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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(b)(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, subd. 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 “Veterans’ 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 Administrators, 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.