

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 de-

- partment 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 pursuant 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

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
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. 1488; 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(1), 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 con-

tinue 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.)