for such exercise. Within 30 days after receipt of any such notice, the Inspector General shall transmit to the President of the Senate, the Speaker of the House of Representatives, and appropriate committees and subcommittees of Congress the following—

(A) a copy of such notice; and

(B) a written response to such notice that includes a statement regarding whether the Inspector General agrees or disagrees with such exercise, and the reasons for any disagreement.

(b) **NOT A LIMITATION ON CONGRESSIONAL ACCESS TO INFORMATION.**—The exercise of authority by the Secretary described in subsection (a)(2) should not be construed as limiting the right of Congress or any committee of Congress to access any information it seeks.

(c) **AUTHORITY OF INSPECTOR GENERAL TO INITIATE, CONDUCT, AND SUPERVISE AUDITS AND INVESTIGATIONS.**—Subject to the conditions established in subsections (a) and (b), in carrying out the duties and responsibilities specified in this chapter, the Inspector General of the Department of Homeland Security may initiate, conduct, and supervise such audits and investigations in the Department of Homeland Security as the Inspector General considers appropriate.

(d) **REPORTS.**—Any report required to be transmitted by the Secretary of Homeland Security to the appropriate committees or subcommittees of Congress under section 405(e) of this title shall be transmitted, within the 7-day period specified in section 405(e) of this title, to the

President of the Senate, the Speaker of the House of Representatives, and appropriate committees and subcommittees of Congress.

(e) **OVERSIGHT RESPONSIBILITY.**—Notwithstanding any other provision of law, in carrying out the duties and responsibilities specified in this chapter, the Inspector General of the Department of Homeland Security shall have oversight responsibility for the internal investigations performed by the Office of Internal Affairs of the United States Customs Service, the Office of Inspections of the United States Secret Service, the Bureau of Border Security, and the Bureau of Citizenship and Immigration Services. The head of each such office or bureau shall promptly report to the Inspector General the significant activities being carried out by such office or bureau.

(f) **DESIGNATED SENIOR OFFICIAL.**—

(1) **IN GENERAL.**—The Inspector General of the Department of Homeland Security shall designate a senior official within the Office of Inspector General, who shall be a career member of the civil service at the equivalent to the GS-15 level or a career member of the Senior Executive Service, to perform the functions described in paragraph (2).

(2) **FUNCTIONS.**—The senior official designated under paragraph (1) shall—

(A) coordinate the activities of the Office of Inspector General with respect to investigations of abuses of civil rights or civil liberties;

(B) receive and review complaints and information from any source alleging abuses of civil rights and civil liberties by employees or officials of the Department and employees or officials of independent contractors or grantees of the Department;

(C) initiate investigations of alleged abuses of civil rights or civil liberties by employees or officials of the Department and employees or officials of independent contractors or grantees of the Department;

(D) ensure that personnel within the Office of Inspector General receive sufficient training to conduct effective civil rights and civil liberties investigations;

(E) consult with the Officer for Civil Rights and Civil Liberties regarding—

(i) alleged abuses of civil rights or civil liberties; and

(ii) any policy recommendations regarding civil rights and civil liberties that may be founded upon an investigation by the Office of Inspector General;

(F) provide the Officer for Civil Rights and Civil Liberties with information regarding the outcome of investigations of alleged abuses of civil rights and civil liberties;

(G) refer civil rights and civil liberties matters that the Inspector General decides not to investigate to the Officer for Civil Rights and Civil Liberties;

(H) ensure that the Office of the Inspector General publicizes and provides convenient public access to information regarding—

(i) the procedure to file complaints or comments concerning civil rights and civil liberties matters; and

(ii) the status of corrective actions taken by the Department in response to

Office of the Inspector General reports; and

(I) inform the Officer for Civil Rights and Civil Liberties of any weaknesses, problems, and deficiencies within the Department relating to civil rights or civil liberties.

(Pub. L. 117-286, §3(b), Dec. 27, 2022, 136 Stat. 4244.)

AMENDMENTS NOT SHOWN IN TEXT

This section was derived from section 8I 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 8I of Pub. L. 95-452 was amended by Pub. L. 117-263, div. E, title LII, §5272(7), Dec. 23, 2022, 136 Stat. 3241, prior to being repealed and reenacted as this section by Pub. L. 117-286, §§3(b), 7, Dec. 27, 2022, 136 Stat. 4244, 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 8I of Pub. L. 95-452 was amended as follows:

(1) in subsection (a)(3), in the matter preceding subparagraph (A), by striking “committees and subcommittees of Congress” and inserting “congressional committees”; and

(2) in subsection (d), by striking “committees and subcommittees of Congress” each place it appears and inserting “congressional committees”.

For definition of “appropriate congressional committees”, which would result from application of 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)
417	5 U.S.C. App. (IGA §8I)	Pub. L. 95-452, §8I, as added Pub. L. 108-7, div. L, §104(b)(3), Feb. 20, 2003, 117 Stat. 529; amended Pub. L. 108-458, title VIII, §8304, Dec. 17, 2004, 118 Stat. 3868; Pub. L. 109-177, title VI, §605(e)(4), Mar. 9, 2006, 120 Stat. 255; Pub. L. 114-317, §6(5), Dec. 16, 2016, 130 Stat. 1604.

In subsection (b), the reference to “subsection (a)(2)” is substituted for “paragraph (2)” for clarity and to correct an error in the law.

Editorial Notes

REFERENCES IN TEXT

The Presidential Protection Assistance Act of 1976, referred to in subsec. (a)(1)(E), is Pub. L. 94-524, Oct. 17, 1976, 90 Stat. 2475, which enacted and amended provisions set out as notes under section 3056 of Title 18, Crimes and Criminal Procedure. For complete classification of this Act to the Code, see Tables.

GS-15, referred to in subsec. (f)(1), is contained in the General Schedule, which is set out under section 5332 of this title.

Statutory Notes and Related Subsidiaries

REVIEW OF DEPARTMENTAL CONTRACTS AWARDED THROUGH MEANS OTHER THAN FULL AND OPEN COMPETITION

Pub. L. 113-6, div. D, title V, §520(d), Mar. 26, 2013, 127 Stat. 370, provided that: “In addition to the require-

ments established by subsections (a), (b), and (c) of this section [127 Stat. 369, 370], the Inspector General of the Department of Homeland Security shall review departmental contracts awarded through means other than a full and open competition to assess departmental compliance with applicable laws and regulations: *Provided*, That the Inspector General shall review selected contracts awarded in the previous 3 fiscal years through means other than a full and open competition: *Provided further*, That in selecting which contracts to review, the Inspector General shall consider the cost and complexity of the goods and services to be provided under the contract, the criticality of the contract to fulfilling Department missions, past performance problems on similar contracts or by the selected vendor, complaints received about the award process or contractor performance, and such other factors as the Inspector General deems relevant: *Provided further*, That the Inspector General shall report the results of the reviews to the Committees on Appropriations of the Senate and the House of Representatives no later than February 4, 2015, and every 3 years thereafter.”

REPORT ON DATA COLLECTION

Pub. L. 110-329, div. D, title V, §518(b), Sept. 30, 2008, 122 Stat. 3684, provided that: “The Inspector General shall provide to the Committees on Appropriations of the Senate and the House of Representatives, starting six months after the date of enactment of this Act [Sept. 30, 2008], and quarterly thereafter, a classified report containing a review of the data collected by the National Applications Office, including a description of the collection purposes and the legal authority under which the collection activities were authorized: *Provided*, That the report shall also include a listing of all data collection activities carried out on behalf of the National Applications Office by any component of the National Guard.”

§ 418. Rule of construction of special provisions

The special provisions under section 408, 409, 410, 411, 412, 413, 414, 416, or 421 of this title relate only to the establishment named in such section and no inference shall be drawn from the presence or absence of a provision in any such section with respect to an establishment not named in such section or with respect to a designated Federal entity as defined under section 415(a) of this title.

(Pub. L. 117-286, §3(b), Dec. 27, 2022, 136 Stat. 4247.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
418	5 U.S.C. App. (IGA §8J)	Pub. L. 95-452, §8J, formerly §8F, as added Pub. L. 100-504, title I, §105, Oct. 18, 1988, 102 Stat. 2525; renumbered §8G and amended Pub. L. 103-82, title II, §202(g)(1), (5)(B), Sept. 21, 1993, 107 Stat. 889, 890; renumbered §8H, Pub. L. 104-208, div. A, title I, §101(f), [title VI, §662(b)(3)], Sept. 30, 1996, 110 Stat. 3009-314, 3009-380; Pub. L. 105-206, title I, §1103(e)(3), July 22, 1998, 112 Stat. 709; renumbered §8I and amended Pub. L. 105-272, title VII, §702(b), Oct. 20, 1998, 112 Stat. 2415; renumbered §8J, Pub. L. 108-7, div. L, §104(b)(2), Feb. 20, 2003, 117 Stat. 529; Pub. L. 114-317, §6(6), Dec. 16, 2016, 130 Stat. 1604.

§ 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)¹ 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 overseas² contingency operation that exceeds 60 days; or

(B) receipt of a notification under section 113(n)¹ 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-

¹ See References in Text note below.

² 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) CCOMPETITIVE³ 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, 2019,¹ may acquire competitive status under subparagraph (A).

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

³ 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-

closure under chapter 12 of the Atomic Energy Act of 1954 (42 U.S.C. 2161 et seq.) and intelligence or counterintelligence, as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003), if the Secretary of Energy determines that the prohibition is necessary to protect the national security or prevent the significant impairment to the national security interests of the United States.

(b) NOTIFICATION TO INSPECTOR GENERAL AND STATEMENT TO CONGRESS.—Not later than 7 days after the date on which the Secretary of Energy exercises any power authorized under subsection (a), the Secretary shall notify the Inspector General of the Department of Energy in writing of the reasons for such exercise. Within 30 days after receipt of any such notice, the Inspector General of the Department of Energy shall submit to the appropriate committees of Congress a statement concerning such exercise.

(Pub. L. 117–286, §3(b), Dec. 27, 2022, 136 Stat. 4252.)

AMENDMENTS NOT SHOWN IN TEXT

This section was derived from section 8N 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 8N of Pub. L. 95–452 was amended by Pub. L. 117–263, div. E, title LII, §5272(8), Dec. 23, 2022, 136 Stat. 3241, prior to being repealed and reenacted as this section by Pub. L. 117–286, §§3(b), 7, Dec. 27, 2022, 136 Stat. 4252, 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 8N of Pub. L. 95–452 was amended in subsection (b) by striking “committees of Congress” and inserting “congressional committees”. For definition of “appropriate congressional committees”, which would result from application of the amendment 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)
421	5 U.S.C. App. (IGA §8N)	Pub. L. 95–452, §8N, as added Pub. L. 114–317, §6(7), Dec. 16, 2016, 130 Stat. 1604.

Editorial Notes

REFERENCES IN TEXT

The Atomic Energy Act of 1954, referred to in subsec. (a), is act Aug. 1, 1946, ch. 724, as added by act Aug. 30, 1954, ch. 1073, §1, 68 Stat. 919. Chapter 12 of the Act is classified generally to subchapter XI (§2161 et seq.) of chapter 23 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 2011 of Title 42 and Tables.

§ 422. Transfer of functions

(a) IN GENERAL.—There shall be transferred—
(1) to the Office of Inspector General—

(A) of the Department of Agriculture, the offices of that department referred to as the “Office of Investigation” and the “Office of Audit”;

(B) of the Department of Commerce, the offices of that department referred to as the “Office of Audits” and the “Investigations and Inspections Staff” and that portion of the office referred to as the “Office of Investigations and Security” which has responsibility for investigation of alleged criminal violations and program abuse;

(C) of the Department of Defense, the offices of that department referred to as the “Defense Audit Service” and the “Office of Inspector General, Defense Logistics Agency”, and that portion of the office of that department referred to as the “Defense Investigative Service” which has responsibility for the investigation of alleged criminal violations;

(D) of the Department of Education, all functions of the Inspector General of Health, Education, and Welfare or of the Office of Inspector General of Health, Education, and Welfare relating to functions transferred by section 301 of the Department of Education Organization Act (20 U.S.C. 3441);

(E) of the Department of Energy, the Office of Inspector General (as established by section 208 of the Department of Energy Organization Act);

(F) of the Department of Health and Human Services, the Office of Inspector General (as established by title II of Public Law 94–505);

(G) of the Department of Housing and Urban Development, the office of that department referred to as the “Office of Inspector General”;

(H) of the Department of the Interior, the office of that department referred to as the “Office of Audit and Investigation”;

(I) of the Department of Justice—

(i) the offices of that Department referred to as—

(I) the “Audit Staff, Justice Management Division”;

(II) the “Policy and Procedures Branch, Office of the Comptroller, Immigration and Naturalization Service”, the “Office of Professional Responsibility, Immigration and Naturalization Service”, and the “Office of Program Inspections, Immigration and Naturalization Service”;

(III) the “Office of Internal Inspection, United States Marshals Service”; and

(IV) the “Financial Audit Section, Office of Financial Management, Bureau of Prisons” and the “Office of Inspections, Bureau of Prisons”; and

(ii) from the Drug Enforcement Administration, that portion of the “Office of Inspections” which is engaged in internal audit activities, and that portion of the “Office of Planning and Evaluation” which is engaged in program review activities;

(J) of the Department of Labor, the office of that department referred to as the “Office of Special Investigations”;

(K) of the Department of Transportation, the offices of that department referred to as the “Office of Investigations and Security”

and the “Office of Audit” of the Department, the “Offices of Investigations and Security, Federal Aviation Administration”, and “External Audit Divisions, Federal Aviation Administration”, the “Investigations Division and the External Audit Division of the Office of Program Review and Investigation, Federal Highway Administration”, and the “Office of Program Audits, Federal Transit Administration”;

(L)(i) of the Department of the Treasury, the office of that department referred to as the “Office of Inspector General”, and, notwithstanding any other provision of law, that portion of each of the offices of that department referred to as the “Office of Internal Affairs, Tax and Trade Bureau”, the “Office of Internal Affairs, United States Customs Service”, and the “Office of Inspections, United States Secret Service” which is engaged in internal audit activities; and

(ii) of the Treasury Inspector General for Tax Administration, effective 180 days after July 22, 1998, the Office of Chief Inspector of the Internal Revenue Service;

(M) of the Environmental Protection Agency, the offices of that agency referred to as the “Office of Audit” and the “Security and Inspection Division”;

(N) of the Federal Emergency Management Agency, the office of that agency referred to as the “Office of Inspector General”;

(O) of the General Services Administration, the offices of that agency referred to as the “Office of Audits” and the “Office of Investigations”;

(P) of the National Aeronautics and Space Administration, the offices of that agency referred to as the “Management Audit Office” and the “Office of Inspections and Security”;

(Q) of the Nuclear Regulatory Commission, the office of that commission referred to as the “Office of Inspector and Auditor”;

(R) of the Office of Personnel Management, the offices of that agency referred to as the “Office of Inspector General”, the “Insurance Audits Division, Retirement and Insurance Group”, and the “Analysis and Evaluation Division, Administration Group”;

(S) of the Railroad Retirement Board, the Office of Inspector General (as established by section 23 of the Railroad Retirement Act of 1974);

(T) of the Small Business Administration, the office of that agency referred to as the “Office of Audits and Investigations”;

(U) of the Department of Veterans Affairs, the offices of that department referred to as the “Office of Audits” and the “Office of Investigations”;

(V) of the Corporation for National and Community Service, the Office of Inspector General of ACTION; and

(W) of the Social Security Administration, the functions of the Inspector General of the Department of Health and Human Services which are transferred to the Social Security Administration by the Social Security Independence and Program Improvements Act of 1994 (other than functions performed pursu-

ant to section 105(a)(2) of such Act), except that such transfers shall be made in accordance with the provisions of such Act and shall not be subject to subsections (b) through (d) of this section; and

(2) to the Office of the Inspector General, such other offices or agencies, or functions, powers, or duties thereof, as the head of the establishment involved may determine are properly related to the functions of the Office and would, if so transferred, further the purposes of this chapter,

except that there shall not be transferred to an Inspector General under paragraph (2) program operating responsibilities.

(b) RELATED TRANSFERS.—The personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available or to be made available, of any office or agency the functions, powers, and duties of which are transferred under subsection (a) are hereby transferred to the applicable Office of Inspector General.

(c) PERSONNEL.—Personnel transferred pursuant to subsection (b) shall be transferred in accordance with applicable laws and regulations relating to the transfer of functions except that the classification and compensation of such personnel shall not be reduced for one year after such transfer.

(d) LAPSE OF OFFICE OR AGENCY AND COMPENSATION FOR TRANSFERRED POSITIONS WITH COMPARABLE DUTIES.—In any case in which all the functions, powers, and duties of any office or agency are transferred pursuant to this subsection, such office or agency shall lapse. Any person who, on October 1, 1978, held a position compensated in accordance with the General Schedule, and who, without a break in service, is appointed in an Office of Inspector General to a position having duties comparable to those performed immediately preceding such appointment shall continue to be compensated in the new position at not less than the rate provided for the previous position, for the duration of service in the new position.

(Pub. L. 117-286, §3(b), Dec. 27, 2022, 136 Stat. 4252.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
422	5 U.S.C. App. (IGA §9)	Pub. L. 95-452, §9, Oct. 12, 1978, 92 Stat. 1107; Pub. L. 96-88, title V, §508(n)(2), Oct. 17, 1979, 93 Stat. 694; Pub. L. 97-252, title XI, §1117(a)(2), (3), Sept. 8, 1982, 96 Stat. 750; Pub. L. 100-504, title I, §102(d), Oct. 18, 1988, 102 Stat. 2516; Pub. L. 103-82, title II, §202(g)(3)(A), Sept. 21, 1993, 107 Stat. 890; Pub. L. 103-296, title I, §108(l)(1), Aug. 15, 1994, 108 Stat. 1486; Pub. L. 105-206, title I, §1103(c)(1), July 22, 1998, 112 Stat. 708; Pub. L. 107-189, §22(c), June 14, 2002, 116 Stat. 708; Pub. L. 107-296, title XI, §1112(a)(2), Nov. 25, 2002, 116 Stat. 2276.

In subsection (a)(1)(K), the words “Federal Transit Administration” are substituted for “Urban Mass Transportation Administration” because of section 3004(b) of the Federal Transit Act Amendments of 1991 (Public Law 102-240, title III, 49 U.S.C. 107 note).

In subsection (a)(1)(L)(ii), the date “July 22, 1998” is substituted for “the date of the enactment of the Internal Revenue Service Restructuring and Reform Act of 1998” for clarity.

In subsection (a)(1)(U), the words “Department of Veterans Affairs” are substituted for “Veterans’ Administration”, and the words “that department” are substituted for “that agency”, to update obsolete references in the law.

In subsection (d), the date “October 1, 1978” is substituted for “the effective date of this Act” for clarity and to reflect the effective date of the Inspector General Act of 1978.

Editorial Notes

REFERENCES IN TEXT

Section 208 of the Department of Energy Organization Act, referred to in subsec. (a)(1)(E), is section 208 of Pub. L. 95-91, title II, Aug. 4, 1977, 91 Stat. 575, which was classified to section 7138 of Title 42, The Public Health and Welfare, and was repealed by Pub. L. 100-504, title I, §102(e)(1)(A), Oct. 18, 1988, 102 Stat. 2517.

Title II of Public Law 94-505, referred to in subsec. (a)(1)(F), is title II of Pub. L. 94-505, Oct. 15, 1976, 90 Stat. 2429, which was classified generally to sections 3521 to 3527 of Title 42, The Public Health and Welfare, and was repealed by Pub. L. 100-504, title I, §102(e)(2), Oct. 18, 1988, 102 Stat. 2517.

Section 23 of the Railroad Retirement Act of 1974, referred to in subsec. (a)(1)(S), is section 23 of act Aug. 29, 1935, ch. 812, as added, which was classified to section 231v of Title 45, Railroads, and was repealed by Pub. L. 100-504, title I, §102(e)(3), Oct. 18, 1988, 102 Stat. 2517.

The Social Security Independence and Program Improvements Act of 1994, referred to in subsec. (a)(1)(W), is Pub. L. 103-296, Aug. 15, 1995, 108 Stat. 1464. Section 105(a)(2) of the Act is set out as a note under section 901 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title of 1994 Amendment note set out under section 1305 of Title 42 and Tables.

Statutory Notes and Related Subsidiaries

ABOLITION OF IMMIGRATION AND NATURALIZATION SERVICE AND TRANSFER OF FUNCTIONS

For abolition of Immigration and Naturalization Service, transfer of functions, and treatment of related references, see note set out under section 1551 of Title 8, Aliens and Nationality.

TRANSFER OF FUNCTIONS

For transfer of functions, personnel, assets, and liabilities of the United States Customs Service of the Department of the Treasury, including functions of the Secretary of the Treasury relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 203(l), 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. For establishment of U.S. Customs and Border Protection in the Department of Homeland Security, treated as if included in Pub. L. 107-296 as of Nov. 25, 2002, see section 211 of Title 6, as amended generally by Pub. L. 114-125, and section 802(b) of Pub. L. 114-125, set out as a note under section 211 of Title 6.

For transfer of the functions, personnel, assets, and obligations of the United States Secret Service, including the functions of the Secretary of the Treasury relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 381, 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.

ADDITIONAL PROVISIONS RELATED TO TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION

Pub. L. 105-206, title I, §1103(c)(2)-(4), July 22, 1998, 112 Stat. 708, provided that:

“(2) TERMINATION OF OFFICE OF CHIEF INSPECTOR.—Effective upon the transfer of functions under the amendment made by paragraph (1) [enacting subsec. (a)(1)(L)(ii) of former section 9 of Pub. L. 95-452, see subsec. (a)(1)(L)(ii) of this section], the Office of Chief Inspector of the Internal Revenue Service is terminated.

“(3) RETENTION OF CERTAIN INTERNAL AUDIT PERSONNEL.—In making the transfer under the amendment made by paragraph (1), the Commissioner of Internal Revenue shall designate and retain an appropriate number (not in excess of 300) of internal audit full-time equivalent employee positions necessary for management relating to the Internal Revenue Service.

“(4) ADDITIONAL PERSONNEL TRANSFERS.—Effective 180 days after the date of the enactment of this Act [July 22, 1998], the Secretary of the Treasury shall transfer 21 full-time equivalent positions from the Office of the Inspector General of the Department of the Treasury to the Office of the Treasury Inspector General for Tax Administration.”

CONTINUATION OF SERVICE OF CERTAIN INSPECTORS GENERAL

Pub. L. 100-504, title I, §102(e)(4), Oct. 18, 1988, 102 Stat. 2517, as amended by Pub. L. 117-286, §4(b)(19), Dec. 27, 2022, 136 Stat. 4345, provided that: “Any individual who, on the date of enactment of this Act [Oct. 18, 1988], is serving as the Inspector General of the Department of Energy, the Department of Health and Human Services, or the Railroad Retirement Board, shall continue to serve in such position until such individual dies, resigns, or is removed from office in accordance with section 403(b) of title 5, United States Code.”

TRANSFER OF AUDIT PERSONNEL TO INSPECTOR GENERAL, DEPARTMENT OF DEFENSE

Pub. L. 97-252, title XI, §1117(e), Sept. 8, 1982, 96 Stat. 753, provided that: “In addition to the positions transferred to the Office of the Inspector General of the Department of Defense, pursuant to the amendments made by subsection (a) of this section [see Tables for classification], the Secretary of Defense shall transfer to the Office of Inspector General of the Department of Defense not less than one hundred additional audit positions. The Inspector General of the Department of Defense shall fill such positions with persons trained to perform contract audits.”

§ 423. Pay of Inspectors General

(a) CERTAIN INSPECTORS GENERAL.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the annual rate of basic pay of the Inspector General of the Intelligence Community, the Inspector General of the Central Intelligence Agency, and the Special Inspector General for Afghanistan Reconstruction shall be that of an Inspector General as defined under section 401 of this title.

(2) PROHIBITION OF CASH BONUS OR AWARDS.—Section 403(f) of this title shall apply to the Inspectors General described under paragraph (1).

(b) INSPECTORS GENERAL OF DESIGNATED FEDERAL ENTITIES.—Notwithstanding any other provision of law, the Inspector General of each designated Federal entity (as those terms are defined under section 415(a) of this title) shall, for

pay and all other purposes, be classified at a grade, level, or rank designation, as the case may be, at or above those of a majority of the senior level executives of that designated Federal entity (such as a General Counsel, Chief Information Officer, Chief Financial Officer, Chief Human Capital Officer, or Chief Acquisition Officer). The pay of an Inspector General of a designated Federal entity (as those terms are defined under section 415(a) of this title) shall be not less than the average total compensation (including bonuses) of the senior level executives of that designated Federal entity calculated on an annual basis.

(c) SAVINGS PROVISION FOR NEWLY APPOINTED INSPECTORS GENERAL.—

(1) IN GENERAL.—The provisions of section 3392 of this title, other than the terms “performance awards” and “awarding of ranks” in subsection (c)(1) of that section, shall apply to career appointees of the Senior Executive Service who are appointed to the position of Inspector General.

(2) NONREDUCTION IN PAY.—Notwithstanding any other provision of law, career Federal employees serving on an appointment made pursuant to statutory authority found other than in section 3392 of this title shall not suffer a reduction in pay, not including any bonus or performance award, as a result of being appointed to the position of Inspector General.

(Pub. L. 117–286, §3(b), Dec. 27, 2022, 136 Stat. 4255.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
423(a)	5 U.S.C. App. (IGA §3) note	Pub. L. 110–409, §4(a)(3), Oct. 14, 2008, 122 Stat. 4303; Pub. L. 111–259, title IV, §405(b), Oct. 7, 2010, 124 Stat. 2719.
423(b)	5 U.S.C. App. (IGA §3) note	Pub. L. 110–409, §4(b)(1), Oct. 14, 2008, 122 Stat. 4303.
423(c)	5 U.S.C. App. (IGA §3) note	Pub. L. 110–409, §4(c), Oct. 14, 2008, 122 Stat. 4303.

In subsection (a)(1), the words “the Special Inspector General for Iraq Reconstruction” are omitted as obsolete. The Special Inspector General for Iraq Reconstruction was established as a temporary oversight entity and ceased operations on September 30, 2013. In the document “Final Listing of Audit and Other Reports Issued by SIGIR on Reconstruction Spending in Iraq” (78 FR 58596), see the statement by the Special Inspector General for Iraq Reconstruction in the paragraph headed “Location of SIGIR Records After Closure”.

Statutory Notes and Related Subsidiaries

PAY OF INSPECTORS GENERAL

Pub. L. 110–409, §4(b)–(d), Oct. 14, 2008, 122 Stat. 4304, as amended by Pub. L. 117–286, §§4(b)(6), 7, Dec. 27, 2022, 136 Stat. 4343, 4361, provided that:

“(b), (c). Repealed. Pub. L. 117–286, §7, Dec. 27, 2022, 136 Stat. 4361.]

“(d) SAVINGS PROVISION.—Nothing in this section [amending former section 3 of Pub. L. 95–452 (see 5 U.S.C. 403), section 5315 of this title, and section 12651e of Title 42, The Public Health and Welfare, and enacting provisions formerly set out as a note under section 3 of Pub. L. 95–452 (see 5 U.S.C. 423(a))] shall have the effect of reducing the rate of pay of any individual serving on the date of enactment of this section [Oct. 14, 2008] as an Inspector General of—

“(1) an establishment as defined under section 401 of title 5, United States Code;

“(2) a designated Federal entity as defined under section 415(a) of title 5, United States Code;

“(3) a legislative agency for which the position of Inspector General is established by statute; or

“(4) any other entity of the Government for which the position of Inspector General is established by statute.”

§ 424. Establishment of the Council of the Inspectors General on Integrity and Efficiency

(a) ESTABLISHMENT AND MISSION.—

(1) ESTABLISHMENT.—There is established as an independent entity within the executive branch the Council of the Inspectors General on Integrity and Efficiency (in this section referred to as the “Council”).

(2) MISSION.—The mission of the Council shall be to—

(A) address integrity, economy, and effectiveness issues that transcend individual Government agencies; and

(B) increase the professionalism and effectiveness of personnel by developing policies, standards, and approaches to aid in the establishment of a well-trained and highly skilled workforce in the offices of the Inspectors General.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Council shall consist of the following members:

(A) All Inspectors General whose offices are established under—

- (i) section 402 of this title; or
- (ii) section 415 of this title.

(B) The Inspectors General of the Intelligence Community and the Central Intelligence Agency.

(C) The Controller of the Office of Federal Financial Management.

(D) A senior level official of the Federal Bureau of Investigation designated by the Director of the Federal Bureau of Investigation.

(E) The Director of the Office of Government Ethics.

(F) The Special Counsel of the Office of Special Counsel.

(G) The Deputy Director of the Office of Personnel Management.

(H) The Deputy Director for Management of the Office of Management and Budget.

(I) The Inspectors General of the Library of Congress, Capitol Police, Government Publishing Office, Government Accountability Office, and the Architect of the Capitol.

(2) CHAIRPERSON AND EXECUTIVE CHAIRPERSON.—

(A) EXECUTIVE CHAIRPERSON.—The Deputy Director for Management of the Office of Management and Budget shall be the Executive Chairperson of the Council.

(B) CHAIRPERSON.—The Council shall elect 1 of the Inspectors General referred to in paragraph (1)(A) or (B) to act as Chairperson of the Council. The term of office of the Chairperson shall be 2 years.

(3) FUNCTIONS OF CHAIRPERSON AND EXECUTIVE CHAIRPERSON.—

(A) EXECUTIVE CHAIRPERSON.—The Executive Chairperson shall—

(i) preside over meetings of the Council;
 (ii) provide to the heads of agencies and entities represented on the Council summary reports of the activities of the Council; and

(iii) provide to the Council such information relating to the agencies and entities represented on the Council as assists the Council in performing its functions.

(B) CHAIRPERSON.—The Chairperson shall—

(i) convene meetings of the Council—

(I) at least 6 times each year;

(II) monthly to the extent possible; and

(III) more frequently at the discretion of the Chairperson;

(ii) carry out the functions and duties of the Council under subsection (c);

(iii) appoint a Vice Chairperson to assist in carrying out the functions of the Council and act in the absence of the Chairperson, from a category of Inspectors General described in subparagraph (A)(i), (A)(ii), or (B) of paragraph (1), other than the category from which the Chairperson was elected;

(iv) make such payments from funds otherwise available to the Council as may be necessary to carry out the functions of the Council;

(v) select, appoint, and employ personnel as needed to carry out the functions of the Council subject to the provisions of this title governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of this title, relating to classification and General Schedule pay rates;

(vi) to the extent and in such amounts as may be provided in advance by appropriations Acts, made available from the revolving fund established under subsection (c)(3)(B), or as otherwise provided by law, enter into contracts and other arrangements with public agencies and private persons to carry out the functions and duties of the Council;

(vii) establish, in consultation with the members of the Council, such committees as determined by the Chairperson to be necessary and appropriate for the efficient conduct of Council functions; and

(viii) prepare and transmit an annual report on behalf of the Council on the activities of the Council to—

(I) the President;

(II) the appropriate committees of jurisdiction of the Senate and the House of Representatives;

(III) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(IV) the Committee on Oversight and Reform of the House of Representatives.

(c) FUNCTIONS AND DUTIES OF COUNCIL.—

(1) IN GENERAL.—The Council shall—

(A) continually identify, review, and discuss areas of weakness and vulnerability in Federal programs and operations with respect to fraud, waste, and abuse;

(B) develop plans for coordinated, Governmentwide activities that address these prob-

lems and promote economy and efficiency in Federal programs and operations, including interagency and interentity audit, investigation, inspection, and evaluation programs and projects to deal efficiently and effectively with those problems concerning fraud and waste that exceed the capability or jurisdiction of an individual agency or entity;

(C) develop policies that will aid in the maintenance of a corps of well-trained and highly skilled Office of Inspector General personnel;

(D) maintain an Internet website and other electronic systems for the benefit of all Inspectors General, as the Council determines are necessary or desirable;

(E) maintain 1 or more academies as the Council considers desirable for the professional training of auditors, investigators, inspectors, evaluators, and other personnel of the various offices of Inspector General;

(F) submit recommendations of individuals to the appropriate appointing authority for any appointment to an office of Inspector General described under subsection (b)(1)(A) or (B);

(G) make such reports to Congress as the Chairperson determines are necessary or appropriate;

(H) except for matters coordinated among Inspectors General under section 103H of the National Security Act of 1947 (50 U.S.C. 3033), receive, review, and mediate any disputes submitted in writing to the Council by an Office of Inspector General regarding an audit, investigation, inspection, evaluation, or project that involves the jurisdiction of more than one Office of Inspector General; and

(I) perform other duties within the authority and jurisdiction of the Council, as appropriate.

(2) ADHERENCE AND PARTICIPATION BY MEMBERS.—To the extent permitted under law, and to the extent not inconsistent with standards established by the Comptroller General of the United States for audits of Federal establishments, organizations, programs, activities, and functions, each member of the Council, as appropriate, shall—

(A) adhere to professional standards developed by the Council; and

(B) participate in the plans, programs, and projects of the Council, except that in the case of a member described under subsection (b)(1)(I), the member shall participate only to the extent requested by the member and approved by the Executive Chairperson and Chairperson.

(3) ADDITIONAL ADMINISTRATIVE AUTHORITIES.—

(A) INTERAGENCY FUNDING.—Notwithstanding section 1532 of title 31, or any other provision of law prohibiting the interagency funding of activities described under subclause (I), (II), or (III) of clause (i), in the performance of the responsibilities, authorities, and duties of the Council—

(i) the Executive Chairperson may authorize the use of interagency funding for—

(I) Governmentwide training of employees of the Offices of the Inspectors General;

(II) the functions of the Integrity Committee of the Council; and

(III) any other authorized purpose determined by the Council; and

(ii) upon the authorization of the Executive Chairperson, any Federal agency or designated Federal entity (as defined in section 415(a) of this title) which has a member on the Council shall fund or participate in the funding of such activities.

(B) REVOLVING FUND.—

(i) **IN GENERAL.**—The Council may—

(I) establish in the Treasury of the United States a revolving fund to be called the Inspectors General Council Fund; or

(II) enter into an arrangement with a department or agency to use an existing revolving fund.

(ii) **AMOUNTS IN REVOLVING FUND.**—

(I) **IN GENERAL.**—Amounts transferred to the Council under this subsection shall be deposited in the revolving fund described under clause (i)(I) or (II).

(II) **TRAINING.**—Any remaining unexpended balances appropriated for or otherwise available to the Inspectors General Criminal Investigator Academy and the Inspectors General Auditor Training Institute shall be transferred to the revolving fund described under clause (i)(I) or (II).

(iii) **USE OF REVOLVING FUND.**—

(I) **IN GENERAL.**—Except as provided under subclause (II), amounts in the revolving fund described under clause (i)(I) or (II) may be used to carry out the functions and duties of the Council under this subsection.

(II) **TRAINING.**—Amounts transferred into the revolving fund described under clause (i)(I) or (II) may be used for the purpose of maintaining any training academy as determined by the Council.

(iv) **AVAILABILITY OF FUNDS.**—Amounts in the revolving fund described under clause (i)(I) or (II) shall remain available to the Council without fiscal year limitation.

(C) SUPERSEDING PROVISIONS.—No provision of law enacted after October 14, 2008, shall be construed to limit or supersede any authority under subparagraph (A) or (B), unless such provision makes specific reference to the authority in that subparagraph.

(4) EXISTING AUTHORITIES AND RESPONSIBILITIES.—The establishment and operation of the Council shall not affect—

(A) the role of the Department of Justice in law enforcement and litigation;

(B) the authority or responsibilities of any Government agency or entity; and

(C) the authority or responsibilities of individual members of the Council.

(5) ADDITIONAL RESPONSIBILITIES RELATING TO WHISTLEBLOWER PROTECTION.—The Council shall—

(A) facilitate the work of the Whistleblower Protection Coordinators designated under section 403(d)(1)(C) of this title; and

(B) in consultation with the Office of Special Counsel and Whistleblower Protection Coordinators from the member offices of the Inspector General, develop best practices for coordination and communication in promoting the timely and appropriate handling and consideration of protected disclosures, allegations of reprisal, and general matters regarding the implementation and administration of whistleblower protection laws, in accordance with Federal law.

(d) INTEGRITY COMMITTEE.—

(1) **ESTABLISHMENT.**—The Council shall have an Integrity Committee, which shall receive, review, and refer for investigation allegations of wrongdoing that are made against Inspectors General and staff members of the various Offices of Inspector General described under paragraph (4)(C).

(2) **MEMBERSHIP.**—

(A) **IN GENERAL.**—The Integrity Committee shall consist of the following members:

(i) The official of the Federal Bureau of Investigation serving on the Council.

(ii) Four Inspectors General described in subparagraph (A) or (B) of subsection (b)(1) appointed by the Chairperson of the Council, representing both establishments and designated Federal entities (as that term is defined in section 415(a) of this title).

(iii) The Director of the Office of Government Ethics or the designee of the Director.

(B) **CHAIRPERSON.**—

(i) **IN GENERAL.**—The Integrity Committee shall elect one of the Inspectors General referred to in subparagraph (A)(ii) to act as Chairperson of the Integrity Committee.

(ii) **TERM.**—The term of office of the Chairperson of the Integrity Committee shall be 2 years.

(3) **LEGAL ADVISOR.**—The Chief of the Public Integrity Section of the Criminal Division of the Department of Justice, or the Chief's designee, shall serve as a legal advisor to the Integrity Committee.

(4) **REFERRAL OF ALLEGATIONS.**—

(A) **DEFINITION OF STAFF MEMBER.**—In this paragraph, the term “staff member” means any employee of an Office of Inspector General who—

(i) reports directly to an Inspector General; or

(ii) is designated by an Inspector General under subparagraph (C).

(B) **REQUIREMENT.**—An Inspector General shall refer to the Integrity Committee any allegation of wrongdoing against a staff member of the office of that Inspector General, if—

(i) review of the substance of the allegation cannot be assigned to an agency of the executive branch with appropriate jurisdiction over the matter; and

(ii) the Inspector General determines that—

(I) an objective internal investigation of the allegation is not feasible; or

(II) an internal investigation of the allegation may appear not to be objective.

(C) DESIGNATION OF STAFF MEMBERS.—Each Inspector General shall annually submit to the Chairperson of the Integrity Committee a designation of positions whose holders are staff members for purposes of subparagraph (A).

(5) REVIEW OF ALLEGATIONS.—

(A) IN GENERAL.—Not later than 7 days after the date on which the Integrity Committee receives an allegation of wrongdoing against an Inspector General or against a staff member of an Office of Inspector General described under paragraph (4)(C), the allegation of wrongdoing shall be reviewed and referred to the Department of Justice or the Office of Special Counsel for investigation, or to the Integrity Committee for review, as appropriate, by—

(i) a representative of the Department of Justice, as designated by the Attorney General;

(ii) a representative of the Office of Special Counsel, as designated by the Special Counsel; and

(iii) a representative of the Integrity Committee, as designated by the Chairperson of the Integrity Committee.

(B) REFERRAL TO THE CHAIRPERSON.—

(i) IN GENERAL.—Except as provided in clause (ii), not later than 30 days after the date on which an allegation of wrongdoing is referred to the Integrity Committee under subparagraph (A), the Integrity Committee shall determine whether to refer the allegation of wrongdoing to the Chairperson of the Integrity Committee to initiate an investigation.

(ii) EXTENSION.—The 30-day period described in clause (i) may be extended for an additional period of 30 days if the Integrity Committee provides written notice to the congressional committees described in paragraph (8)(A)(iii) that includes a detailed, case-specific description of why the additional time is needed to evaluate the allegation of wrongdoing.

(6) AUTHORITY TO INVESTIGATE ALLEGATIONS.—

(A) REQUIREMENT.—The Chairperson of the Integrity Committee shall cause a thorough and timely investigation of each allegation referred under paragraph (5)(B) to be conducted in accordance with this paragraph.

(B) RESOURCES.—At the request of the Chairperson of the Integrity Committee, the head of each agency or entity represented on the Council—

(i) shall provide assistance necessary to the Integrity Committee; and

(ii) may detail employees from that agency or entity to the Integrity Committee, subject to the control and direction of the Chairperson, to conduct an investigation under this subsection.

(7) PROCEDURES FOR INVESTIGATIONS.—

(A) STANDARDS APPLICABLE.—Investigations initiated under this subsection shall be conducted in accordance with the most current Quality Standards for Investigations issued by the Council or by its predecessors (the President's Council on Integrity and Efficiency and the Executive Council on Integrity and Efficiency).

(B) ADDITIONAL POLICIES AND PROCEDURES.—

(i) ESTABLISHMENT.—The Integrity Committee, in conjunction with the Chairperson of the Council, shall establish additional policies and procedures necessary to ensure fairness and consistency in—

(I) determining whether to initiate an investigation;

(II) conducting investigations;

(III) reporting the results of an investigation;

(IV) providing the person who is the subject of an investigation with an opportunity to respond to any Integrity Committee report;

(V) except as provided in clause (ii), ensuring, to the extent possible, that investigations are conducted by Offices of Inspector General of similar size;

(VI) creating a process for rotation of Inspectors General assigned to investigate allegations through the Integrity Committee; and

(VII) creating procedures to avoid conflicts of interest for Integrity Committee investigations.

(ii) EXCEPTION.—The requirement under clause (i)(V) shall not apply to any Office of Inspector General with less than 50 employees who are authorized to conduct audits or investigations.

(iii) SUBMISSION TO CONGRESS.—The Council shall submit a copy of the policies and procedures established under clause (i) to the congressional committees of jurisdiction.

(C) COMPLETION OF INVESTIGATION.—If an allegation of wrongdoing is referred to the Chairperson of the Integrity Committee under paragraph (5)(B), the Chairperson of the Integrity Committee—

(i) shall complete the investigation not later than 150 days after the date on which the Integrity Committee made the referral; and

(ii) if the investigation cannot be completed within the 150-day period described in clause (i), shall—

(I) promptly notify the congressional committees described in paragraph (8)(A)(iii); and

(II) brief the congressional committees described in paragraph (8)(A)(iii) every 30 days regarding the status of the investigation and the general reasons for delay until the investigation is complete.

(D) CONCURRENT INVESTIGATION.—If an allegation of wrongdoing against an Inspector General or a staff member of an Office of Inspector General described under paragraph

(4)(C) is referred to the Department of Justice or the Office of Special Counsel under paragraph (5)(A), the Chairperson of the Integrity Committee may conduct any related investigation referred to the Chairperson under paragraph (5)(B) concurrently with the Department of Justice or the Office of Special Counsel, as applicable.

(E) REPORTS.—

(i) INTEGRITY COMMITTEE INVESTIGATIONS.—For each investigation of an allegation of wrongdoing referred to the Chairperson of the Integrity Committee under paragraph (5)(B), the Chairperson of the Integrity Committee shall submit to members of the Integrity Committee and to the Chairperson of the Council a report containing the results of the investigation.

(ii) OTHER INVESTIGATIONS.—For each allegation of wrongdoing referred to the Department of Justice or the Office of Special Counsel under paragraph (5)(A), the Attorney General or the Special Counsel, as applicable, shall submit to the Integrity Committee a report containing the results of the investigation.

(iii) AVAILABILITY TO CONGRESS.—

(I) IN GENERAL.—The congressional committees described in paragraph (8)(A)(iii) shall have access to any report authored by the Integrity Committee.

(II) MEMBERS OF CONGRESS.—Subject to any other provision of law that would otherwise prohibit disclosure of such information, the Integrity Committee may provide any report authored by the Integrity Committee to any Member of Congress.

(8) ASSESSMENT AND FINAL DISPOSITION.—

(A) IN GENERAL.—With respect to any report received under paragraph (7)(E), the Integrity Committee shall—

- (i) assess the report;
- (ii) forward the report, with the recommendations of the Integrity Committee, including those on disciplinary action, within 30 days (to the maximum extent practicable) after the completion of the investigation, to the Executive Chairperson of the Council and to the President (in the case of a report relating to an Inspector General of an establishment or any employee of that Inspector General) or the head of a designated Federal entity (in the case of a report relating to an Inspector General of such an entity or any employee of that Inspector General) for resolution;
- (iii) submit the report, with the recommendations of the Integrity Committee, to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Reform of the House of Representatives, and other congressional committees of jurisdiction; and
- (iv) following the submission of the report under clause (iii) and upon request by any Member of Congress, submit the report, with the recommendations of the Integrity Committee, to that Member.

(B) DISPOSITION.—The Executive Chairperson of the Council shall report to the In-

tegrity Committee the final disposition of the matter, including what action was taken by the President or agency head.

(9) ANNUAL REPORT.—The Council shall submit to Congress and the President by December 31 of each year a report on the activities of the Integrity Committee during the preceding fiscal year, which shall include the following:

(A) The number of allegations received.

(B) The number of allegations referred to the Department of Justice or the Office of Special Counsel, including the number of allegations referred for criminal investigation.

(C) The number of allegations referred to the Chairperson of the Integrity Committee for investigation.

(D) The number of allegations closed without referral.

(E) The date each allegation was received and the date each allegation was finally disposed of.

(F) In the case of allegations referred to the Chairperson of the Integrity Committee, a summary of the status of the investigation of the allegations and, in the case of investigations completed during the preceding fiscal year, a summary of the findings of the investigations.

(G) Other matters that the Council considers appropriate.

(10) REQUESTS FOR MORE INFORMATION.—With respect to paragraphs (8) and (9), the Council shall provide more detailed information about specific allegations upon request from any Member of Congress.

(11) NO RIGHT OR BENEFIT.—This subsection is not intended to create any right or benefit, substantive or procedural, enforceable at law by a person against the United States, its agencies, its officers, or any person.

(12) ALLEGATIONS OF WRONGDOING AGAINST SPECIAL COUNSEL OR DEPUTY SPECIAL COUNSEL.—

(A) SPECIAL COUNSEL DEFINED.—In this paragraph, the term “Special Counsel” means the Special Counsel appointed under section 1211(b) of title 5.

(B) AUTHORITY OF INTEGRITY COMMITTEE.—

(i) IN GENERAL.—An allegation of wrongdoing against the Special Counsel or the Deputy Special Counsel may be received, reviewed, and referred for investigation to the same extent and in the same manner as in the case of an allegation against an Inspector General or against a staff member of an Office of Inspector General described under paragraph (4)(C), subject to the requirement that the representative designated by the Special Counsel under paragraph (5)(A)(ii) shall recuse himself or herself from the consideration of any allegation brought under this paragraph.

(ii) COORDINATION WITH EXISTING PROVISIONS OF LAW.—This paragraph shall not eliminate access to the Merit Systems Protection Board for review under section 7701 of title 5. To the extent that an allegation brought under this paragraph involves section 2302(b)(8) of title 5, a failure to obtain corrective action within 120 days after

the date on which the allegation is received by the Integrity Committee shall, for purposes of section 1221 of title 5, be considered to satisfy section 1214(a)(3)(B) of title 5.

(C) REGULATIONS.—The Integrity Committee may prescribe any rules or regulations necessary to carry out this paragraph, subject to such consultation or other requirements as may otherwise apply.

(13) COMMITTEE RECORDS.—The Chairperson of the Council shall maintain the records of the Integrity Committee.

(e) OVERSIGHT.GOV.—

(1) DEFINITION.—In this subsection, the term “Office of Inspector General” means the Office of—

(A) an Inspector General described in subparagraph (A), (B), or (I) of subsection (b)(1);

(B) the Special Inspector General for Afghanistan Reconstruction established under section 1229 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 378);

(C) the Special Inspector General for the Troubled Asset Relief Program established under section 121 of title I of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5231); and

(D) the Special Inspector General for Pandemic Recovery established under section 4018 of the Coronavirus Economic Stabilization Act of 2020 (15 U.S.C. 9053).

(2) ESTABLISHMENT.—The Council shall establish and maintain a website entitled “oversight.gov”—

(A) to consolidate all public reports from each Office of Inspector General to improve the access of the public to any audit report, inspection report, or evaluation report (or portion of any such report) made by an Office of Inspector General; and

(B) that shall include any additional resources, information, and enhancements as the Council determines are necessary or desirable.

(3) PARTICIPATION OF OFFICES OF INSPECTORS GENERAL.—Each Office of Inspector General that publishes an audit report, inspection report, or evaluation report (or portion of any such report) on the website of the Office of Inspector General shall, or in the case of the office of an Inspector General described in subparagraph (I) of subsection (b)(1) may, contemporaneously publish the report (or portion of the report) on oversight.gov in a manner prescribed by the Council.

(4) EFFECTIVE DATE.—This subsection shall take effect on the date that is 30 days after the date of receipt by the Council of the Inspectors General on Integrity and Efficiency of an appropriation for the implementation of this subsection.

(Pub. L. 117–286, §3(b), Dec. 27, 2022, 136 Stat. 4256.)

AMENDMENTS NOT SHOWN IN TEXT

This section was derived from section 11 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 11 of Pub. L. 95–452 was amended by Pub. L. 117–263, div. E, title LII, §§5204(b), 5232–5234, 5236, 5237, 5251, 5271, 5272(9), Dec. 23, 2022, 136 Stat. 3233–3235, 3237–3239, 3241, prior to being repealed and reenacted as this section by Pub. L. 117–286, §§3(b), 7, Dec. 27, 2022, 136 Stat. 4256, 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 11 of Pub. L. 95–452 was amended as follows:

(1) in subsection (b)(3)(B)(viii)—

(A) by striking subclauses (III) and (IV);

(B) in subclause (I), by adding “and” at the end; and

(C) by amending subclause (II) to read as follows:

“(II) the appropriate congressional committees.”;

(2) in subsection (c)—

(A) in paragraph (1), by redesignating subparagraphs (E) through (I) as subparagraphs (F) through (J), respectively, and by inserting after subparagraph (D) the following:

“(E) support the professional development of Inspectors General, including by providing training opportunities on the duties, responsibilities, and authorities under this Act and on topics relevant to Inspectors General and the work of Inspectors General, as identified by Inspectors General and the Council.”;

(B) in paragraph (3), by adding at the end the following:

“(D) REPORT ON EXPENDITURES.—Not later than November 30 of each year, the Chairperson shall submit to the appropriate committees or subcommittees of Congress, including the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives, a report on the expenditures of the Council for the preceding fiscal year, including from direct appropriations to the Council, interagency funding pursuant to subparagraph (A), a revolving fund pursuant to subparagraph (B), or any other source.”; and

(C) in paragraph (5)(B), by striking “, allegations of reprisal,” and inserting “and allegations of reprisal (including the timely and appropriate handling and consideration of protected disclosures and allegations of reprisal that are internal to an Office of Inspector General)”; and

(3) in subsection (d)—

(A) in paragraph (5)(B)—

(i) in clause (ii), by striking the period at the end and inserting “, the length of time the Integrity Committee has been evaluating the allegation of wrongdoing, and a description of any previous written notice provided under this clause with respect to the allegation of wrongdoing, including the description provided for why additional time was needed.”; and

(ii) by adding at the end the following:

“(iii) AVAILABILITY OF INFORMATION TO CONGRESS ON CERTAIN ALLEGATIONS OF WRONGDOING CLOSED WITHOUT REFERRAL.—

With respect to an allegation of wrongdoing made by a member of Congress that is closed by the Integrity Committee without referral to the Chairperson of the Integrity Committee to initiate an investigation, the Chairperson of the Integrity Committee shall, not later than 60 days after closing the allegation of wrongdoing, provide a written description of the nature of the allegation of wrongdoing and how the Integrity Committee evaluated the allegation of wrongdoing to—

“(I) the Chair and Ranking Minority Member of the Committee on Homeland Security and Governmental Affairs of the Senate; and

“(II) the Chair and Ranking Minority Member of the Committee on Oversight and Reform of the House of Representatives.”;

(B) in paragraph (7)(B)(i)(V), by inserting “, and that an investigation of an Office of Inspector General of an establishment is conducted by another Office of Inspector General of an establishment” after “size”;

(C) in paragraph (8)—

(i) in subparagraph (A)(ii), by inserting “or corrective action” after “disciplinary action”;

(ii) in subparagraph (A)(iii), by striking “to the” and all that follows through “jurisdiction” and inserting “to the appropriate congressional committees”;

(iii) in subparagraph (B), by inserting “and the appropriate congressional committees” after “Integrity Committee”; and

(D) by amending paragraph (9) to read as follows:

“(9) SEMIANNUAL REPORT.—On or before May 31, 2023, and every 6 months thereafter, the Council shall submit to Congress and the President a report on the activities of the Integrity Committee during the immediately preceding 6-month periods ending March 31 and September 30, which shall include the following with respect to allegations of wrongdoing that are made against Inspectors General and staff members of the various Offices of Inspector General described in paragraph (4)(C):

“(A) An overview and analysis of the allegations of wrongdoing disposed of by the Integrity Committee, including—

“(i) analysis of the positions held by individuals against whom allegations were made, including the duties affiliated with such positions;

“(ii) analysis of the categories or types of the allegations of wrongdoing; and

“(iii) a summary of disposition of all the allegations.

“(B) The number of allegations received by the Integrity Committee.

“(C) The number of allegations referred to the Department of Justice or the Office of Special Counsel, including the number of allegations referred for criminal investigation.

“(D) The number of allegations referred to the Chairperson of the Integrity Committee for investigation, a general description of the status of such investigations, and a summary of the findings of investigations completed.

“(E) An overview and analysis of allegations of wrongdoing received by the Integrity Com-

mittee during any previous reporting period, but remained pending during some part of the six months covered by the report, including—

“(i) analysis of the positions held by individuals against whom allegations were made, including the duties affiliated with such positions;

“(ii) analysis of the categories or types of the allegations of wrongdoing; and

“(iii) a summary of disposition of all the allegations.

“(F) The number and category or type of pending investigations.

“(G) For each allegation received—

“(i) the date on which the investigation was opened;

“(ii) the date on which the allegation was disposed of, as applicable; and

“(iii) the case number associated with the allegation.

“(H) The nature and number of allegations to the Integrity Committee closed without referral, including the justification for why each allegation was closed without referral.

“(I) A brief description of any difficulty encountered by the Integrity Committee when receiving, evaluating, investigating, or referring for investigation an allegation received by the Integrity Committee, including a brief description of—

“(i) any attempt to prevent or hinder an investigation; or

“(ii) concerns about the integrity or operations at an Office of Inspector General.

“(J) Other matters that the Council considers appropriate.”

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)
424(a) through (e)(3).	5 U.S.C. App. (IGA § 11)	Pub. L. 95–452, § 11, as added Pub. L. 110–409, § 7(a), Oct. 14, 2008, 122 Stat. 4305; amended Pub. L. 113–235, div. H, title I, § 1301(b), Dec. 16, 2014, 128 Stat. 2537; Pub. L. 114–113, div. M, title III, § 304, Dec. 18, 2015, 129 Stat. 2913; Pub. L. 114–317, §§ 3, 7(b)(1)(B), (d)(2)(G), Dec. 16, 2016, 130 Stat. 1596, 1605, 1606; Pub. L. 115–192, § 2(b), June 25, 2018, 132 Stat. 1503; Pub. L. 116–260, div. U, title V, § 501(a), Dec. 27, 2020, 134 Stat. 2293.
424(e)(4)	(no source)	

In subsection (b)(1)(I), the words “Government Publishing Office” are substituted for “Government Printing Office” because of section 1301(b) of the Legislative Branch Appropriations Act, 2015 (Public Law 113–235, div. H, 44 U.S.C. note prec. 301).

In subsection (b)(3)(B)(viii)(IV), the words “Committee on Oversight and Reform” are substituted for “Committee on Oversight and Government Reform” 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 (c)(1)(H), the words “section 103H of the National Security Act of 1947 (50 U.S.C. 3033)” are sub-

stituted for “section 3033 of title 50, United States Code” to correct the citation.

In subsection (c)(3)(C), the date “October 14, 2008” is substituted for “the date of enactment of this subsection” to reflect the date of enactment of the Inspector General Reform Act of 2008 (Public Law 110–409, 122 Stat. 4302). Section 7(a) of the Inspector General Reform Act of 2008 (Public Law 110–409, 122 Stat. 4305) enacted section 11 (including subsection (c)) of the Inspector General Act of 1978.

In subsection (c)(3)(C), the words “the authority in that subparagraph” are substituted for “the authority in that paragraph” to correct an error in the law.

In subsection (c)(5)(A), the reference to “section 403(d)(1)(C) of this title” is substituted for “section 3(d)(C)” for clarity and to correct an error in the law. In section 11(c)(5)(A) of the Inspector General Act of 1978, as added by section 2(b) of the Whistleblower Protection Coordination Act (Public Law 115–192, 132 Stat. 1503), the reference to “section 3(d)(C)” should be to “section 3(d)(1)(C)”. Section 3(d)(1)(C) of the Inspector General Act of 1978 is restated as “section 403(d)(1)(C) of this title” (i.e., section 403(d)(1)(C) of title 5, United States Code).

In subsection (d)(8)(A), at the end of clause (ii), the word “and” is omitted to correct an error in the law.

In subsection (d)(8)(A)(iii), the words “Committee on Oversight and Reform” are substituted for “Committee on Oversight and Government Reform” 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 (e)(1)(C), the word “Program” is substituted for the word “Plan” (in the phrase “Troubled Asset Relief Program”) to correct an error in the law. In subsection (e)(1)(D), the words “Coronavirus Economic Stabilization Act of 2020” are substituted for “CARES Act” to use the applicable short title as provided in section 4001 of Public Law 116–136 (134 Stat. 469).

In subsection (e), paragraph (4) is added to carry forward the effective date provision from section 501(c) of the Consolidated Appropriations Act, 2021 (Public Law 116–260, div. U, title V, 134 Stat. 2294). Section 501(c) of the Consolidated Appropriations Act, 2021 provides that: “This Act and the amendments made by this Act shall take effect on the date that is 30 days after the date of receipt by the Council of the Inspectors General on Integrity and Efficiency of an appropriation for the implementation of this Act.”. The scope of applicability for the effective date provision is unclear because the references to *this Act* are ambiguous. The references to *this Act* do not refer the entirety of the Consolidated Appropriations Act, 2021, because the references are limited by section 3 of the Consolidated Appropriations Act, 2021 (Public Law 116–260, 134 Stat. 1185), which provides that: “Except as expressly provided otherwise, any reference to ‘this Act’ contained in any division of this Act shall be treated as referring only to the provisions of that division.”. At most, therefore, the references to this Act refer only to the provisions of division U of the Act (beginning at 134 Stat. 2286). However, it is questionable whether Congress intends the effective date to apply to the entirety of division U. The relevant portion of division U appears to be limited to section 501 of the Consolidated Appropriations Act, 2021. The effective date is clearly intended to apply to section 501 of the Act, but it is unclear whether it is intended to apply to other portions of division U. In the restatement, paragraph (4) of subsection (e) carries forward the effective date as a “no-source” provision, explicitly making the effective date apply to the provisions added by section 501 of the Consolidated Appropriations Act, 2021, while avoiding the repeal of section 501(c) of the Consolidated Appropriations Act, 2021, which continues to apply (or not) to other portions of division U to whatever extent Congress originally intended.

Editorial Notes

REFERENCES IN TEXT

Section 1229 of the National Defense Authorization Act for Fiscal Year 2008, referred to in subsec. (e)(1)(B), is section 1229 of Pub. L. 110–181, which is set out as a note under section 415 of this title.

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.

PANDEMIC RESPONSE ACCOUNTABILITY COMMITTEE

Pub. L. 116–136, div. B, title V, §15010, Mar. 27, 2020, 134 Stat. 533, as amended by Pub. L. 116–260, div. O, title VIII, §801(b), Dec. 27, 2020, 134 Stat. 2155; Pub. L. 117–103, div. E, title VII, §750, Mar. 15, 2022, 136 Stat. 307, provided that:

“(a) In this section—

“(1) the term ‘agency’ has the meaning given the term in section 551 of title 5, United States Code;

“(2) the term ‘appropriate congressional committees’ means—

“(A) the Committees on Appropriations of the Senate and the House of Representatives;

“(B) the Committee on Homeland Security and Governmental Affairs of the Senate;

“(C) the Committee on Oversight and Reform [now Committee on Oversight and Accountability] of the House of Representatives; and

“(D) any other relevant congressional committee of jurisdiction;

“(3) the term ‘Chairperson’ means the Chairperson of the Committee;

“(4) the term ‘Council’ means the Council of the Inspectors General on Integrity and Efficiency established under section 11 of the Inspector General Act of 1978 ([former] 5 U.S.C. App) [see 5 U.S.C. 424];

“(5) the term ‘Committee’ means the Pandemic Response Accountability Committee established under subsection (b);

“(6) the term ‘covered funds’ means any funds, including loans, that are made available in any form to any non-Federal entity, not including an individual, under—

“(A) the Coronavirus Aid, Relief, and Economic Security Act [Pub. L. 116–136] (divisions A and B) [see Tables for classification];

“(B) the Coronavirus Preparedness and Response Supplemental Appropriations Act, 2020 (Public Law 116–123);

“(C) the Families First Coronavirus Response Act (Public Law 116–127);

“(D) the Paycheck Protection Program and Health Care Enhancement Act (Public Law 116–139) [see Short Title of 2020 Amendment note set out under section 9001 of Title 15, Commerce and Trade];

“(E) divisions M and N of the Consolidated Appropriations Act, 2021 [Pub. L. 116–260, see Tables for classification]; or

“(F) the American Rescue Plan Act of 2021 (Public Law 117–2) [see Short Title of 2021 Amendment note set out under section 9001 of Title 15, Commerce and Trade];

“(7) the term ‘Coronavirus response’ means the Federal Government’s response to the nationwide public health emergency declared by the Secretary of Health and Human Services, retroactive to January 27, 2020, pursuant to section 319 of the Public Health Service Act (42 U.S.C. 247d), as a result of confirmed cases of the novel coronavirus (COVID-19) in the United States.

“(b) There is established within the Council the Pandemic Response Accountability Committee to promote

transparency and conduct and support oversight of covered funds and the Coronavirus response to—

“(1) prevent and detect fraud, waste, abuse, and mismanagement; and

“(2) mitigate major risks that cut across program and agency boundaries.

“(c)(1) The Chairperson of the Committee shall be selected by the Chairperson of the Council from among Inspectors General described in subparagraphs (B), (C), and (D) of paragraph (2) with experience managing oversight of large organizations and expenditures.

“(2) The members of the Committee shall include—

“(A) the Chairperson;

“(B) the Inspectors General of the Departments of Defense, Education, Health and Human Services, Homeland Security, Justice, Labor, and the Treasury;

“(C) the Inspector General of the Small Business Administration;

“(D) the Treasury Inspector General for Tax Administration; and

“(E) any other Inspector General, as designated by the Chairperson from any agency that expends or obligates covered funds or is involved in the Coronavirus response.

“(3)(A) There shall be an Executive Director and a Deputy Executive Director of the Committee.

“(B)(i)(I) Not later than 30 days after the date of enactment of this Act [Mar. 27, 2020], the Executive Director of the Committee shall be appointed by the Chairperson of the Council, in consultation with the majority leader of the Senate, the Speaker of the House of Representatives, the minority leader of the Senate, and the minority leader of the House of Representatives.

“(II) Not later than 90 days after the date of enactment of this Act, the Deputy Executive Director of the Committee shall be appointed by the Chairperson of the Council, in consultation with the majority leader of the Senate, the Speaker of the House of Representatives, the minority leader of the Senate, the minority leader of the House of Representatives, and the Executive Director of the Committee.

“(ii) The Executive Director and the Deputy Executive Director of the Committee shall—

“(I) have demonstrated ability in accounting, auditing, and financial analysis;

“(II) have experience managing oversight of large organizations and expenditures; and

“(III) be full-time employees of the Committee.

“(C) The Executive Director of the Committee shall—

“(i) report directly to the Chairperson;

“(ii) appoint staff of the Committee, subject to the approval of the Chairperson, consistent with subsection (f);

“(iii) supervise and coordinate Committee functions and staff; and

“(iv) perform any other duties assigned to the Executive Director by the Committee.

“(4)(A) Members of the Committee may not receive additional compensation for services performed.

“(B) The Executive Director and Deputy Executive Director of the Committee shall be compensated at the rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

“(d)(1)(A) The Committee shall conduct and coordinate oversight of covered funds and the Coronavirus response and support Inspectors General in the oversight of covered funds and the Coronavirus response in order to—

“(i) detect and prevent fraud, waste, abuse, and mismanagement; and

“(ii) identify major risks that cut across programs and agency boundaries.

“(B) The functions of the Committee shall include—

“(i) developing a strategic plan to ensure coordinated, efficient, and effective comprehensive oversight by the Committee and Inspectors General over all aspects of covered funds and the Coronavirus response;

“(ii) auditing or reviewing covered funds, including a comprehensive audit and review of charges made to Federal contracts pursuant to authorities provided in the Coronavirus Aid, Relief, and Economic Security Act [Pub. L. 116–136], to determine whether wasteful spending, poor contract or grant management, or other abuses are occurring and referring matters the Committee considers appropriate for investigation to the Inspector General for the agency that disbursed the covered funds, including conducting randomized audits to identify fraud;

“(iii) reviewing whether the reporting of contracts and grants using covered funds meets applicable standards and specifies the purpose of the contract or grant and measures of performance;

“(iv) reviewing the economy, efficiency, and effectiveness in the administration of, and the detection of fraud, waste, abuse, and mismanagement in, Coronavirus response programs and operations;

“(v) reviewing whether competition requirements applicable to contracts and grants using covered funds have been satisfied;

“(vi) serving as a liaison to the Director of the Office of Management and Budget, the Secretary of the Treasury, and other officials responsible for implementing the Coronavirus response;

“(vii) reviewing whether there are sufficient qualified acquisition, grant, and other applicable personnel overseeing covered funds and the Coronavirus response;

“(viii) reviewing whether personnel whose duties involve the Coronavirus response or acquisitions or grants made with covered funds or are otherwise related to the Coronavirus response receive adequate training, technology support, and other resources;

“(ix) reviewing whether there are appropriate mechanisms for interagency collaboration relating to the oversight of covered funds and the Coronavirus response, including coordinating and collaborating to the extent practicable with State and local government entities;

“(x) expeditiously reporting to the Attorney General any instance in which the Committee has reasonable grounds to believe there has been a violation of Federal criminal law; and

“(xi) coordinating and supporting Inspectors General on matters related to oversight of covered funds and the Coronavirus response.

“(2)(A)(i) The Committee shall submit to the President and Congress, including the appropriate congressional committees, management alerts on potential management, risk, and funding problems that require immediate attention.

“(ii) The Committee shall submit to Congress such other reports or provide such periodic updates on the work of the Committee as the Committee considers appropriate on the use of covered funds and the Coronavirus response.

“(B) The Committee shall submit biannual reports to the President and Congress, including the appropriate congressional committees, and may submit additional reports as appropriate—

“(i) summarizing the findings of the Committee; and

“(ii) identifying and quantifying the impact of any tax expenditures or credits authorized under this Act to the extent practicable.

“(C)(i) All reports submitted under this paragraph shall be made publicly available and posted on the website established under subsection (g).

“(ii) Any portion of a report submitted under this paragraph may be redacted when made publicly available, if that portion would disclose information that is not subject to disclosure under sections 552 and 552a of title 5, United States Code, or is otherwise prohibited from disclosure by law.

“(3)(A) The Committee shall make recommendations to agencies on measures to prevent or address fraud, waste, abuse and mismanagement, and to mitigate risks that cut across programs and agency boundaries, relating to covered funds and the Coronavirus response.

“(B) Not later than 30 days after receipt of a recommendation under subparagraph (A), an agency shall submit a report to the President and the appropriate congressional committees on—

“(i) whether the agency agrees or disagrees with the recommendations; and

“(ii) any actions the agency will take to implement the recommendations, which shall also be included in the report required under section 2(b) of the GAO-IG Act [Pub. L. 115-414] (31 U.S.C. 1105 note).

“(e)(1) The Committee shall conduct audits and reviews of programs, operations, and expenditures relating to covered funds and the Coronavirus response and coordinate on such activities with the Inspector General of the relevant agency to avoid unnecessary duplication and overlap of work.

“(2) The Committee may—

“(A) conduct its own independent investigations, audits, and reviews relating to covered funds or the Coronavirus response;

“(B) collaborate on audits and reviews relating to covered funds with any Inspector General of an agency; and

“(C) provide support to relevant agency Inspectors General in conducting investigations, audits, and reviews relating to the covered funds and Coronavirus response.

“(3)(A) In conducting and supporting investigations, audits, and reviews under this subsection, the Committee—

“(i) shall have the authorities provided under section 6 of the Inspector General Act of 1978 ([former] 5 U.S.C. App.) [see 5 U.S.C. 406];

“(ii) may issue subpoenas to compel the testimony of persons who are not Federal officers or employees; and

“(iii) may enforce such subpoenas in the event of a refusal to obey by order of any appropriate United States district court as provided for under section 6 of the Inspector General Act of 1978 (5 U.S.C. App.).

“(B) The Committee shall carry out the powers under paragraphs (1) and (2) in accordance with section 4(b)(1) of the Inspector General Act of 1978 ([former] 5 U.S.C. App.) [see 5 U.S.C. 404(b)(1)].

“(C) Whenever information or assistance requested by the Committee or an Inspector General is unreasonably refused or not provided, the Committee shall immediately report the circumstances to the appropriate congressional committees.

“(D) The Committee shall leverage existing information technology resources within the Council, such as oversight.gov, to carry out the duties of the Committee.

“(4)(A) The Committee may hold public hearings and Committee personnel may conduct necessary inquiries.

“(B) The head of each agency shall make all officers and employees of that agency available to provide testimony to the Committee and Committee personnel.

“(C) The Committee may issue subpoenas to compel the testimony of persons who are not Federal officers or employees at such public hearings, which may be enforced in the same manner as provided for subpoenas under section 6 of the Inspector General Act of 1978 (5 U.S.C. App.).

“(5) The Committee may enter into contracts to enable the Committee to discharge its duties, including 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 Committee.

“(6) The Committee may establish subcommittees to facilitate the ability of the Committee to discharge its duties.

“(7) The Committee may transfer funds appropriated to the Committee for expenses to support administrative support services and audits, reviews, or other activities related to oversight by the Committee of covered funds or the Coronavirus response to any Office of the Inspector General or the General Services Administration.

“(f)(1)(A)(i) Subject to subparagraph (B), the Committee 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) to carry out the functions of the Committee under this section.

“(ii) For purposes of exercising the authorities described under clause (i), the term ‘Chairperson’ shall be substituted for the term ‘head of a temporary organization’.

“(iii) In exercising the authorities described in clause (i), the Chairperson shall consult with members of the Committee.

“(iv) In addition to the authority provided by section 3161(c) of title 5, United States Code, upon the request of an Inspector General, the Committee may detail, on a nonreimbursable basis, any personnel of the Council to that Inspector General to assist in carrying out any audit, review, or investigation pertaining to the oversight of covered funds or the Coronavirus response.

“(B) In exercising the employment authorities under section 3161(b) of title 5, United States Code, as provided under subparagraph (A) of this paragraph—

“(i) section 3161(b)(2) of that title (relating to periods of appointments) shall not apply; and

“(ii) no period of appointment may exceed the date on which the Committee terminates.

“(C)(i) A person employed by the Committee 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 subsection.

“(ii) No person who is first employed as described in clause (i) more than 2 years after the date of enactment of this Act may acquire competitive status under clause (i).

“(2)(A) The Committee may employ annuitants covered by section 9902(g) of title 5, United States Code, for purposes of the oversight of covered funds or the Coronavirus response.

“(B) The employment of annuitants under this paragraph shall be subject to the provisions of section 9902(g) of title 5, United States Code, as if the Committee was the Department of Defense.

“(3) Upon request of the Committee for information or assistance from any 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, and consistent with section 6 of the Inspector General Act of 1978 (5 U.S.C. App.), furnish such information or assistance to the Committee, or an authorized designee, including an Inspector General designated by the Chairperson.

“(4) Any Inspector General responsible for conducting oversight related to covered funds or the Coronavirus response may, consistent with the duties, responsibilities, policies, and procedures of the Inspector General, provide information requested by the Committee or an Inspector General on the Committee relating to the responsibilities of the Committee.

“(g)(1)(A) Not later than 30 days after the date of enactment of this Act, the Committee shall establish and maintain a user-friendly, public-facing website to foster greater accountability and transparency in the use of covered funds and the Coronavirus response, which shall have a uniform resource locator that is descriptive and memorable.

“(B) The Committee shall leverage existing information technology and resources, such as oversight.gov, to the greatest extent practicable to meet the requirements under this section.

“(2) The website established and maintained under paragraph (1) shall be a portal or gateway to key information relating to the oversight of covered funds and the Coronavirus response and provide connections to other Government websites with related information.

“(3) In establishing and maintaining the website under paragraph (1), the Committee shall ensure the following:

“(A) The website shall provide materials and information explaining the Coronavirus response and how covered funds are being used. The materials shall be easy to understand and regularly updated.

“(i) [sic; cls. (i) to (xiii) probably should be subpars. (B) to (N)] The website shall provide accountability information, including findings from Inspectors General, including any progress reports, audits, inspections, or other reports, including reports from or links to reports on the website of the Government Accountability Office.

“(ii) The website shall provide data on relevant operational, economic, financial, grant, subgrant, contract, and subcontract information in user-friendly visual presentations to enhance public awareness of the use of covered funds and the Coronavirus response.

“(iii) The website shall provide detailed data on any Federal Government awards that expend covered funds, including a unique trackable identification number for each project, information about the process that was used to award the covered funds, and for any covered funds over \$150,000, a detailed explanation of any associated agreement, where applicable.

“(iv) The website shall include downloadable, machine-readable, open format reports on covered funds obligated by month to each State and congressional district, where applicable.

“(v) The website shall provide a means for the public to give feedback on the performance of any covered funds and of the Coronavirus response, including confidential feedback.

“(vi) The website shall include detailed information on Federal Government awards that expend covered funds, including data elements required under the Federal Funding Accountability and Transparency Act of 2006 [Pub. L. 109-282] (31 U.S.C. 6101 note), allowing aggregate reporting on awards below \$50,000, as prescribed by the Director of the Office of Management and Budget.

“(vii) The website shall provide a link to estimates of the jobs sustained or created by this Act to the extent practicable.

“(viii) The website shall include appropriate links to other government websites with information concerning covered funds and the Coronavirus response, including Federal agency and State websites.

“(ix) The website shall include a plan from each Federal agency for using covered funds.

“(x) The website shall provide information on Federal allocations of mandatory and other entitlement programs by State, county, or other geographical unit related to covered funds or the Coronavirus response.

“(xi) The website shall present the data such that funds subawarded by recipients are not double counted in search results, data visualizations, or other reports.

“(xii) The website shall include all recommendations made to agencies relating to covered funds and the Coronavirus response, as well as the status of each recommendation.

“(xiii) The website shall be enhanced and updated as necessary to carry out the purposes of this section.

“(4) The Committee may exclude posting contractual or other information on the website on a case-by-case basis when necessary to protect national security or to protect information that is not subject to disclosure under sections 552 and 552a of title 5, United States Code.

“(h)(1) Nothing in this section shall affect the independent authority of an Inspector General to determine whether to conduct an audit or investigation of covered funds or the Coronavirus response.

“(2) If the Committee requests that an Inspector General of an agency conduct or refrain from conducting an audit or investigation and the Inspector General rejects the request in whole or in part, the Inspector General shall, not later than 30 days after rejecting the re-

quest, submit a report to the Committee, the head of the applicable agency, and the appropriate congressional committees, that states the reasons that the Inspector General has rejected the request in whole or in part.

“(i) The Committee shall coordinate its oversight activities with the Comptroller General of the United States and State auditors.

“(j) For the purposes of carrying out the mission of the Committee under this section, there are authorized to be appropriated such sums as may be necessary to carry out the duties and functions of the Committee.

“(k) The Committee shall terminate on September 30, 2025.”

[For definition of “coronavirus” as used in section 15010 of Pub. L. 116-136, set out above, see section 23005 of Pub. L. 116-136, set out as a note under section 162b of Title 2, The Congress.]

ADDITIONAL OVERSIGHT OF FINANCIAL REGULATORY SYSTEM

Pub. L. 111-203, title IX, §989E, July 21, 2010, 124 Stat. 1946, provided that:

“(a) COUNCIL OF INSPECTORS GENERAL ON FINANCIAL OVERSIGHT.—

“(1) ESTABLISHMENT AND MEMBERSHIP.—There is established a Council of Inspectors General on Financial Oversight (in this section referred to as the ‘Council of Inspectors General’) chaired by the Inspector General of the Department of the Treasury and composed of the inspectors general of the following:

“(A) The Board of Governors of the Federal Reserve System.

“(B) The Commodity Futures Trading Commission.

“(C) The Department of Housing and Urban Development.

“(D) The Department of the Treasury.

“(E) The Federal Deposit Insurance Corporation.

“(F) The Federal Housing Finance Agency.

“(G) The National Credit Union Administration.

“(H) The Securities and Exchange Commission.

“(I) The Troubled Asset Relief Program (until the termination of the authority of the Special Inspector General for such program under section 121(k) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5231(k))).

“(2) DUTIES.—

“(A) MEETINGS.—The Council of Inspectors General shall meet not less than once each quarter, or more frequently if the chair considers it appropriate, to facilitate the sharing of information among inspectors general and to discuss the ongoing work of each inspector general who is a member of the Council of Inspectors General, with a focus on concerns that may apply to the broader financial sector and ways to improve financial oversight.

“(B) ANNUAL REPORT.—Each year the Council of Inspectors General shall submit to the Council and to Congress a report including—

“(i) for each inspector general who is a member of the Council of Inspectors General, a section within the exclusive editorial control of such inspector general that highlights the concerns and recommendations of such inspector general in such inspector general’s ongoing and completed work, with a focus on issues that may apply to the broader financial sector; and

“(ii) a summary of the general observations of the Council of Inspectors General based on the views expressed by each inspector general as required by clause (i), with a focus on measures that should be taken to improve financial oversight.

“(3) WORKING GROUPS TO EVALUATE COUNCIL.—

“(A) CONVENING A WORKING GROUP.—The Council of Inspectors General may, by majority vote, convene a Council of Inspectors General Working Group to evaluate the effectiveness and internal operations of the Council.

“(B) PERSONNEL AND RESOURCES.—The inspectors general who are members of the Council of Inspectors General may detail staff and resources to a Council of Inspectors General Working Group established under this paragraph to enable it to carry out its duties.

“(C) REPORTS.—A Council of Inspectors General Working Group established under this paragraph shall submit regular reports to the Council and to Congress on its evaluations pursuant to this paragraph.

“(b) RESPONSE TO REPORT BY COUNCIL.—The Council shall respond to the concerns raised in the report of the Council of Inspectors General under subsection (a)(2)(B) for such year.”

SPECIAL INSPECTORS GENERAL FOR IRAQ AND AFGHANISTAN RECONSTRUCTION

Pub. L. 111–15, § 7, Apr. 24, 2009, 123 Stat. 1605, as amended by Pub. L. 117–286, § 4(b)(20), Dec. 27, 2022, 136 Stat. 4345, provided that: “The Special Inspector General for Iraq Reconstruction and the Special Inspector General for Afghanistan Reconstruction shall be a [sic] members of the Council of the Inspectors General on Integrity and Efficiency established under section 424 of title 5, United States Code, until the date of termination of the Office of the Special Inspector General for Iraq Reconstruction and the Office of the Special Inspector General for Afghanistan Reconstruction, respectively.”

CHAPTER 5—ADMINISTRATIVE PROCEDURE

SUBCHAPTER I—GENERAL PROVISIONS

- Sec. 500. Administrative practice; general provisions.
- 501. Advertising practice; restrictions.
- 502. Administrative practice; Reserves and National Guardsmen.
- 503. Witness fees and allowances.
- 504. Costs and fees of parties.

SUBCHAPTER II—ADMINISTRATIVE PROCEDURE

- 551. Definitions.
- 552. Public information; agency rules, opinions, orders, records, and proceedings.
- 552a. Records about individuals.¹
- 552b. Open meetings.
- 553. Rule making.
- 554. Adjudications.
- 555. Ancillary matters.
- 556. Hearings; presiding employees; powers and duties; burden of proof; evidence; record as basis of decision.
- 557. Initial decisions; conclusiveness; review by agency; submissions by parties; contents of decisions; record.
- 558. Imposition of sanctions; determination of applications for licenses; suspension, revocation, and expiration of licenses.
- 559. Effect on other laws; effect of subsequent statute.

SUBCHAPTER III—NEGOTIATED RULEMAKING PROCEDURE

- 561. Purpose.
- 562. Definitions.
- 563. Determination of need for negotiated rulemaking committee.
- 564. Publication of notice; applications for membership on committees.
- 565. Establishment of committee.
- 566. Conduct of committee activity.
- 567. Termination of committee.
- 568. Services, facilities, and payment of committee member expenses.
- 569. Encouraging negotiated rulemaking.

¹ So in original. Does not conform to section catchline.

- 570. Judicial review.
- 570a. Authorization of appropriations.

SUBCHAPTER IV—ALTERNATIVE MEANS OF DISPUTE RESOLUTION IN THE ADMINISTRATIVE PROCESS

- 571. Definitions.
- 572. General authority.
- 573. Neutrals.
- 574. Confidentiality.
- 575. Authorization of arbitration.
- 576. Enforcement of arbitration agreements.
- 577. Arbitrators.
- 578. Authority of the arbitrator.
- 579. Arbitration proceedings.
- 580. Arbitration awards.
- 581. Judicial review.
- [582. Repealed.]
- 583. Support services.
- 584. Authorization of appropriations.

SUBCHAPTER V—ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

- 591. Purposes.
- 592. Definitions.
- 593. Administrative Conference of the United States.
- 594. Powers and duties of the Conference.
- 595. Organization of the Conference.
- 596. Authorization of appropriations.

Editorial Notes

AMENDMENTS

2004—Pub. L. 108–401, § 2(b)(2), Oct. 30, 2004, 118 Stat. 2255, substituted “Purposes” for “Purpose” in item 591.
 1996—Pub. L. 104–320, §§ 4(b)(2), 10(b), 11(b)(2), (d)(2), Oct. 19, 1996, 110 Stat. 3871, 3873, 3874, in item 569 substituted “Encouraging negotiated rulemaking” for “Role of the Administrative Conference of the United States and other entities”, added items 570a and 584, and struck out item 582 “Compilation of information”.

1992—Pub. L. 102–354, § 4, Aug. 26, 1992, 106 Stat. 945, substituted headings of subchapters III, IV, and V and items 561 to 570, 571 to 583, and 591 to 596 for former heading of subchapter III and former items 571 to 576 relating to Administrative Conference of the United States, former heading of subchapter IV and former items 581 to 593 relating to alternative means of dispute resolution in the administrative process, and former heading of subchapter IV and former items 581 to 590 relating to negotiated rulemaking procedure.

1990—Pub. L. 101–648, § 3(b), Nov. 29, 1990, 104 Stat. 4976, added heading of subchapter IV and items 581 to 590 relating to negotiated rulemaking procedure.

Pub. L. 101–552, § 4(c), Nov. 15, 1990, 104 Stat. 2745, added heading of subchapter IV and items 581 to 593 [renumbered 571 to 583] relating to alternative means of dispute resolution.

1986—Pub. L. 99–470, § 2(b), Oct. 14, 1986, 100 Stat. 1198, substituted “Authorization of appropriations” for “Appropriations” in item 576.

1985—Pub. L. 99–80, § 6, Aug. 5, 1985, 99 Stat. 186, revised item 504 and repealed Pub. L. 96–481, title II, § 203(c), Oct. 21, 1980, 94 Stat. 2327, which provided for the repeal, effective Oct. 1, 1984, of item 504.

1980—Pub. L. 96–481, title II, § 203(a)(2), (c), Oct. 21, 1980, 94 Stat. 2327, added item 504 “Costs and fees of parties”, and repealed that item effective Oct. 1, 1984.

1976—Pub. L. 94–409, § 3(b), Sept. 13, 1976, 90 Stat. 1246, added item 552b.

1974—Pub. L. 93–579, § 4, Dec. 31, 1974, 88 Stat. 1905, added item 552a.

1967—Pub. L. 90–83, § 1(1)(B), Sept. 11, 1967, 81 Stat. 195, added item 500.

Pub. L. 90–23, § 2, June 5, 1967, 81 Stat. 56, substituted “Public information; agency rules, opinions, orders, records and proceedings” for “Publication of information, rules, opinions, orders, and public records” in item 552.